

Capital Punishment

of hanging is any deterrent whatsoever to those people who commit murder because of sick minds, because of uncontrollable passions. Yet hanging in this country is mandatory as a penalty for murder, no matter what the compulsion. No matter how sick the mind, if a man is sentenced as a murderer he must be sentenced to hang. I feel strongly that all murderers, the professional criminal, the abnormally sick, should be removed from society for their natural lifetime.

There are some who ask, why should the taxpayer support such people, when it is much more economical to remove them by hanging them? I thought that Mr. Royden Hughes, Q.C., answered that argument in an interview he gave in the *Citizen's* series on capital punishment. He said: "You cannot reduce anything as sacred as life to dollars and cents". I agree with those who say that it is morally wrong to take life.

In a previous debate the hon. member for Halifax said that the capital punishment we have now really means that the hangman is ourselves; that capital punishment is a peril to the moral fibre of any Christian democratic society.

Some people say there is always the danger of error, which is true; others argue that most murderers have no money and therefore are penalized because they cannot retain the same calibre of legal talent as the crown has against them. These arguments are all true, but my concern is not for the murderer; it is the terrible weight of responsibility placed on our democratic society and on all those who are asked to take that responsibility in sentencing a man and taking his life and that is why I am voting for this bill.

Mr. C. W. Carter (Burin-Burgeo): Mr. Speaker, on balance I am in favour of this bill. I emphasize the words "on balance" because I do not consider this a satisfactory bill for a discussion of the principle of whether the death penalty should be abolished. It is rather unfortunate that so much publicity has been given to this particular bill when on the order paper there are other bills which, in my opinion, are much more suited for a general discussion of this particular principle. We are now discussing the principle of a bill, and the principle of this bill is not so much that capital punishment should be abolished as whether the principle of abolition should be applied in such a way that the death penalty should be abolished for murder and retained for treason.

I doubt whether any issue has caused so much soul-searching on the part of hon. members as the one which is now under debate. Yet if and when a vote is taken on this

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question what will it mean? It certainly will not mean that we have come to a decision which we can be sure is morally right; neither will it mean that we have decided whether the state has or has not the moral right to take a human life.

Democracy can function properly only within a moral framework. The state must be bound by the same moral law which binds the individuals which compose it. The only justification for one individual to take the life of another is in self-defence, to preserve his own life or the lives of his family and relatives. Self preservation is the first law of life, and when we are faced with a decision to kill or to be killed there is seldom time to think about the morality of our actions. Our reflexes take over and our actions are spontaneous and involuntary.

Up to the present time the state has never been faced with that sort of situation; but now, with the advent of intercontinental ballistic missiles and atomic warheads, it is conceivable that such a situation might be possible in the future. The moral rights, then, of the state as an impersonal and legal entity must in this respect be even less than that of the individual moral being. To argue otherwise would be coming perilously close to arguing that a preventive war would be justified, or that the end justifies the means, and I cannot see how the state could have the moral right to take a life if the same end could be attained by some alternate means.

As a general principle, then, I believe that the state may not take away what it cannot give. When we come to the real meat of this question, as to whether capital punishment should be abolished or retained, we find that we have very few facts and very little concrete evidence as a basis of reasoning or as a foundation for arriving at a reasoned conclusion. If and when a vote is taken all it will measure, in my opinion, is the sum total of the different reactions of some 265 different individuals. These reactions will be the result of our ideas, our opinions, our feelings, our emotions, plus what judgments can be formed from the few concrete facts available. We have no way of testing the reliability of our reactions, or of how much consists of pure reason and how much results from pure assumption and speculation. We now find ourselves in the position of having to sort out a number of intangibles and of assessing them and weighing them one against the other. We have no means of determining the true value of any of these intangibles or of measuring them in terms of each other. Consequently every one of us must place his own value on each of the factors involved and try to weigh them and balance them as best we can. Since we