

*Criminal Code*

been our duty to look into the subject carefully, and probably all of us have done so. We have read statistics and claims regarding both sides of the question, as well as considered views pro and con from any interested sources. I have been wrestling, even writhing, with my thoughts on this question for some time now. Many of my constituents from Spadina have endeavoured to be, and have been, of assistance to me with their letters and articles. Recently I circulated a questionnaire throughout my riding which included the capital punishment question. Many replied to the question, but their answers showed that opinion was divided about 50-50.

Several weeks ago I thought I could resolve my quandary by being in favour of the abolition of capital punishment except for certain types of particularly heinous murders, such as those which result from the exploding of a bomb on an aircraft or the premeditated poisoning of a testator. But the manner in which the resolution is framed leaves me no escape. To vote no would be to turn back the clock to the days when it was essential summarily and crudely to dispose of anti-social human beings; to the day when there was no other practical way to deal with them and with the menace they constituted; to the day of the sadistic guillotine, of garrotting and the gallows. To vote no would be to continue to sanction the crudity and the obenity of hanging, the human species out of hate, not out of necessity.

The state undoubtedly has the right, a right it no longer exercises, to take an eye for an eye or a limb for a limb. So why should it insist any longer on a life for a life, taken in such revolting and vindictive fashion, as was the case in Canada up until three years ago? To vote no would be to continue the risk, even with the safeguards of our advanced society, of sending an innocent or even an insane person to the gallows. For the law is certainly not an exact science, something for which the lawyer is prepared to vouch. Medicine cannot always detect a man's aberrations in advance of trouble, or afterwards. We just do not know how many brain complications have altered a man's personality or impaired his tolerance for alcohol. As Oscar Wilde well put it:

No man can tell to what red hell  
His sightless soul may stray.

To vote an absolute no would be to fail our advancing civilization and its increasing respect for the sanctity of human life. But to vote "yes" means asking some very serious

questions: Is capital punishment more of a deterrent than life imprisonment, and will its enforcement save innocent lives? It means sparing from the gallows all murderers, traitors and pirates without exception and substituting for the death penalty a mandatory sentence of life imprisonment.

I am not sure whether capital punishment is more of a deterrent, or much of a deterrent at all, or whether it does or does not save innocent lives. This is my uncertain conclusion after examining the statistics available in the material with which we have been supplied. To give an example. In the decade of the 20's, when times were good, and in the 30's when times were bad there were many more capital crimes committed in Canada than in the 40's, 50's and early 60's. In the United States, the states which do not have the death penalty are mostly northern states, and these states have a low murder rate anyway. In 1953 the murder rate in Georgia was 14 times as high as in North Dakota and Minnesota, though the state of Georgia had capital punishment and the latter two states had not. I could pick out illustrations which might tend to show the reverse and prove that capital punishment is more of a deterrent than life imprisonment. But I find nothing that is really convincing. I feel I could maintain equally well the thesis that when the state takes a life by violence it encourages individuals to feelings of a similar kind.

● (10:10 p.m.)

For these reasons, subject to the questions of proper punishment and prevention, I can only conclude that the abolition of capital punishment in this country for the entire future makes sense, and somewhat to my own surprise I find my investigations have led me to support the whole principle and not just a part of it. This is why I did not vote for the amendment which was put earlier this day. The sanctity of human life must, it seems to me, be the deciding factor, and having taken this view it is indivisible. I recall the famous words of Sir Marshall Hall, the great English barrister, who shook many a jury with these words in capital cases:

How can you teach your children mercy and reverence for life when by your actions, your verdicts and your speech you contradict the very things you teach?

Unlike one hon. member who spoke earlier in this debate, Mr. Speaker, I feel with Marshall Hall that there is an element of inconsistency and contrariness in the state's taking life in the hope of deterring the taking of like. I have considered advocating the dispatching