

one of love, of forgiveness and mercy, is not now demanding a life for a life and an eye for an eye.

Then there is the argument that society must be protected from the totally immoral brute without a conscience who would kill anyone near him for any reason. I admit that this argument comes a little closer to a reasonable approach, as opposed to an emotional one, for the retention of capital punishment.

Certainly in accepting the "protection" argument we as a society are admitting defeat. We are admitting our inability to deal with those among us who fail to maintain accepted standards of social behaviour. Imprisonment in solitary confinement, if necessary, is sufficient protection. Such an approach permits the possibility, admittedly remote in most cases, of the rehabilitation of the murderer.

Of course, under a system of total abolition there must be increasing emphasis on the reform aspects of our penal reform system. No one should be granted his freedom until it can be determined that he is no more likely to commit a further serious crime than the average law abiding citizen. Until psychiatric and social analytical methods become sufficiently sophisticated to make such a determination with absolute surety—that is important—a man should remain behind bars.

In addition, there are indications from recent studies that when hanging is the inevitable outcome of conviction for murder, many juries are reluctant to convict. Thus, if protection is the desired result, we see that the opposite effect is sometimes achieved. Perhaps the most persuasive, and certainly the most often employed argument for retention is that capital punishment acts as a deterrent, dissuading others in society who may be inclined to murder someone.

Statistics are freely bandied about on both sides, more often irresponsibly than objectively. Adherents of both views fall into the fallacy of predetermining their position and then going about gathering statistical support for it, usually ignoring unfavourable information. The reverse, the empirical approach, study leading to conclusion, obviously should be employed. We have heard entire speeches dealing with statistics. I have read and analysed as many studies as most members of this House. The important word in that last sentence is "analysed". It is intellectually dishonest to seek support from cold figures without a close analysis of their true meaning.

For example, the Statistics Canada figures for murder, used liberally by retentionists, show that since the partial ban in 1967, Canada has suffered a significant increase in murders. Ergo, some would conclude, the threat of the death penalty prior to 1967 deterred murderers. This is a lot of nonsense when you examine closely the figures in question. An analysis of these increases, which includes the disposition of the cases in the courts and which takes into account that one man often kills many victims at once—as many as 40 in the boarding house arson case in Quebec—indicates that the rise in premeditated murders, which is the only type that could possibly be deterred by the fear of death, is insignificant. The overwhelming statistical evidence, both in Canada and around the world, concludes that murderers pay little attention to the possibly self-harming consequences of their acts. If there does exist some fear of apprehension, it results only in more

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elaborate planning in order to avoid detection and capture.

The definitive study in this area which has been quoted on many occasions is that carried out by Professor Fattah of McGill University. His study shows that the incidence of crimes for which the penalty has not been changed has increased approximately the same as the murder rate has increased. In fact, the increase in murders is slightly less than the increase in other crimes of violence for which the penalty has remained unchanged.

If the death penalty were an effective deterrent, murders would have increased relatively more than other crimes during any period of abolition, and particularly in the period of partial abolition over the past five years. In many provinces, such as Nova Scotia in 1968, Ontario from 1968 through 1970, Saskatchewan in 1968 and Alberta in 1968-69, homicide rates actually declined after capital punishment was legally suspended. I suggest these facts speak eloquently against a link between the temporary suspension of and the over-all increase in homicide in Canada. It can be argued that the rise in crime generally is related to the total social situation, to an increase in population and to changing moral attitudes but not to the application or non-application of a particular penalty, as studies have clearly indicated.

• (1730)

I have spoken, Mr. Speaker, of the usual reasons for retention and have, I suggest, effectively rebutted them. There are modifications of each of these three or four basic arguments. I have yet to hear an approach of any persuasive value other than those discussed. I spoke at the outset about the onus being on the proponents of the death penalty for establishing its necessity. It should suffice, then, for abolitionists to rebut the retentionists' case and then rest their defence. However, there are very positive arguments for abolition which can be effectively made.

The taking of a human life for any reason, by anyone, is a debasing, despairing reaction which admits of the inability of the killer, including society, to cope with the behaviour of the killer. In dealing with a social deviate, society should aim to protect itself from him and to rehabilitate him, and not to perpetrate further deviation under the guise of legal murder. Obviously, that second objective, rehabilitation, is entirely out of the question if we employ capital punishment. The surest way to ensure genuine respect for human life among Canadians is for the state to respect it. Even though a murderer may have no respect or reverence for human life, if we in turn kill him we exhibit no more reverence than he does. Taking his life does not help his victim or his victim's friends or relatives; it brutalizes them and reduces them and all society to the level of the murderer.

All of what I have said has been more eloquently put by others in this chamber. Suffice it to say that I am unequivocally opposed to the use of the death penalty. Given this position, we abolitionists face the conundrum posed by the government's motion before the House. By voting either for or against it we vote to retain the death penalty, albeit to differing extents.