

### *Capital Punishment*

attacker, if necessary, to protect his or her life. The second is when a country or a state declares war or invades another country to forcibly impose its laws on it, thereby making use of violence and death. I think it is right and morally acceptable for the people of that country to defend themselves against the attacker.

The principle involved in these two examples is identical, Mr. Speaker. An individual has the right to protect his life when it is seriously threatened. A State or a community also has that right.

[*English*]

When the only defence against a violent attack on life is the use of violence, then that violence is morally justifiable. Individuals or states have the moral right to survive and to defend that survival when it is being assailed.

However, the question before us is of a different order entirely. It is whether the state is justified in killing a human being, not in active defence, but cruelly, deliberately, in a premeditated way, long after some crime has been committed. Those Members of Parliament who favour this premeditated destruction of human life by the state must make the case for it. It is their responsibility and theirs alone. They cannot shift the moral burden of justifying this kind of violence to those who elected them. They cannot claim they are merely following the wishes of the population.

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

**Mr. Broadbent:** In this context I say to the government spokesperson who initiated the debate that surely much more is required than simply stating a commitment to one side or the other. Surely the Conservative Member who spoke today had an obligation not simply to restate his position but to give to the people of Canada and to the Members of the House of Commons his moral reason for reaching the conclusion he did. He did not, and to that extent he let down the seriousness of this occasion.

[*Translation*]

Mr. Speaker, some Members of the House are saying that most Canadian men and women, or rather that most of their constituents want capital punishment to be reinstated. You have heard that argument. Several Hon. Members have adopted a position based on the results of public polls which indicate that most Canadians or most of their constituents are in favour of capital punishment. For such an argument to be valid, one would have to recognize that a democratic government should be satisfied simply with counting votes. It is a bad conception of democracy generally and especially representative democracy.

Mr. Speaker, history's major democrats, from Pericles in ancient Greece to John Stuart Mill, the first democrat of the modern era, have always claimed that discussion based on reason and facts is an essential element of democracy. Within a small community, it is possible for all men and women who are affected by a specific situation to legislate. It was possible

at the time of the ancient Greek cities, except for women and slaves, who did not have the right to participate.

Within small communities, people could take part in public debates and listen to conflicting opinions. However, it is impossible to hold such a rational discussion in view of the huge population of modern states. The state is not simply a city or a small community. A modern state is a country. That is why we have representative democracy, not direct democracy. In the case of representative democracy, elected representatives must take into account certain basic principles, listen to the opinions of men and women taking part in the debate and look for evidence at home and abroad.

The great majority of our constituents simply do not have time to weigh the pros and cons and analyze the arguments made. They are busy earning their daily bread. That is their preoccupation.

Unlike us in the House of Commons, they do not have an opportunity to analyze the arguments and listen to each of us give his opinion before making a final decision.

As elected Members of Parliament we must accept the consequences of our decisions, not only with respect to capital punishment but also with respect to any other issue.

The principle I uphold does not apply only to the death penalty debate but, as I said before, to all our activities as members.

It is such a basic principle in our system that I was very surprised to hear members say that all we need to do is consult our constituents and add up the numbers, or to conduct a public opinion poll throughout the country.

Democracy is not a poll-taking process. Otherwise we could install a computer in every household and there would be no need for Members of Parliament.

In my opinion such an approach is both erroneous and antidemocratic. Mr. Speaker, such a process amounts to denying that decisions must be made after rational discussions, after hours of persuasion and in-depth examination of the question.

This is why I come to the conclusion that every member, whether for or against capital punishment, has one essential democratic duty, and that is to make his or her own decision. And for the reasons I have indicated, it is the responsibility of those members who want to give the state the right to kill to explain their logic, that is their responsibility.

● (1240)

[*English*]

I submit that none of the reasons given to support capital punishment is sustainable. I want now to deal with those arguments.

First, there is the contention that punishment must suit the crime, and, say some, this means that only by killing a murderer can the punishment fit the offence. The Leader of