

my constituents might say to me, presuming I was still a member at that time, I would vote for abolition. But I cannot vote for abolition now, Mr. Speaker, because the government has not put into place effectively the proper laws to bring about what every Canadian citizen is entitled to, namely, a sense of protection and security. If the government were to do that, then somewhere down the line I would support it. But I cannot support it now because it is premature, and for that reason I intend to vote for the retention of capital punishment.

● (1630)

**Mr. Joe Clark (Leader of the Opposition):** Mr. Speaker, I appreciate the opportunity of taking part in this debate, and, I will probably not detain the House of Commons very long in making my remarks. I repeat what is, I am sure, well known to the House, that the point of view I will be expressing will be strictly a personal point of view. I am speaking in this debate for no member of parliament other than myself. We on this side of the House are going to have an absolutely free vote on the question of this legislation.

**Some hon. Members:** Hear, hear!

**Mr. Clark:** My views, sir, on the question of capital punishment are well known in the country. It would be improper for me, as leader of my party, to attempt to use my position of leadership to impose my views upon others of my colleagues who do not share them on a question involving a free vote. Were I to follow that course, I think it would undermine the principle of a free vote which, while it is resorted to only rarely in parliamentary practice in Canada and elsewhere, is a very important element of our parliamentary system, one that I would not want to jeopardize. I would hope that the determination not to use the office to influence the views of colleagues in a party will be observed as scrupulously by leaders of other parties in this House.

**Some hon. Members:** Hear, hear!

**Mr. Clark:** There is one other matter to which I want to make some reference, which has to do with an obligation I consider to be a very heavy obligation on the government, to itself obey the law. I want to make it abundantly clear, as I have frequently outside this House, that if the law of the land is a law which supports capital punishment in a time when my party is in office and I am the prime minister, my government will support the law of the land. We will enforce capital punishment even though I, personally, may not agree with it.

**Some hon. Members:** Hear, hear!

**Mr. Clark:** I believe there is a fundamental requirement in our country that has to do with the legitimacy of government; that governments themselves obey the law and be seen to obey the law.

**Some hon. Members:** Hear, hear!

**Mr. Clark:** I have to say, having read much of the debate which has occurred here, and having had a chance to listen to some of my colleagues on all sides of the House join in the debate, that I am pleased at the general tenor of debate

### *Capital Punishment*

here. I think it has generally been a moderate debate in which there has not been an attempt on either side to characterize people who might disagree as being either the enemy of civilization or the enemy of order. I think this indicates a maturity of approach in this chamber to this difficult question, which is commendable and encouraging.

My approach to the question of capital punishment, sir, is that we are not here dealing with a question of principle about the right of the state to take lives. Of course the state has that right. We are dealing, instead, with a much more pragmatic question as to the conditions under which the state is justified in taking life. It is my view that a society which respects human life, as ours does, must be extremely careful as to the occasions on which it takes human life.

There are times when I think the taking of human life can be justified by the state and a society such as ours. The easy example, of course, has to do with war. Had any one of us had the obligation placed upon us to determine whether Canada would have entered the conflict in the second great war, we would have agreed that Canada ought to do so even if it was known that the inevitable consequence of that act would have been the loss of human life. The point we draw from that is that the taking of human life, or the entering into actions which will involve the loss of human life, is something that can be justified only when that is the only means of achieving the necessary and important social goals. In the case of capital punishment, it can be justified, it seems to my view, only under those circumstances when we are sure it is the only way that will achieve the important social goal of stopping potential murderers from committing murder.

**Some hon. Members:** Hear, hear!

**Mr. Clark:** In my examination of the evidence and, like other members of the House, I have made it my business to look at the evidence as it relates to the deterrent effect of capital punishment—it has been my judgment that capital punishment does not function as a deterrent in the case of those peculiar people who commit murder. There is certainly the argument which would suggest that most of us who consider ourselves normal would consider ourselves to be very much affected by the threat of capital punishment, and the threat would stop most of us from committing murder. The fact is that most of us would not commit murder in any event. What we have to do is determine whether the threat of capital punishment would stop those people who are likely to take human life, or likely to commit murder, from undertaking that act. I have seen no firm evidence to suggest that the threat of capital punishment is a deterrent. Certainly, I have not seen or heard conclusive evidence that I think would warrant the irreversible act of taking life by the state.

What has happened here, and the reason we are debating this issue again, and the reason it has become an issue which has commanded attention and aroused concern across the country, is that capital punishment has become a symbolic issue. We are not dealing simply here with the narrow question of deterrence. We are dealing here with a very real concern that grips many Canadians about order in our society, about their sense of security and their sense of safety. There is no question but that there is now in this