Unpopular Abolition: Analysis of Canadian Parliament’s 1976 Debate to Abolish Capital Punishment

by

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ABSTRACT

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The subject of capital punishment receives a great deal of scholarly attention, with emphasis focusing increasingly on its abolition. But very little is known about how governments rationalize the decision to abolish this law, despite public opinion often opposing abolition. This thesis attempts to fill this gap in the literature by exploring Canada’s process of abolishing capital punishment, and how Members of Parliament justified passing legislation that was opposed by a majority of Canadians. Findings based on thematic content analysis reveal that many Members of Parliament employed strategic policy framing in their speeches in attempts to convince members of the legislature to also support their position regarding abolition. Because the issue of capital punishment necessitated a free vote, proponents of abolition used the parliamentary debate to diminish the significance and relevance of public opinion. This thesis concludes by discussing the implications of these findings.
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CHAPTER 1: INTRODUCTION

Capital punishment – the practice of governments executing criminals – was abolished from the Canadian Criminal Code in 1976. As a historically controversial subject, the legislative decision to abolish was contentious within Canadian parliament. The divisiveness of this issue was particularly evident given the resolution for abolition was made despite having no significant support from Canadian citizens (Marshall, 2009). A large majority of Canadians reportedly favoured retention of the death penalty in 1976 (Chandler, 1976; 44), with public opinion polls at the time “consistently show[ing] that between 60% and 70% of Canadians want[ed] [capital punishment] reinstated” (Strange, 1996; 597). Since its abolition, public opinion continues to reflect dissatisfaction with this legislative decision, with more than three in five (63%) of Canadians still favouring a return to government executions (Angus-Reid, 2013). Understanding the historic and ongoing clash between Canadian public opinion and Canada’s legislative abolition of the death penalty requires greater analysis. This research can provide important insights for consideration within the disciplines of criminal justice and public policy, which can ultimately contribute to the ongoing debates over the factors influencing the legislation of abolitionism and perhaps other morally-laden issues.

1.1. PRESENT STUDY

This research study considers the unanswered question: how did Canada abolish capital punishment even though public opinion was strongly in favour of its retention? More specifically, this thesis explores how the majority of Canadians favouring retention of the death penalty were effectively overruled when the punishment was abolished in 1976. An appraisal of the subsequent voting results for this bill speaks to the relevance of parliamentary debates and the role of party discipline for dictating MP voting choices. Attention to the political rhetoric presented to abolish against public opinion is invaluable for successfully answering the stated research question. Resolving this query requires an understanding of the mechanics of Canadian criminal law reform with respect to the process of public policy formation. By evaluating the rationale of legislative decision-makers responsible for abolition, it can be surmised precisely how politicians justified support for such a controversial and socially unpopular legislation. Therefore, this research analyzes the manner and extent to which elected Members of Parliament (MPs) engaged with public opinion during the deliberation over abolition. As well, it will carefully assess how legislators interpret their own responsibilities to Canadian voters, to see if it aligns with
expectations in existing academic scholarship. Finally, this analysis will consider how policymakers negotiate support for overtly controversial legislation like the abolition of the death penalty. These secondary questions all involve a deeper assessment of the discursive strategies used for framing public policy.

The research questions outlined above are addressed by analyzing the Hansard archival transcripts of Canada’s Parliamentary debate of Bill C-84, an omnibus ‘peace and security’ package including the proposal for the abolition of capital punishment. The verbatim recordings of MP speeches discussing the legislation comprise the primary set of data for this thesis. Using a methodology of thematic content analysis has illuminated dominant rhetorical themes throughout the two months of debate. Analyses of these themes provide a better understanding of how the legislation was framed by MPs to rationalize their votes of support or opposition. Although other factors beyond the themes revealed in the rhetoric of debate may explain the ultimate outcome of the vote, I believe that examining these speeches at face value helps to better understand the role of parliamentary debates within the process of public policy decision-making. After deconstructing the outcome of this legislative process, this project concludes by considering the contemporary implications of this historic legal reform and possible directions for future areas of research. Ultimately, this thesis entails analyses into the significance of political discourse for enabling the abolition of capital punishment from the Canadian Criminal Code against public opinion.

With party discipline removed during the free vote over capital punishment, abolitionists used the parliamentary debate to rally MP support for the socially unpopular legislation. Applying interrelated arguments to defend their position, as identified during the thematic content analysis, the significance and relevance of public opinion was strategically diminished by abolitionists. This policy framing was therefore instrumental for persuading MPs to avoid deferring to following constituency opinion during the legislative vote. As such, it was the use of policy framing and political rhetoric that enabled Canada to abolish capital punishment even though public opinion was strongly in favour of its retention.

This thesis is structured as follows: Chapter 2 offers a historical introduction to the practice of the death penalty, with emphasis given to Canada’s experience and its recent abolition. Thereafter, an analysis of relevant academic scholarship is presented in Chapter 3 which summarizes the existing research on the subject to assist in developing a conceptual framework.
Next, Chapter 4 describes the methodological approach of thematic content analysis, explaining why it was chosen for this research and how it was applied to the data set of parliamentary transcripts. A report of the findings from the content analysis is provided in Chapter 5, highlighting the dominant themes throughout the debate and providing sample quotes from Canadian politicians. Chapter 6 contextualizes these findings and their implications by delivering a clear answer to the research question according to the theoretical framework developed during the literature review. Finally, a summary of this thesis and the findings that were established herein will be offered in Chapter 7.
CHAPTER 2: CAPITAL PUNISHMENT

The unique history, symbolic nature and many deep-rooted controversies surrounding the death penalty continues to bring about both international debates and scholarly attention. Academic investigation has consisted primarily of exploration into the evolving theory and practice of this punishment as a social ritual. In this regard, much attention has been given to describing the practical changes, including the preferred method of execution, crimes qualifying for executions and persons eligible to receive it, publicity and frequency of the event, the parties supervising and administering the punishment, and the degrees of public support. The shifting manifestation of capital punishment has been examined in an attempt to explain the causes for these changes and to speculate on the future of the penalty (Conquergood, 2002; Basson, 2006). With these discussions on the prospects of capital punishment, there has, in turn, been increased attention on the potential for its abolition. But abolitionism cannot be fully understood until first acknowledging the origins of the punishment being abolished. Therefore, a chronological examination of capital punishment’s evolution will be undertaken. Though there has been extensive research on the history of capital punishment, it has focused primarily on the United States. As such, this chapter will also give emphasis to Canada’s historical experience with the death penalty and the country’s current status of abolitionism.

2.1. HISTORY OF EXECUTIONS

Historically, the ritual of execution has centered upon a community collectively agreeing to terminate an individual’s life for an offence committed against society (Bren Guernsey, 2009). Originating among many ancient civilizations, one of the earliest mentions of the death penalty dates back to approximately 1750 BCE in the Babylonian law Code of Hammurabi (Schabas, 2002; 3). For most of its history, the act of execution was performed deliberately as a violent spectacle, using an array of brutal punishments such as stoning, mutilation, strangulation by hanging, crucifixion, burnings and decapitation (Bohm, 2003). Through these various punishments, the prisoner was viciously and dramatically destroyed before a public audience to illustrate “the dissymmetry between the subject who has dared to violate the law and the all-powerful sovereign who displays his strength” (Foucault, 1977; 48-49). The publicized forum of executions, in addition to its excessive violence, was another defining characteristic to the historic expression of capital punishment. Existing more as a social function, the death penalty occurred in a setting that encouraged people to witness and enjoy the dramatic demise of criminals.
The reassertion of moral boundaries over criminality empowered society, and so was another major component to public executions. It was understood that communities united to collectively purge the deviance through death (Durkheim, 1893 [1949]; 102). In the modern era, the death penalty was often regarded as a conclusive solution, restoring social balance (Wink, 1999).

The modern era, however, has brought dramatic changes to the act of execution. With privacy laws steadily proposed and enacted throughout the mid-nineteenth century (Masur, 1989; Levi, 2002), standard prohibitions now exist for public viewings or open press access to executions (Muschert, 2009). Removing the death penalty from public view transformed the ritual into an intimate ceremony between the prisoner and the government officials administering the punishment (Smith, 1996). Once active and engaged participants, the public now exist as passive and distant outsiders depending upon secondary information from the media to inform them of execution details (Sarat, 2001). This approach has been designed so as to not offend public sensibilities with “flaws” in the ritual, such as the occurrences of “botched executions” (Haines, 1996). Smith (1996) contends that removing the ritual from public view permitted the state to re-assert and control its monopoly over the meaning of capital punishment. For example, through social exclusion, modern executions have been represented as largely nonviolent affairs, intended to balance the dignity of offenders with the rights and safety of the community (Baker, 1973). The popularized method of lethal injection, whereby prisoners are anesthetized before death, has been described as one means for creating a semblance and pretense of courtesy (Denver, 2008). Indeed, Masur (1989) remarked how “anesthesia, like private executions, [helps] to sustain the illusion that … decorum, propriety, and civility were preserved …” (96-97). The use of medical sciences through lethal injection has now made “executions so that they are as quick, painless, and reliable, and as little disfiguring as possible … [which] is an essential aspect of preserving capital punishment in any society that regards itself as civilized” (Bedau, 1997; 10). Therefore, the physical removal of audiences has enabled a gradual rehabilitation from the historic image of executions, so that they now “appear to be free of all excess and all violence” (Foucault, 1977; 307). This demonstration of capital punishment has been perceived as more consistent with modern and enlightened social mores (Johnson, 1998). Emphasizing qualities of solemnity and neutrality, the atmosphere of contemporary executions is now heavily depoliticized. Representing the death penalty as another routine bureaucratic undertaking ensures capital punishment remains incomparable to the crime being punished. This “ease, cleanliness and relative lack of drama” is an impression that minimizes government culpability in the prisoner’s death (Lifton and Mitchell,
Instead, by being conducted and regulated according to a heavily rehearsed script, contemporary capital punishment often portrays the prisoner’s death as normal, effortless and inevitable (McKenzie, 2001). As Linders (2002) describes, this is an “effort to control the perception and legitimacy of state-authorized killings and, by extension, the legitimacy of the entire criminal justice system” (613). The distinction between the death penalty and the crime of murder is so normalized now that some pundits claim that only criminals commit “unlawful” killings, whereas capital punishment functions according to “the law” and so is strictly “punishment” (Lynch, 2002; 225). Though it will undoubtedly continue to change with time, this is how the death penalty currently exists within the United States.

Yet despite dramatic transformations in the application and conduct of capital punishment, from theatrical and public to nonviolent and private, this highly unique style of ritual has been retained. The underlying elements remaining in this ritual are “the performance of offence, offender and penalty ... well versed in the stages and vocabulary of a drama that would always culminate with the demise of its leading character” (Basson, 2006; 1152-1153). The death penalty also still embodies and channels various meanings, relationships and values into a single, aesthetically legible narrative. For example, each execution is a reiteration of already well-established themes of popular culture’s understanding of crime and punishment (Lynch, 2002; 227). Death row prisoners, in particular, are confined to a strict caricature of stigmas and embellished stereotypes (Conquergood, 2002; 353). Kelman (1973) identified a routine process of objectifying and dehumanizing these prisoners in a way that served to simultaneously elevate the victim(s), acting as a “dominant cultural motif for representing violence and victimization” (Sarat, 1999; 52). The narrative therefore makes capital punishment a communicative act, speaking to “broader and more extended issues” like politics and morality (Garland, 1990; 253). This narrative is what enables governments to rule that some citizens are unfit to live and deserving of the penalty of death (Fein, 1979). This narrative is also what continues to be discussed and challenged during the debates over abolitionism. The ways in which the meaning of executions are portrayed, or “narrativized” (Smith, 1996; 240), therefore deserve appropriate attention. Recognition of the transformations in how the penalty is practiced, from explicit public engagement to subtle social exclusion, may have notable influence on the ways in which politicians choose to regulate and perhaps abolish execution. In a related sense, an understanding of how the narrative of capital punishment manifests in policy debates is fundamental for addressing the research question of this thesis.
2.2. THE DEATH PENALTY IN CANADA

The practice of capital punishment within the Canadian context has also undergone vivid changes and political reforms. Prior to Canadian Confederation in 1867, British law held approximately 230 offences punishable by death (Gendreau and Renke, 2012). The death penalty during this period was practiced through public hangings, with one of the earliest records of a Canadian execution occurring in 1749 (May and Philips, 2005). Hangings were used frequently in North America, claiming at least 70% of those executed within the United States and used for every execution in Canada (Bohm, 2003; 87). Many trivial offences, from stealing grapes or trading with indigenous peoples, would warrant execution (Fridell, 2003). Gradually the use of capital punishment declined and Canadian law at Confederation deemed only acts of murder, rape and treason worthy of the penalty (Chandler, 1976; 17). In 1868, the year following Confederation, administration of the death penalty was also relocated to the confines of Canada’s prisons, away from public view (Strange, 2004; 115). Similarly, throughout the 19th century, other punishments like floggings or brandings fell into disuse and were replaced by less physically violent measures such as of fining, hard labour, and/or incarceration (Carrigan, 1991; 319). Strange (2001) explains how, through the establishment of Royal Commission committees in 1937 and 1954, Canada attempted to standardize the administration of capital punishment (356). The committee report recommendations opted to retain the penalty but to implement more “humane” methods of execution, reasoning that “Canadian civilization had failed to reach the point at which governments could abolish [it]” (Strange, 2001; 364-366). This committee also resolved to remove the crime of rape as an offence warranting capital punishment (CBC, 2013). Another 1956 Senate Committee report, which investigated the feasibility of abolition, recommended a restriction of the penalty to criminals over the age of eighteen (Chandler, 1976). As well, Canada’s 1960 Bill of Civil Rights introduced capital and non-capital punishment categories for the crime of murder, thereby specifying only planned and intentional murder as punishable by mandatory hanging (Chandler, 1976; 13). Later revisions and statutes, intended to improve safety during the execution, further restricted application of the death penalty (Justice Canada, 2009). This evolution illustrates the gradual but consistent attempts to better regulate and reform the practice of capital punishment in Canada.

Although the constitutionality of capital punishment remained in Canada until 1976, the justice system relied only sporadically on this form of punishment. In fact, of the approximately 1,300 Canadians sentenced to death between 1867 and 1962, only 710 were executed (CBC,
Using the “Crown prerogative of mercy”, both the Liberal and Conservative governments commuted almost half the death sentences reviewed (Strange, 1996; 600). The increasing popularity of this government power brought about the “experimental periods” of abolitionism in Canada (Strange, 1996; 600). For example, Prime Minister Diefenbaker commuted fifty-two of Canada's sixty-six death sentences during his term from 1957 to 1963 (CBC, 2012). From 1963 to 1968, under the direction of Prime Minister Pearson, the Liberal government was responsible for making Canada de facto abolitionist, intervening in all capital cases to commute each death sentence to life imprisonment without parole (Thompson, 2008; 173). Yet it was not until the late 1960s that more significant measures towards abolitionism in Canada were put forth by the Canadian government. Attempts to formalize these case-by-case decisions resulted in a series of bills that were introduced to make sentencing laws more “humane” (Thompson, 2008; 173). After a motion to abolish the death penalty was defeated in 1966, the minority Liberal Pearson government enacted a temporary suspension of government executions (Act to Amend the Criminal Code, 1967). Passed with a vote of 170 in support of the proposal and 105 against, the moratorium was applied as a five-year trial period, suspending the use of executions in all cases except for murderers of on-duty police officers, prison staff and other peace officers. It was implemented upon the agreement that life imprisonment would become the mandatory alternative in all murder cases (Correctional Service Canada, 2012). The death penalty moratorium was renewed in 1972 by the minority Liberal Trudeau government, although this time by a victory of only thirteen votes (Criminal Law Amendment Act, 1973-1974). Before the expiry of this second moratorium, however, the government of Canada would successfully abolish the death penalty. Yet, it is evident that, even before abolition, there existed a clear intention among the Canadian government to amend the Criminal Code in regards to capital punishment. This is especially so given research by Zimring and Hawkins (1986), identifying how the absence of a “clear historical mandate for execution in a state results in the reduction of the enthusiasm of elected officials and political elites for execution” (741). With Canada’s final two executions occurring almost a decade and a half prior to abolition, in December of 1962 (Thompson 2008; 180), it suggests an enduring preference among leading Canadian politicians to abandon the use of the death penalty.

2.3. CANADA’S ABOLITION

Although attempts to abolish the death penalty in Canada date back to 1914, these proposals were always introduced as a Private Members Bills (CBC, 2013). However, it was the 1976 omnibus ‘peace and security’ package, proposed by Trudeau’s majority Liberal government
which brought about official abolition of capital punishment in Canada. Solicitor General Warren Allmand introduced this proposal before Parliament as *Bill C-84, the Criminal Law Amendment Act* (No. 2), to remove the death penalty entirely from the Canadian *Criminal Code*. This bill mandated that all offences previously termed as capital murders would receive a fixed punishment of twenty-five years to life in prison. Prior to the Parliamentary debate over this bill, the Department of Justice provided MPs with extensive materials and “expert” opinions on the death penalty’s impact in Canada (Chandler, 1976; 81). After only two months of debate during the second reading of the bill, the legislation was put to a free vote which resulted in Canada’s abolition of the death penalty passing into law on July 26, 1976. The voting result – 131 in support of abolition and 124 against – had a margin of only seven votes and so is considered one of the closest important legislative decisions in Canadian history (CBC, 2013). Capital punishment was thereby abolished from Canadian criminal law, despite 70% to 90% of the Canadian public expressing their opposition (Chandler, 1976; 44). That same month, the U.S. Supreme Court reinstated its use of the capital punishment, with Oklahoma soon after becoming the first state to adopt lethal injection as a means of execution (LeGraw, 2002).

Subsequent political trends have since reinforced Canada’s decision, particularly with the creation of the *Canadian Charter of Rights and Freedoms* (1982) enshrining the right to life in *Section 7*. A motion to reinstate the death penalty, proposed by Mulroney’s Progressive Conservative government in 1987, was defeated in a free vote with another narrow margin of 148 supporting abolition to 127 in opposition. Canada’s abolition was also tested in two separate high-profile criminal cases in 1991 and 2000, which involved the extradition of fugitives to the United States for execution. In these two cases, the Supreme Court of Canada reasoned that the death penalty was incompatible with the *Charter of Rights and Freedoms* (1982) (Thompson, 2008; 180). Canada did retain the death penalty for certain military offences, such as treason and mutiny, under the *National Defence Act* until 1998 (CBC, 2013). But by 2005, the Canadian government bolstered its abolitionist status by signing and ratifying the *Second Optional Protocol to the International Covenant on Civil and Political Rights*, thereby barring any future legal mechanism to resume capital punishment in Canada (Amnesty International, 2013). This is a very significant decision, as membership in such international treaties has often been considered the final stage of abolitionism (Finnemore and Sikkink, 1998; 891). Given these identifiable political trends, and especially after the failed attempt to reinstate in 1987, there is a strong suggestion that the death penalty debate in Canada was finally concluded with the transition to abolitionism.
Overall, the movement towards Canada’s abolition of the death penalty continues to be represented by many as a social achievement for the public (Hood, 2001). In fact, it has been cited as “a significant development in the advancement of human rights” (Correctional Service Canada, 2012). The Canadian government itself describes the decision to abolish as an intentional choice to transition towards more progressive punishments (Department of Justice Canada, 2003). Indeed, by acknowledging the persistent attempts to modify, circumvent, or ban the use of executions, Canada’s abolition appears to be an inevitable outcome. However, it is important to avoid viewing abolitionism as a static national policy, without relevance to current debates or ongoing political trends of policy formation (Smith, 1998; 225). In fact, instead of an abrupt ending of state policy, abolitionism has been regarded as a multifaceted process involving historical shifts of local politics, culture and norms (Garland, 2010). As Canada’s history reflects ongoing efforts to continuously redefine capital punishment, without any significant public support for such reforms, it would be valuable to know the ways in which politicians argued their support for abolition. Since there is always the potential for policy change, especially for symbolic issues like the death penalty (Smith, 1998; 231), there needs to be a closer look into the 1976 parliamentary debate which finally achieved abolition in Canada.
CHAPTER 3: LITERATURE REVIEW

To provide more clarity regarding how the Canadian government abolished capital punishment against public opinion, it is necessary to first review existing academic scholarship. By presenting and evaluating relevant research on the subject, this chapter will establish a theoretical basis for understanding the process of legislating abolition against public opinion. Given the stated research question, the literature to be reviewed will pertain to the subjects of public opinion, the legislature, and the death penalty debates. Insights learned from this review will thereafter be applied during the data analyses of the parliamentary debate to help better situate the final conclusions.

3.1. PUBLIC OPINION

The concept of “public opinion” is frequently referenced during discussions of capital punishment and abolition. For the purposes of this thesis, public opinion will be defined simply as a breakdown of “supporters”, for or against capital punishment (Schabas, 2002; 311). An understanding of the composition of public opinion is fundamental for addressing what the elected politicians were voting against in their decision to abolish capital punishment. As such, the documented rates of public support and public opposition for abolitionism will be measured to evaluate the responsiveness of the legislature, and its legislations, to these expressed opinions.

Executions arose and were operated under a pretense of communal arrangements that designated the state as a legitimate agent for punishing criminality (Kaufman-Osborn, 2002). In more recent history, public opinion has been documented to favour capital punishment since the Second World War (Hood, 2001). As noted previously in Chapter 2, many communities explicitly endorsed the penalty because they favoured conceding authority to their government to commit violence for both their enjoyment and security (Foucault, 1977). The drama and overt cruelty of this arrangement was intended to attract rather than deter witnesses (Basson, 2006). Within this punishment scheme, modelled heavily after the British system and, more generally, continental Europe, executions were framed as a social function and often a community achievement. Public executions of the 17th and 18th centuries drew large crowds, and depending upon the notoriety of the criminal, sometimes attracted as many as 12,000 witnesses (Buckley, 1998). Operating within an open and commercially profitable forum, attendees were reported to arrive weeks before hangings, commuting over fifty miles to watch (Powers, 1966). Consequently, capital punishment was theorized to be something meaningful for the public to encourage.
Despite historically persistent social support for the death penalty, there has been an increasing political trend favouring abolitionism (Mendes, 2001; Cullen et al., 2002; Baumer, Messner, and Rosenfeld, 2003). As already noted, Canada’s 1976 abolition occurred without a majority of public approval (Chandler, 1976; Strange, 1996; Marshall, 2009). In fact, wherever the death penalty has been abolished throughout the world, it has been done so predominantly against the opinions of a majority of the electorate (Zimring and Hawkins, 1986; Garland, 1990: 246; Hood, 2001; Hood and Hoyle, 2008; 350). For example, Haines’ (1996) study of modern abolitionism identified how the United States’ 1972 Furman decision, which resolved to suspend the death penalty, sparked outrage across the country. Jurisdictions to recently abolish execution, like the state of New Jersey, indicated public opinion still preferred retention at the time of abolition (Richburg, 2007). Public support for retention in the United Kingdom in 1975 was approximately 82%, which is notably higher than any recent polls conducted in the United States (Bae, 2008; 236). In France, abolition was introduced in 1981 when public opinion polls still indicated that two-thirds of the public still favoured retention (Dunér and Geurtsen 2002: 14). When abolitionism was enacted in Germany, support for capital punishment was in the same majority range as the polls conducted at that time in the United States (Bae, 2008). Even after abolition had been enacted into legislation, public demands for reinstatement of the death penalty continued to be well-documented in both Canada and various countries (Strange, 2001: 136; Mendes, 2001; Cullen et al., 2002; Baumer, Messner, and Rosenfeld, 2003). The intensity of disapproval when the U.S. abolished the death penalty was so prominent that public opinion was later cited by the Supreme Court when reaffirming the constitutionality of the death penalty in the 1976 Gregg decision (Wozniak, 2012; 4). A Gallup poll conducted in the United States measured an increase in social support for capital punishment, from 66% in 1976 to 80% by 1994, and indicated this to be an ongoing trend (Bae, 2008; 236). Research continues to reaffirm that large majorities of citizens within abolitionist jurisdictions resist accepting abolitionism, both when the policy is initially introduced and at later dates (Hood, 2001). In recent years, public opinion within many “advanced industrial abolitionist nations”, such as England and France, still view the death penalty positively (Bae, 2008; 236). In an effort to understand and explain these findings, research by Peshkopia and Imami (2008) argued that the institutionalization of abolitionism in some jurisdictions will always fail to yield genuine public support for the policy.

Overall, public opinion has remained consistently in favour of executions as a form of criminal punishment, despite political trends implementing abolitionism. In fact, it is evident that public opinion is not closely tied to the likelihood of retention. Though some academics like Key
(1961) argue that citizen values ought to direct public policies, and others describe social input on policy debate as a positive influence (Garvey, 2002), a larger proportion of the scholarship has rejected these conclusions. This finding is directly relevant to the research question, and acknowledges that much of the academic literature on the subject has already identified abolitionism as something usually unsupported. This unpopularity of abolitionism is consistent with Canada’s experience, as well. After acknowledging the opinions of the public at large, it is then necessary to review the role of the legislature to better understand how abolitionism is achieved.

3.2. LEGISLATURE

In Canada, people are represented through an elected legislative body which governs the people by formulating laws. The legislature is made up of elected politicians, or MPs, who sit in the Canadian Parliament and are responsible for debating and voting upon legislation (Blidook, 2010; 32). To address the research question, the prominent role of the Canadian legislature cannot be overlooked. Given the legislature is where bills are proposed, discussed, and subsequently enacted into law, familiarity with relevant literature that has studied the role of the legislature in criminal law reform and public policy formation is required.

Abolitionism of capital punishment in Canada, with its continued controversies and debates, remains ultimately determined by the national legislature of Parliament (Smith et al., 1998; 226). The Canadian Parliament is the legislative branch within the Canadian government, facilitating the institutional processes of public policy decision-making in regards to Canadian law. One component of Parliament’s legislature is the “lower house”, also known as the House of Commons, which is comprised of democratically elected politicians responsible for regularly convening to discuss and reform law within a forum that is representative of public interests (Kornberg, 1967). While attempting to represent public interests, these politicians are ultimately empowered to develop and alter laws. These activities are guided by a designated policy-making process where politicians remain accountable to the interests of their designated constituency of voters (Smith et al., 1998; 231). Since voters hold legislators accountable through populist elections, it is assumed that most legislators will choose not to stray too far from their constituents’ preferences. As such, each legislature vote should theoretically be reflective of, if not outright directed by, the opinions of the constituencies who elected them (Keefe and Ogul, 1985). In a similar case, the legal reforms of criminal justice policy, such as the abolition of
capital punishment, should ideally manifest in public policies that represent the public opinion (Rosenthal, 2004).

This assumption remains problematic as the extent to which the legislature does indeed follow the opinions of the public continues to be strongly contested. A great deal of scholarship has posited unrepresentative policy as a routine consequence of political elitism. Political elitism encompasses behaviour of politicians that disrespects the public. This includes elected officials acting, debating and voting in ways that primarily benefit their personal interests over those of the wider public. Research conducted by Fenno (1973) has suggested these behaviours were motivated by goals of re-election and career advancement. This political elitism is not unique to the legislative branch, as the judiciary branch has also been found to be regularly dismissive of public opinion (Schabas, 2002; 312). Justice La Forest, of the Supreme Court of Canada, cautioned against judging the death penalty “in terms of statistical measurements of approval or disapproval by the public at large” (Kindler v. Canada [1991] 2 SCR 779 at 832 (per La Forest J). In the United States, former Supreme Court Justice Thurgood Marshall went as far as to claim that if the American people were “fully informed as to the purposes of the death penalty and its liabilities, [they] would in my view reject it as morally unacceptable” (Gregg v. Georgia, 428 US 153 at 233, 96 SCt 2909 at 2973, 49 L Ed. 2d (1976), Marshall J, dissenting). Political academics have also challenged the conventional wisdom of public opinion. Lifton and Mitchell (2000) criticized the “mythology of decisive, unyielding support” among the public for capital punishment (212), while Zimring (2001) stated that the goals of abolitionism needs to be protected from the public, as a result of how often “democratic values” clash with public opinion. Other scholarship has supported these tendencies to make decisions against public opinion by generously describing legislative elitism as important “leadership” (Zimring and Hawkins 1986; Hood 2001; Dunér and Geurtsen 2002; Neumayer, 2008b).

Interestingly, this behaviour has been documented to have a disproportionate influence upon the general policy-making process (Mills, 1956; Dahl, 1961), particularly when public opinion is one-sided regarding a policy change (Mooney and Lee, 2000; 223). Given that “all policies are made in response to someone’s preferences” (Weber and Shaffer, 1972; 684), legislation often requires specific individuals to invest considerable time and resources to support and guide it through the legislative process (Fan, 1988; Zaller, 1992). These people have been termed “policy entrepreneurs” (Kingdon, 1995) and “legislative entrepreneurs” (Wawro, 2000; 45). This ‘entrepreneurship’ of legislation has had a significant effect on the success of the
abolitionist movement, with past research consistently affirming the prominent role of small
groups of elite, often religious, reformers (Davis, 1957). Indeed, it has been argued that “in the
case of capital punishment legislators lead from the front” (Buxton, 1973; 244). Research by
Kelley and Braithwaite (1990) went as far as to argue that political elites routinely abolish laws
such as capital punishment, not in response to public pressures, but in spite of it (529). Peshkopia
and Imami (2008) argued that trends of legislating abolitionism were, in fact, only elites
complying with international political norms, using a policy process that avoided public debates
on the issue. For example, research by Haines (1996) documented how the abolitionism
movement in the United States, after the 1976 Gregg decision, progressed without much public
support, relying instead upon elite lobby groups like Amnesty International or the American Civil
Liberties Union. The conclusions offered by Haines (1996) have been affirmed in more
contemporary research by Wozniak (2012), suggesting the jurisdiction of New Jersey abolished
the death penalty as result of elites successfully navigating the legislative process.

This elitist behaviour has often been attributed to the political structure of the legislature,
which affords politicians the capacity to vote with near impunity. More specifically, research into
factors dictating the representativeness of the policy-making process found legislators were
influenced significantly by priorities of party partisanship (Mayhew, 1974). Otherwise known as
party discipline, or party solidarity, is the legislative tradition and political norm for MPs to vote
according to the policies and positions of their political party (Warhurst, 2008; 582). As a result,
the role of individual legislators has been interpreted as merely offering democratic legitimacy to
decisions already made by political parties (Kornberg and Campbell, 1978). More recent research
by Blidook (2010) concluded that MPs are not seen as significant actors in the policy process, but
rather function according to already predefined positions that have been set out by their political
party (32). Contributing to this depiction is research like that of Langer and Brace (2005), which
has identified how a unified government – meaning strong party discipline – can increase the rate
of enacting legislation concerning the death penalty. This was supported by other data provided
by Wozniak (2012) which indicated that political parties with majority support are more capable
of facilitating abolitionism (6). Smith et al., (1998) also found a strong association between
political parties and individual attitudes of an MP towards capital punishment. This research
explicitly identified party solidarity as a prominent factor influencing individual legislators,
especially so within Canadian Parliament (Smith et al., 1998; 228). Furthermore, these
conclusions are consistent with other scholarship noting party discipline in the Canadian House of
Commons as much stricter than that in Westminster Parliament of England (Docherty, 1997).
When contrasting Canada with the United States, Bae (2008) found that the Canadian political structure better affords for counter-majoritarian political initiatives whereas the U.S. maintained more populist features in their legislature (233). As result, the continued retention of capital punishment was attributed to the U.S.’s responsiveness within the policy-decision making process (Bae, 2008; 237). Other literature has asserted that Canadian officials were capable of abolishing against public opinion because the “political system [is] less democratic, or at least more insulated from populist impulses, than the U.S. government. And [their] elites know it” (Mandery, 2005; 640). Accordingly, Mandery (2005) concluded how Canada’s abolitionism reflects the legislature’s decision of choosing “a more civilized and humane political order over a fully popular and participatory one” (641). Marshall (2000) also attributed abolition against popular sentiment to be the result of left-leaning legislatures in Canada and various European countries.

Given these ingrained behaviours in legislative politics, it can be understood that the Canadian government’s resolution to abolish capital punishment against public opinion is not an anomaly. The likelihood for Canadian MPs to be influenced by other factors does not necessarily imply disrespect of public opinion, but rather a stronger pressure to adhere to party expectations. Considering this, we can more reasonably assume why legislative officials do not directly follow the opinions of constituents. Therefore, abolitionism in Canada could in fact be seen as yet another example in the trends of elite political decision-making. With this insight, it is important to develop greater understanding of the process by which politicians typically justify this phenomenon of overruling public opinion. Specifically, a more in-depth understanding into the process of debate during this decision-making process is necessary to help resolve how socially unpopular legislation can be enacted into Canadian law.

3.3. DEBATING THE DEATH PENALTY

Understanding how Canada abolished the death penalty against public opinion requires consideration of the ways in which the death penalty has been debated. The strategies used to present legislation in order to attract support are a core element in the decision-making process of policy reform. Given that capital punishment debates have relatively high rates of public interest and attention (Chandler, 1976; 79-80), it is to be expected that MPs would understand that their words are scrutinized to explain how they rationalized their position to support or oppose abolition. Although some scholarship has been largely dismissive of political debate – describing
it as a game show (Drucker and Hunold, 1987), press conference (Ranney, 1979), or counterfeit (Bitzer and Reuter, 1980) – other research has disagreed. In fact, it has been argued that political discourse essentially determines public opinion (Simon and Jerit, 2007; 254). Research by Jacobs and Shapiro (2000) also has found that politicians’ language and arguments are used to “win support” for policy decisions (xv). With the anticipated changes in public opinion, politicians have been found to take positions and craft discourse accordingly (Stimson et al., 1995). Consequently, familiarity with common techniques in political discourse can thereafter be applied when reviewing Canada’s 1976 parliamentary debate.

Upon further review, an extensive amount of the academic literature analyzing political speech has highlighted the prominence of ‘frames’ in debate. For the context of this thesis, frames will be understood as a discursive structure, helping to “render events or occurrences meaningful and thereby function to organize experience and guide action” (Benford and Snow, 2000; 614). Essentially, this indicates that frames provide a structure in how speech is communicated and interpreted. For example, a frame will give more emphasis to a certain idea in conversation, and as result, this emphasized idea changes any subsequent speech by defining the following conversation according to this original point of attention. These frames can manifest in the use of a specific word, or in a wider trend of vocabulary (Simon and Jerit, 2007; 254). Within the context of an extended discourse, such as a political debate, frames act to narrow the range and depth of conversation by restricting the “number of thematically related attributes in order to create a coherent picture” (McCombs and Ghanem, 2001; 70). Frames therefore direct the course of discussion by dictating the overall tone of conversation. This process occurs because frames “suggest what the issue [of debate] is [or is not] through the use of selection, emphasis, exclusion and elaboration” (Tankard, 2011; 100-101). Therefore, a particular idea or argument in political debate can become more prominent and relevant to the overall discourse. Similarly, frames influence how each idea or argument is in turn responded to by “activating certain constructs which then have an increased likelihood of use in evaluations made in response to the message” (Price and Tewksbury, 1997; 197). Or, as Goffman (1974) described, the rhetorical structure – meaning the frame – channels the subsequent reaction. In regards to the death penalty, frames have been found to play a similarly prominent role in debate. Research by Wozniak (2012) attributed the decision to legislate abolition in New Jersey to the use of “substantive framing” during the political debate (2), as did Sarat (2002) during the passage of abolition through New Hampshire’s legislature. Additionally, Radelet (2008) also found retentionists predominately argue support for the death penalty based upon frames of deterrence, incapacitation, cost, and
retribution (44-52). These uses of framing help simplify and define the discussion, resulting in some arguments – for or against abolitionism – being accentuated or ignored. By guiding the initial interpretation of proposed legislation, the subsequent debate can be directed in ways that benefit a preferred policy outcome.

As noted in Chapter 2, the death penalty has undergone many transformations in recent history. Therefore, the content of conversations about the death penalty should also be expected to change accordingly (Carter, 2011; 10). To illustrate, traditional campaigns for abolitionism predominantly relied upon moral-based frames (Aune, 2004; 455). Research by Steiker and Steiker (2010-1) attributed this to the strong ideological and otherwise religious commitments that dominated during this pre-modern era (666). One of the most influential abolitionist writings, Cesare Beccaria’s (1764) treatise *Dei delitti e delle pene* (*On Crimes and Punishments*), advocated for the end of the death penalty through an exclusively ethical framework. Beccaria argued no possible justification would ever warrant governments taking the life of a citizen, and so appealed to society, as the “present enlightened century”, to reject executions (Meyer and Weaver, 2006; Davies, 1995; 8). From this basis, abolitionism throughout the 18th and 19th centuries relied upon similar moral frames to oppose capital punishment, often claiming it contradicted with Enlightenment era values of public reason and social progress (Hartnett and Larson, 2007; 264). More contemporary death penalty debates, however, have been found to discourage use of ideological principles in lieu of more “practical”, “secular” and “rational” considerations (Steiker and Steiker, 2010-1; 686-687). Many abolitionists, ceding claims of morality, have begun to argue that executions are wrong in practice, criticizing its dysfunctional application, high fiscal costs, and disputing its deterrence value or potential for “brutalization” (Steiker and Steiker, 2010-2; 5). This conflicts with traditional abolitionist rhetoric, emphasizing abstract concepts like human dignity, which held little empirical validity (Donohue and Wolfers, 2006). Non-moral frames, virtually absent in the campaigns by famous abolitionist predecessors like Beccaria, Jeremy Bentham or Thomas Jefferson (Steiker and Steiker, 2010-1; 664), have since been endorsed by many leading abolitionist organizations. The National Coalition to Abolish the Death Penalty lists “taxpayer costs” as the first of ten public policy arguments for abolition (2012). Another prominent organization, The Death Penalty Information Center, gives prominent attention to statistical figures documenting the escalating costs and financial implications of capital punishment. Steiker and Steiker (2010-1) explained that framing the debate around the “cost” argument offers a non-ideological and non-controversial solution to these complicated problems (677). Other scholarship has reached opposing conclusions. Mooney
and Lee (2000) found public opinion to have a greater influence on moral-based policies, while Fenno (1973) posited how public policies concerning technical issues do not interest the public. As result, it is debatable whether the public finds non-moral framing of abolitionism easier to understand and support.

However, the displacement of ethics for framing the death penalty debate also brings limitations to the cause of abolitionism. Much of the discourse has shifted to more general detachment during deliberation over this issue, with politicians discussing its reforms as though it were any other routine administrative formality (Lifton and Mitchell, 2000). By bringing attention to reforming its application in practice so as “not to punish less, but to punish better”, this works to make the death penalty more “coextensive with society… insert[ing] the power to punish more deeply into the social body” (Foucault, 1977; 82). This “new abolitionism” (Sarat, 2002; 353) reflects the changing norms of criminal justice surrounding the death penalty and how it is negotiated. Giddens (1985) described the historical transformations in the modes of punishment as an “expansion of administrative power” (188), whereas Durkheim (1899) claimed the shift from corporal punishment to imprisonment as a consequence of society becoming more complex (78). Either way, given the prevalence of content-based claims within these political debates, it is valuable to explore the use framing in Canada’s parliamentary debate. Attention to the frames used, or not used, helps to understand more about the political reasoning offered by Canadian MPs before they voted. By doing so, conclusions can be drawn about why elected politicians would vote for the measure to abolish capital punishment despite strong public opposition. With this identified literature providing context for the political speeches on abolition, there can now begin a summary of the methodology used to analyze the Canada’s parliamentary debate.

Overall, the existing academic scholarship relevant to this thesis has consistently documented an ongoing conflict between public opinion and the legislature’s behaviour. Consideration given to the changing quality of death penalty debates, and strategy for framing political rhetoric, has demonstrated a need for more in-depth examination into Canada’s 1976 parliamentary debate. But with acknowledgment given to these prior studies and scholarship, there remains a notable lack of attention for parliamentary free votes over abolition in Canada. In fact, there are very few contemporary empirical studies qualitatively examining Canadian parliamentary free votes. Most research of free voting process and determinants of MP voting behaviour are limited to the British House of Commons (Richards, 1970; Marsh and Chambers, 1981; Mughan and Scully, 1997; Cowley and Stuart, 2010). Mentioned infrequently, Canada is
usually referenced in comparison as another Westminster parliamentary model (Kam, 2001). Overby et al., (2011) remains one of the most recent to analyze parliamentary behaviour during a free vote in Canada. Their conclusions found strong evidence that constituencies influence voting behaviour of MPs, contradicting most scholarship that has concluded party partisanship as the strongest indicator of voting behaviour during both general and free votes (Overby et al., 2011; 468). For example, Mughan and Scully’s (1997) study of four free votes on capital punishment in Great Britain found a single vote reflecting only modest constituency effect upon MP voting behaviour. In another study of British parliamentary free votes on capital punishment (among other divisive issues like abortion and embryonic research), Pattie, Fieldhouse and Johnston (1994) found constituencies did not impact MP voting choices on the issue of abolition. Indeed, of the limited research analyzing Canadian free voting behaviour, Longley (1993) failed to find evidence of any significant constituency effect on MPs. In fact, political party was considered even more important for determining MP voting behaviour in Canada given that Canadian federal parties are “very disciplined . . . even by Westminster standards” (Longley 1998; Malloy, 2003; 116). Overby’s (1996) research of provincial parliaments, regarding same-sex marriage legislation in Ontario, produced similar conclusions. Overby, Tatalovich, and Studlar’s (1998) examination of MPs’ voting behaviour regarding a 1990 federal law over abortion produced conclusions consistent with findings in studies of British parliament: party partisanship was the dominant influence even during free votes.

With little research available regarding the legislative process of ‘free’ voting in Canada, the controversial abolition of capital punishment has yet to be adequately explored. Thus, this project will attempt a departure away from most literature examining only general parliamentary votes, and contribute Canadian-specific research by examining its 1976 debate over abolition of the death penalty. Examination of the voting decisions among MPs can also help measure the competing influences of party loyalty and constituency pressures on the legislature during a controversial free vote. As well, the data analysis will offer more solid evidence for the reasoning of a legislature to overtly ignore public opinion.
CHAPTER 4: METHODOLOGY

To examine how the death penalty was removed from Canadian law despite considerable public support for its retention, debates about the bill in the House of Commons were analyzed through qualitative empirical research. By exploring the opposition towards abolitionist legislation, the methodology for this thesis intended to account for elite political decision-making during this process. Put differently, the methodology of this thesis attempted to explain why elected politicians would vote for a measure (i.e., the abolition of capital punishment) that was opposed strongly by the public. Do MPs believe it is their role to follow public opinion when voting for legislation, particularly involving difficult moral issues such as capital punishment? Are MPs convinced of the accuracy of opinion polls or respondents’ level of understanding when it comes to particular issues? After a careful examination of the 1976 Parliamentary debate to abolish the death penalty, certain themes were found that better explain the vote to end capital punishment. Although forces other than rhetorical themes revealed in the debate may help explain the ultimate outcome of the vote, examining these speeches at face value may help us better understand how parliamentary debates about pending, morally-laden policy issues, such as abortion and assisted-suicide, will play out.

4.1. DATA

After a two month discussion, beginning on May 5th, 1976 and finishing on June 22nd, 1976, the omnibus ‘peace and security’ package, also known as Bill C-84, passed into Canadian law on July 26th, 1976 (Hansard). In Canada, verbatim accounts of Parliament debates are published in official reports of the House of Commons, as provided by Hansard. Existing as archived written transcripts, these recordings comprise hundreds of speeches delivered in the Canadian legislature pertaining to the abolishment of capital punishment. These transcripts were accessed online, printed, and then scanned onto a computer in .pdf format, allowing for the capacity to conduct electronic keyword searching. Only the second reading of the bill was deemed relevant because, unlike the first or third readings, at this stage there was substantive discussion and critique of the content of legislation (Parliament of Canada, 2010).

Firstly, it is important to qualify that the Hansard (1976) transcripts do not allow one to assess the motivations behind a legislator’s speech or vote. As Chapter 3 has already acknowledged, the role of party discipline and other electoral politics has a significant influence on how legislators vote. These factors have the potential to significantly influence whether a
politician’s vote will remain consistent with the reasoning expressed during each MP’s speech. Of the 255 elected officials who voted, only 113 (44%) participated in the debate. Thirty-eight were Liberals (33%); sixty-three were Progressive Conservatives (56%); six were New Democrats (5%); another six belonged to the Social Credit party (5%), and there was one Independent (1%). As well, of those 113 speakers, only 38 (34%) spoke in favour of the legislation and 35 (31%) voted in favour of the legislation; thus 72% of the politicians who voted to pass this unpopular legislation did not speak in this debate. Of the elected Liberal MPs who participated in the debate, 55% spoke in favour of the legislation and 61% voted in favour of the legislation. This is a stark contrast to the total number of Progressive Conservative (PC) members who participated in the debate, 87% of whom spoke in opposition and 86% voting against the bill. This was all relevant in evaluating the degree to which party discipline impacted the votes of elected officials and was accounted for when conducting the empirical research. Though political debates can be scripted and used for political gain, there is still potential for open communication of political reasoning regarding legislation (Farnsworth and Lichter, 2011). Recordings of legislative speeches exist as publicly accessible content, readily available for qualitative analysis (Laver et al., 2003; 311).

This debate was officially labelled a ‘free’ vote, meaning Parliament members were not formally required to vote according to their political party’s official position (CBC, 2013). A free vote implies that each elected official should vote and express their views independently, an important detail considering that politicians could be representing positions less constrained by external political obligations.

4.2. **Thematic Content Analysis**

Content analysis is a research methodology with a long history in political communication research (Scherl and Smithson, 1987; 199) and continues to be used regularly in the social sciences (West 2001-1; West 2001-2). Though the method has occasionally been depicted as only capable of counting word frequencies (Krippendorf, 2004), thematic content analysis is a complex and informative process. Indeed, Scherl and Smithson (1987) described it as a sophisticated procedure for studying content (199), relying upon a “rigorously inductive set[s] of procedures” when analyzing text (Guest et al., 2012; 15). The procedures for content analysis therefore offer an intense examination of language, for purposes of clarifying the meaning of a text in a reliable manner (Weber, 1990). Past content analysis scholarship has involved the extraction of political positions from legislative speeches (Laver et al., 2003), using a similar method of collecting “word data” to link to the researcher’s predefined policy dimensions (312).
Content analyses of political rhetoric during past policy debates has found occurrences of various symbolic themes (Smith, 1995; Elder and Cobb, 1983), including national security discourse (Ivie and Giner, 2009), immigration (Dorsey and Díaz-Barriga, 2007), religion (Frank, 2009), and economic concerns (Murphy, 2009). Other research that analyzed political debates through multi-method content analysis successfully operationalized the framing of key words to demonstrate nearly exclusive vocabularies between opposing political views (Simon and Jerit, 2007). For example, the term “baby” was used consistently by pro-life arguments, and the word “fetus” was used solely by those arguing pro-choice positions (Simon and Jerit, 2007; 267). Essentially, this methodological approach organizes the content of text data for efficient analysis. Clarifying the data for analysis in this thesis required sorting debate content into categories of similar meanings and themes with concern for why elected officials enacted legislation without support from the Canadian constituencies. Given the successful application of content analysis in exploring themes of political discourse, its use for this research will now be presented.

Yet many of the reviewed studies have overlooked the relevance of policy framing in the context of free votes in parliament. This gap was especially prominent concerning political free voting over capital punishment abolition. As such, it remains difficult to draw conclusions regarding how policies have been passed against public opinion. Therefore, thematic content analysis was the ideal methodological approach given this project’s objective. The data was selected because it was freely accessible and seemed appropriate for so closely representing the perceptible decision to abolish. With this intention and data set, thematic content analysis can produce an honest and concise description of the lengthy Parliamentary speeches.

4.3. Application

This thesis analyzed the content in transcript recordings of the Parliamentary debate over Bill C-84. To understand why elected officials passed a measure against popular opinion, the following procedure (see Table 4.1) was conducted:
| **Step 1** | After obtaining the text data to conduct an initial reading, first impressions of the content were recorded. For example, a majority of the speakers in the debate opposed the legislation to abolish. |
| **Step 2** | Themes were identified according to first impressions, meaning any topic or idea that was particularly prevalent in the data and/or relevant to the research question. For example, the value of public opinion was frequently discussed by various elected officials, and directly relates to the research question. |
| **Step 3** | From these themes, specific keywords and terms that can represent and relate back to any of these subjects were coded. For example, ‘The value of public opinion’ theme was represented by keywords including “public”, “opinion”, “Canadians”, “vote”, “constituency”, “surveys”, “questionnaire”, etc. |
| **Step 4** | With these codes, the text was reread to locate all keyword terms. Once found, the surrounding sentences should be extracted and exported to a separate document. For example, ‘The value of public opinion’ theme comprised codes like “public”, “opinion”, “constituents” and “vote” – all of which are found in the following quotation: |
| | It is implied that a member who votes according to the wishes of his or her constituents is nothing more than a computer, a head counter, or a reflector of public opinion… |
| **Step 5** | The extracted sentences, or quotations, should then be sorted into separate groups. The groups should be categorized based on similarities in content of the argument. For example, the following quotations both comprise content relating to elected officials dealing with inaccurate public perceptions of crime in Canada: |
| | Here at home many Canadians perceive that violent crime is spiraling out of control. The truth is that we enjoy one of the safest societies in the world. |
| | As politicians we must deal with the perceptions the public has, but surely as members of parliament and as legislators our first obligation is to deal with the condition as it in fact exists. |
| **Step 6** | From these categorized groupings of quotations, the arguments will be assessed to discover common themes underlying the claims and assumptions. For example, statements describing the Canadian public as misinformed about crime in Canada, and other statements implying elected officials are more informed about issues of crime control, contribute to a theme that questions the value of public opinion. |
| **Step 7** | With themes generated from the collected arguments, these themes will then be contextualized according to purposes of this project to discover if any directly addressed the research question. For example, the diminishment in value of public opinion could have contributed to why elected officials enacted a measure – abolitionism – against public opinion, if elected officials did not think it was informed or reliable enough. |
Steps 1-2: Initial reading and ‘themes’

After obtaining the data set, the files were electronically scanned onto a computer into .pdf format. The entire text was given an initial reading and first impressions of the content were recorded. Early engagement with the academic literature helped to appropriately recognize themes (Tuckett, 2005), which manifested in any recurring motif, key word, lexical style, rhetorical pattern or “thematizing meaning” (Holloway & Todres 2003; 347). Though this project was not an exhaustive analysis of Canada’s debate to abolish, the themes initially selected were chosen based upon relevance to the research objective. From this objective, five themes were chosen: “The value of public opinion”, “The role of elected officials”, “Abolitionism as a moral issue”, “Abolitionism as a utilitarian issue”, and “National interest”.

After explaining what comprises each theme, a description will be given of how the data were coded and prepared. The theme “The value of public opinion” pertained to any discussion about the general quality of opinion polls, or merit in following public opinion, to enact this legislation specifically, as well as any commentary about the relevance of public opinion to legislative proceedings generally. This theme was important because it directly relates to the research question concerning the reason for overruling the Canadian public to introduce abolition. “The role of elected officials” theme consisted of any reference to the duties and expectations of legislators. Attempting to understand how politicians interpreted their responsibilities, to lead or follow public opinion as elected officials when deliberating upon legislation, was an important consideration for the research question. The “Abolitionism as a moral issue” theme related to any representation of the legislation and Parliamentary debate as an issue of ethics and morality. This included the framing of the legislation using value-based claims, a historically common rhetorical technique within abolitionism. The “Abolitionism as a utilitarian issue” theme pertained instead to any representations of the bill and political debate as strictly a rational, practical or legalistic concern. Similarly, this was determined by any framing of abolition on “objective” and “impartial” claims by elected officials. Finally, “National interest” covered anything in the debate referencing Canada’s public image or portrayal of Canadians as progressive and civil. Its relevance is seen in the ways elected officials framed abolition as contributing to the goals of the Canadian government for improving Canadian society.
These five themes were chosen, in particular, because of their notable presence in the academic literature and the data set. Although other themes may have existed, these five were included intentionally because they are most applicable to the stated research objective. As well, each theme was carefully worded so that each remained broad and flexible enough to encompass key words as they emerged.

**Step 3: Coding keywords**

Based upon these five initial themes, the next steps required coding for specific words to be found in the data that related back to a certain theme. The coded terms acted as specific indicators to better define the raw data, meaning the presence or absence of a particular word would help signify the presence of a theme (Guest *et al.*, 2012: 50). Repeated readings of the data helped to confidently catalogue whether certain vocabulary, or word usage, correlated to themes supporting or opposing the legislation. This confidence when choosing key words was essential for ensuring representative coding categories (Tesch, 1990). For the initial coding scheme, only three to four primary terms were chosen for each theme (e.g., “National interest” having 3 primary terms of “Canada”, “civility”, and “security”) and associated keywords created afterward (e.g., “Canada” having secondary terms of “Canadian image”, “Canadian society”, “nation”, “country”, etc.). The codes for the themes are provided in Table 4.2:
<table>
<thead>
<tr>
<th>Themes</th>
<th>Primary Keyword</th>
<th>Associated Terms</th>
</tr>
</thead>
</table>
Step 4-5: Extracting quotes and sorting by argument

From these generated words, the text was reread to locate all coded terms. When a keyword was found, the surrounding sentences were extracted from the data set. Therefore, within each frame, recorded statements – any direct quote – were used to validate the coding. Along with these quotes, details were included concerning the speaker’s support or opposition for the legislation. The ‘Yeas’ is the voting term used if the MP supported the bill in their speech and also in the final vote (e.g., Yeas; Yeas), and the ‘Nays’ indicate that the MPs opposed the legislation in their speech and final vote (e.g., Nays; Nays). The sentences, or quotes, were then exported into a separate data sheet and sorted into wider categories based on similarities in speech content. Repeated readings of the quotes were performed to understand whether the frame was supportive or unsupportive of the proposed legislation – by either being stated as so or being implied. Aggregation of this information into the separate data sheet helped to clearly define and organize the content of each quotation to ensure the arguments were sorted correctly (Guest et al., 2012; 34).

For example, the following three quotations concern commentary on media influences of public opinion:

We are in much greater danger of being terrorized by the kinds of violence portrayed on television and in the media.

There is no question that the government will be ably assisted by the press gallery and the media, those great moulders of public opinion.

To a large extent, this distorted perception of violent crime has been fostered by the media’s sensational treatment of isolated incidents ... I do not believe this reflects reality.

Given that the subject of “media” is shared in each quote, they have been categorized together. This process ensures the general arguments and assumptions contained in each quote were assembled into accurate and meaningful categories.

Step 6: Sorting arguments into themes

The clusters of quotations were then carefully re-read to better assess the basis of the claim(s) within them, particularly whether it was supporting or opposing the legislation. Understanding the actual intention for each elected official’s use of a keyword term was necessary for developing more indicative themes. Arguments, assumptions and ideas within the
extracted quotes containing codes were analyzed to assess the presence of any underlying themes (e.g., these would include themes like “Elected officials are more informed than public”, “Elected officials are not required to adhere to public opinion” or “Public opinion polls are not reliable”). These themes were then reviewed to see if, and how, they addressed the research question (e.g., the theme “Canadian legislature deliberately overruled public opinion to enact this legislation” would directly relate to the research objective because it illustrated that elected officials deemed public opinion polls unreliable and superfluous to their decision-making). For example, the following four quotations framed abolitionism to be as, if not more, effective than capital punishment for combating crime and delivering criminal justice:

The new package is **tough law**, probably as **tough**, if not **tougher**, than **criminal law** in the vast majority of civilized nations.

This bill, which will abolish capital punishment, will in turn greatly **broaden** and **strengthen** the Criminal Code in **combating** the most serious **criminal** elements.

I am prepared to argue, from the moral point of view, that a solid life sentence, if I can put it that way, is just as **rigid** and just as **oppressive** a **punishment** as capital punishment itself.

So I suggest we will have a much **broader** and **tougher law** covering a much **wider** range of the most serious of all **crimes**.

Such comments depict abolitionism as ideal for crime control in Canada because it increases the severity of punishment available. Situating such arguments into the wider context, another theme emerges illustrating how elected officials favouring the legislation rationalized that abolitionism held more utility for deterrence than the death penalty. More themes were similarly discovered in the argument frames and quotations containing various keywords throughout the wide-ranging debate.

Overall, organizing these themes was done in a manner which progressed from descriptive (e.g., organizing content to better represent patterns in the data) to interpretative (e.g., theorizing the significance of results according to the broader context) (Patton, 1990). This maintained a recursive method that continuously refined the coding schemes and thematic categories in both name and definition (Braun and Clarke, 2006). Scherl and Smithson (1987) similarly used “blurred” categories when coding qualitative data which they termed as “content themes”. By permitting such overlap, later investigation into wider relationships amongst these thematic categories was more feasible and coherent.
Step 7: Contextualizing themes for research project

Finally, after the themes were established to organize the arguments within the political commentary, the results were re-examined according to the objective of this thesis. In this process, assessments were made of the distribution of identified frames throughout the debate. As already noted, this methodology goes beyond simple word counting by working to contextualize implicit and explicit ideas within the text (Guest et al., 2012; 10). Contextualizing as much as possible aids in providing more meaningful insight into the implications of what politicians were saying in this debate.

For each speech delivered, details recorded in the separate data sheet included: the date of the speech; the speakers’ details (name, gender, riding, province, and political party); position concerning the legislation according to their speech; and position concerning the legislation according to their final vote after the debate. For example, Ontario MP, Mr. Cafik of the Liberal party, delivered a speech on May 5th, 1976, supported abolitionism based upon rationale that the media misled the Canadian public about their public safety. His vote after the debate also supported the legislation to abolish. Another example is a quote on June 15th, 1976, by Oshawa-Whitby NDP MP, Mr. Edward Broadbent (Yeas; Yeas), stating:

In my view, the argument that a member of parliament must simply respond in a direct way in opinion surveys or head counts is not merely wrong; it is anti-democratic ... Any member of parliament ... has a crucial democratic responsibility to make the decision himself.

Given the terms present in this quote, and with consideration of the underlying assumptions in this claim, this comment holds objection to MPs following public opinion regarding legislation. The previous quotation begs a question as to what the role of elected officials should be in Parliament, thereby addressing the research question by suggesting that MPs should consider overruling public opinion as a more democratic decision than simply following constituency polls.

Using this approach, some statements may in fact fit into multiple themes. To account for this, the quotes that qualified for more than one category were flagged and then later re-read to decide which theme best represented the content.
Figure 4.1 (below) illustrates this process further:

This preceding chapter has outlined and described the merits of the chosen data set and methodological approach of thematic content analysis. By outlining how the debate will be analyzed, and by explaining how themes will emerge during this process, the following chapter will present the results of this work. A more complete analysis of the data can be conducted according to the previously described strategies for thematic content analysis. The findings can then subsequently be factored into the analysis to help resolve the research question.
CHAPTER 5: RESULTS

This chapter will outline the results of the data analysis. Given the research question, the main findings comprised themes of political rhetoric in framing the debate to abolish against public opinion. The most frequently occurring themes – the value of public opinion; the role of elected officials; abolition as a moral issue; abolition as a utilitarian issue; and national interest – are presented below. Sample quotations, excerpted from MP speeches, have been included, to better illustrate the ideas within each theme, along with speaker details and final voting choice. This chapter offers a clear representation of how politicians used frames to emphasize or exclude certain ideas when debating and voting on the legislation to abolish. Drawing insights from the collective themes, as well as analysis of the political discourse and vote, the following chapter will discuss these findings to explain how Canada abolished the death penalty against public opinion. *Figure 5.1* summarizes the final MP votes by theme, while *Figures 5.2* and 5.3 distinguish the voting patterns by theme between Liberal and PC MPs.

**Figure 5.1 – Frames by Theme**

![Diagram showing frames by theme with a bar chart for each theme: Utility, Public opinion, Morality, Elected officials, National interest. The chart illustrates the number of MPs who used each theme, with bars for Abolitionists and Retentionists.]
Figure 5.2 – Frames by Theme among Liberals

Figure 5.3 – Frames by Theme among PCs
5.1. **Theme 1 – The Value of Public Opinion**

This theme was found within statements made by MPs as they deliberated on the merit of public opinion influencing legislative decision-making. Political rhetoric framed the legislation in ways that questioned the value of public opinion, such as in portrayals of the public’s capacity to understand the legislation. As well, MPs emphasized the idea that public opposition to abolition was justifiable because of a wider mistrust of government behaviour. Other politicians drew attention to questioning the reliability of public perceptions for crime in Canada. Finally, some discussion arose regarding the credibility of public opinion polls as a means of influencing legislative decision-making. As noted in Table 5.1 below, this theme was present within political rhetoric used by a total of 32 MPs, 16 of whom questioned the credibility of public opinion in their speeches, and 16 of whom referenced it in their speech of opposition. As illustrated in Table 5.2, Liberal and PC MPs equally comprised 84% (or 42% each) of the politicians who framed this debate to be about the value of public opinion. However, Liberal MPs widely referenced public opinion in support of the legislation whereas PC MPs referenced public opinion to oppose the legislation. Among the other political parties, this theme was found in commentary by NDP MPs who consistently favoured the legislation, while all Social Credit and Independent MPs opposed it. This theme is explored in more detail in Appendix C.

<table>
<thead>
<tr>
<th>Table 5.1 – Theme 1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Number of MPs who Referenced Theme 1</strong></td>
</tr>
<tr>
<td>32/113 in Parliament (28%)</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Political Party</th>
<th>Number of MPs</th>
<th>Speech Argument</th>
<th>Final Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liberal (Lib)</td>
<td>- 13/113 in Parliament (12%) - 13/38 in Lib party (34%) - 13/31 referencing Theme 1 (42%)</td>
<td>9 Y (69%) 4 N (31%)</td>
<td>9 Y (69%) 4 N (31%)</td>
</tr>
<tr>
<td>Progressive Conservatives (PC)</td>
<td>- 13/113 in Parliament (12%) - 13/63 in PC party (21%) - 13/31 referencing Theme 1 (42%)</td>
<td>3 Y (23%) 10 N (77%)</td>
<td>3 Y (23%) 10 N (77%)</td>
</tr>
<tr>
<td>New Democratic Party (NDP)</td>
<td>- 3/113 in Parliament (3%) - 3/6 in NDP party (50%) - 3/31 referencing Theme 1 (9%)</td>
<td>3 Y (100%) 0 N (0%)</td>
<td>3 Y (100%) 0 N (0%)</td>
</tr>
<tr>
<td>Social Credit (SC)</td>
<td>- 2/113 in Parliament (2%) - 2/6 in SC party (33%) - 2/31 referencing Theme 1 (7%)</td>
<td>0 Y (0%) 2 N (100%)</td>
<td>0 Y (0%) 2 N (100%)</td>
</tr>
<tr>
<td>Independent (Ind.)</td>
<td>- 1/113 in Parliament (1%) - 1/1 in Ind. party (100%) - 1/31 referencing Theme 1 (3%)</td>
<td>0 Y (0%) 1 N (100%)</td>
<td>0 Y (0%) 1 N (100%)</td>
</tr>
</tbody>
</table>

The value of public opinion was therefore framed in terms of evaluating public knowledge as a factor worthy of consideration during the legislative debate. When politicians referenced the value of public opinion, MPs often qualified that the weight of public influence should be based upon the public’s capacity and competency to understand the content of Bill C-84. Some politicians – most often PC MPs – agreed public opinion should be a prominent factor in directing decision-making within the legislature, implying Canadians were educated and literate, possessing adequate knowledge of crime and abolitionism. MPs, satisfied with the public’s intelligence, explained how Canadian citizens were usually right and aware of what is...
going on in Canada. As such, they supported the public’s opposition of abolitionism. As well, some of these same PC MPs warned that implementing laws without public support endangered the relationship between the governing body and the governed and thereby jeopardized the whole fabric of democracy. PC MP Yewchuck (Nays; Nays) explained how:

If members of parliament choose to ignore this supposed will of the people, then we have to ask ourselves whether representative government, or democracy, is indeed functioning at all ... Then we are behaving in no better fashion than as an autocratic dictator imposing our will upon the people.

These MPs often endorsed public opinion and defended the public’s opposition to abolitionism, by reasoning that Canadians were justified in mistrusting the Liberal government’s policies. The Liberal government, charged with invoking public mistrust by intentionally misrepresenting their will and failing to consistently enforce the death penalty in the past, had diminished the public’s confidence in both the law and parliament. Introducing abolition, therefore, was framed by some politicians as another attempt by the Liberals to evade responsibility for carrying out the existing law of capital punishment. Thus, the debate was considered by many MPs as a vote to approve or oppose the government’s ongoing hypocrisy with regards to criminal law, manifested in the manipulation of the legislative process for political expediency. As result, MPs argued that because of the increasingly alienated electorate, the legislation for abolition was another example of neglecting and disrespecting an informed public opinion. Framing the debate by emphasizing the social contempt for this legislation, politicians concluded that only after confidence had been restored would it be then possible to consider abolition on its own merits. A strong example of this rhetoric is illustrated in the following quotation taken from PC MP Malone (Nays; Nays):

It is important to recognize that if we are to have a parliamentary system that listens at all to its constituents, and if we are to recognize the mood of the nation as such and understand its demands, we must do certain things before we begin to talk about being an abolitionist state.

Elected officials used frames that validated the public’s opposition, and thereby claimed social input was important for consideration. This political commentary defending the credibility of public opinion was most commonly voiced by PCs, and backed by their vote for the preservation of capital punishment.

However, other commentary framed public opinion as unqualified and too misinformed to be reliable for consultation. These MPs, often Liberal, argued that social perceptions had been
manipulated by the media, television and pressure groups. These external agents were described as terrorizing and victimizing viewers, thereby distorting citizens’ understanding of crime in Canada. Liberal MP Milne (Yeas; Yeas) diminished the value of public opinion with this explanation:

Here at home many Canadians perceive that violent crime is spiralling out of control. The truth is that we enjoy one of the safest societies in the world. To a large extent, this distorted perception of violent crime has been fostered by the media's sensational treatment of isolated incidents ... I do not believe this reflects reality.

As result, Canadians were framed as desiring inadequate and otherwise counterproductive solutions to crime, including demands for cruel punishments based upon old prejudices. Remarkong on how the Canadian public was a frightened and fearful society, these politicians were quick to dismiss public opinion as highly emotional and unstable. It was asserted that public opinion was something constantly fluctuating, equating it with the changing wind and describing it as a temporary mood that would soon turn. Therefore, MPs supporting the legislation framed public opinion as irrational and unstable. Liberal MP Fleming (Yeas; Yeas) insisted:

If the Canadian public were asked to sit down for a period of time and consider this issue, they would in fact realize that capital punishment alone will not bring them what they desire.

Depicted as possessing inaccurate perceptions of reality, public opinion was devalued and regarded with caution. Conditional support was also evident in comments criticizing opinion polls as inaccurate and misleading, especially so among those privately polled because the data was framed as being easily abused or misunderstood if not produced through a proper sampling process. Though politicians defended their use of polling techniques and analysis, many described these statistics as pseudo-scientific and vague representations of public consciousness in Canada. Without the ability to agree that surveys could be accurately assessed, many were quick to argue that polls were too simple to represent the will of their constituencies or of the entire nation. Another Liberal, MP Breau (Yeas; Yeas), questioned:

How can anyone tell at any moment what really is the opinion of the general public, what really is the opinion of Canadians on capital punishment or on any other issue?

Indeed, some politicians argued that polled constituents spoke with a wide contrast of opinions, and so it would be unwise to follow this input unless there was an overwhelming consensus. Such
commentary criticizing and diminishing public opinion was typically referenced by Liberal MPs in support of the legislation. Therefore, public opinion was devalued and polling credibility dismissed as unreliable data that should not influence the debate to abolish specifically or legislative decision-making as a whole.

Overall, regarding the first theme, the debate to abolish against public opinion was framed in terms of evaluating public competence according to various criteria. Those MPs who used frames that devalued public opinion were most often members of the Liberal party and most often supportive of abolition. Similarly, frames prizing public opinion in some way were most often used by PC MPs who opposed the legislation to abolish.

5.2. Theme 2 – The Role of Elected Officials

This theme concerned statements made regarding the function of an MP within the political system. Political commentary in this theme framed the debate as a discussion of the occupational role of MPs and their associated duties while acting and voting within Parliament. As well, some politicians framed the legislation as a debate over the ability of an MP to independently choose whether to vote in unison with public opinion, or otherwise vote against the majority. MPs questioned how politicians should vote by either emphasizing their legislative duties to respectfully adhere to the demands of their constituency, or instead by their legislative duties to remain impartial of the public mood regarding this bill. As noted in Table 5.3 below, this theme was found in the rhetoric of 52 MPs; 21 of whom referenced MP decision-making in their speeches supporting this socially unpopular legislation to abolish, and 31 of whom referenced it in opposition. As illustrated in Table 5.4, more than half of those who used frames emphasizing adherence to public opinion were PC MPs, who did so almost entirely in opposition to the legislation. Liberals comprised approximately one-third of those who used frames discussing the role of MPs, and did so at 72% in favour of the legislation. The theme was found in commentary among NDP party politicians, who used the frames to speak unanimously in support of the bill, while MPs of the Social Credit Party all spoke in opposition. This theme is explored with more detail in Appendix D.
Table 5.3 – Theme 2

<table>
<thead>
<tr>
<th>Total Number of MPs who Referenced Theme 2</th>
<th>Speech Argument (For legislation – Y; Against legislation – N)</th>
<th>Final Vote (For legislation – Y; Against legislation – N)</th>
</tr>
</thead>
</table>
| 52/113 in Parliament (46%)                 | 21 Y (40%)
31 N (60%)                                     | 21 Y (40%)
31 N (60%)                                     |

Table 5.4 – Theme 2 by Political Party

<table>
<thead>
<tr>
<th>Political Party</th>
<th>Number of MPs</th>
<th>Speech Argument</th>
<th>Final Vote</th>
</tr>
</thead>
</table>
| Liberal (Lib)   | - 18/113 in Parliament (16%)
- 18/38 in Lib party (47%)
- 18/52 referencing Theme 2 (35%) | 13 Y (72%)
5 N (28%) | 13 Y (72%)
5 N (28%) |
| Progressive Conservatives (PC) | - 28/113 in Parliament (25%)
- 28/63 in PC party (44%)
- 28/52 referencing Theme 2 (54%) | 4 Y (14%)
24 N (86%) | 4 Y (14%)
24 N (86%) |
| New Democratic Party (NDP) | - 4/113 in Parliament (4%)
- 4/6 in NDP party (67%)
- 4/52 referencing Theme 2 (8%) | 4 Y (100%)
0 N (0%) | 4 Y (100%)
0 N (0%) |
| Social Credit (SC) | - 2/113 in Parliament (2%)
- 2/6 in SC party (33%)
- 2/52 referencing Theme 2 (4%) | 0 Y (0%)
2 N (100%) | 0 Y (0%)
2 N (100%) |
| Independent (Ind.) | 0 – N/A | 0 – N/A | 0 – N/A |

This theme was evident in commentary discussing the responsibilities of MPs as legislative decision-makers. Responsibilities were primarily framed as a choice to follow or to not
follow public opinion, with Liberal MP MacFarlane (Yeas; Yeas) questioning: “Do I represent myself, or my constituents who elected me, in the free vote on this bill”. The choice of whether to lead or to reflect public opinion was framed as either exercising judgment and following the dictates of an MP’s own conscience, or instead meeting the expectations of constituency demands.

Among many Liberals, public opinion was discussed as though it were open to each member’s discretion, with the choice of if, when and how to incorporate it into their own voting choices. Whatever they chose, MPs were insistent that the final decision should be made by the legislature and not the Canadian public, with PC MP Jarvis (Nays; Nays) remarking that:

I wish to make abundantly clear, that I respect the right of any member of parliament to choose either course of action. Both alternatives are not only justifiable but indeed honourable.

To have the final say over Canadian society was framed as a courageous way for Parliament to reassert its power to direct the country. In doing so, MPs were portrayed as taking the moral high ground by upholding the democratic responsibilities of Canadian Parliamentary tradition. Therefore, it was important for some MPs to vote independently of public influence.

Other politicians, however, argued that the role of MPs is to reflect popular social opinion. Statements in support of the legislature adhering to public opinion were clearly articulated by Social Credit MP Cauoette (May 14th) (Nays; Nays), who explained:

First and foremost [it is] a question of respecting one's voters. If the voters, the constituents of a member say that they wish the death penalty to be maintained, the member should vote for the retention of the death penalty.

These MPs asserted that there were clear expectations of Parliament to feel the same way as the majority of the country, but to also draft legislation that represented the views of average Canadians. Though responsible for debating the merits of proposed bills, the basic purpose of government was understood to be facilitating public will, and therefore every MP’s final decision should be in keeping with constituents. The role of elected officials was therefore framed as a strict legislative duty to faithfully reflect public wishes and expectations, no matter how distasteful the decisions might be to the politician. If this could not be done, the politician was encouraged to resign. To do otherwise (like those Liberals quoting Edmund Burke, a famous British politician who argued that elected representatives should follow their own conscience) was to demonstrate elitist snobbery by superimposing beliefs on the Canadian people. Many PCs
argued that ignoring the majority opinion endangers the entire validity of democracy by contributing to trends of government disrespect for public opinion. This brought about more criticism of the Liberal government for encouraging MPs to vote according to their conscience and not according to their constituents’ points of view. Politicians who suggested Parliament possessed superior wisdom and could rightfully act against the expressed public wishes were accused of rationalizing their disregard of a majority of Canadians who opposed abolition.

There was other political discourse referencing MP decision-making which centered upon framing the merit for expressly not representing public opinion. With every vote and policy debate framed as matters requiring conscience and judgment, MPs were portrayed as needing the ability to exercise their own judgment independently. MPs believed they could contribute to the discussion apart from their constituencies, arguing that politicians are not without important insights. In justifying their choice, these politicians relied upon the rationale that their individual conscience should privately counsel their choices. Though it was believed that constituent views were important and deserving of careful consideration, it was still assumed that public opinion was to be treated as just one factor among many. Otherwise, defending the importance of independent input from MPs was substantiated by their own privately conducted research. This would better inform their position of judgment, as PC MP Jelinek (Nays; Nays) explained:

> It is understandable that in fiscal and monetary areas, where a member of parliament has available to him statistics and all other pertinent information relating to the issues at hand, he would be in a better position to judge the subject matter and therefore he could make a calculated decision based on the information available to him.

Though some MPs admitted their voting choice was contradictory to a majority of their constituents, it was considered impossible to find an acceptable solution for all segments of Canadian society. Therefore, these politicians claimed that their constituents would respect their choice to vote against majority opinion. Indeed, assumptions that MPs need to adhere strictly to public opinion was something openly challenged by politicians, and they expressed their regret that Canadians would falsely assume majority opinion should direct the legislature. These MPs framed the choice to follow their own political wisdom and conscience as the same as upholding historic parliamentary traditions and principles, even if they had voted against the Canadian public. This is reflected in statements like that from NDP MP Broadbent (Yeas; Yeas):
In my view, the argument that a member of parliament must simply respond in a direct way in opinion surveys or head counts is not merely wrong; it is anti-democratic.

These MPs claimed that if the legislature was following public opinion, then that was in effect Canadians “forcing” beliefs upon the government. Therefore, it was framed to be essential to resolve the legislative debate without the influence of any public indignation so that MPs would not evade their Parliamentary responsibilities.

Overall, the second theme of MP decision-making was predominantly framed as an open question for each politician to subjectively choose if and how public opinion would factor into their voting choices. There was general agreement that politicians should make their own choices among all political parties. However, upon making this decision, Liberals largely framed their role as operating apart from public opinion and as such became more likely to vote for the legislation. PC MPs predominantly framed their legislative responsibilities as obligated to follow social input and thus, voted to oppose the bill.

5.3. **Theme 3 – Abolition as a Moral Issue**

This theme entailed remarks that were made by MPs about “morality” influencing legislative decision-making. This political commentary framed the legislation as a moral issue by using religious and theological reasoning to justify voting rationale. As well, MPs used these frames when discussing whether the Canadian government would always retain an inherent right to apply capital punishment. As noted in *Table 5.5* below, this theme was found in commentary used by a total of 45 MPs, with most of them (73%) using these frames to oppose the legislation to abolish. As illustrated in *Table 5.6*, over half of the politicians who framed the legislative debate as a moral issue were PC MPs, and almost all did so in opposition of the bill. Liberal MPs comprised approximately one-third of the politicians who framed this as a moral issue, but this was split nearly equally when framing the legislation in support or in opposition. The NDP MPs used moral frames in complete support of the legislation, while both Social Credit and Independent MPs did so in complete opposition. This theme is explored with more detail in the section titled Appendix E.
### Table 5.5 – Theme 3

<table>
<thead>
<tr>
<th>Total Number of MPs who Referenced Theme 3</th>
<th>Speech Argument (For legislation – Y; Against legislation – N)</th>
<th>Final Vote (For legislation – Y; Against legislation – N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>45/113 in Parliament (40%)</td>
<td>12 Y (27%) 33 N (73%)</td>
<td>12 Y (27%) 33 N (73%)</td>
</tr>
</tbody>
</table>

### Table 5.6 – Theme 3 by Political Party

<table>
<thead>
<tr>
<th>Political Party</th>
<th>Number of MPs</th>
<th>Speech Argument</th>
<th>Final Vote</th>
</tr>
</thead>
</table>
| Liberal (Lib)                        | - 16/113 in Parliament (14%)  
- 16/38 in Lib party (42%)  
- 16/45 referencing Theme 3 (36%) | 7 Y (44%) 9 N (56%) | 7 Y (44%) 9 N (56%)     |
| Progressive Conservatives (PC)       | - 25/113 in Parliament (22%)  
- 25/63 in PC party (40%)  
- 25/45 referencing Theme 3 (56%) | 3 Y (12%) 22 N (88%) | 3 Y (12%) 22 N (88%)    |
| New Democratic Party (NDP)           | - 2/113 in Parliament (2%)  
- 2/6 in NDP party (33%)  
- 2/45 referencing Theme 3 (4%) | 2 Y (100%) 0 N (0%) | 2 Y (100%) 0 N (0%)     |
| Social Credit (SC)                   | - 1/113 in Parliament (1%)  
- 1/6 in SC party (33%)  
- 1/45 referencing Theme 3 (2%) | 0 Y (0%) 1 N (100%) | 0 Y (0%) 1 N (100%)     |
| Independent (Ind.)                   | - 1/113 in Parliament (2%)  
- 1/1 in Ind. party (100%)  
- 1/45 referencing Theme 3 (4%) | 0 Y (0%) 1 N (100%) | 0 Y (0%) 1 N (100%)     |
Moral justifications used by politicians framed this legislation as primarily an ethical concern or otherwise a theological question. It was reasoned that capital punishment taught lessons about the sacredness and value of life, for both those who supported and opposed its use as a penalty. Politicians therefore used vocabulary like “justice” to discuss the legislation, such as when describing the Canadian criminal justice system as one based upon justice. PC MP Masniuk (Nays; Nays) stated:

We either live in a society where justice prevails, or we live in a society which without justice is not worth living in at all, because if there is no justice then life has no meaning.

These politicians seemingly regretted that capital punishment may be considered a distasteful form of punishment, but insisted that the application of the death penalty upheld essential elements of justice. Framing this legislation as a moral issue represented the debate as a discussion about Parliament’s moral responsibilities to the Canadian public. Politicians who used these frames were primarily not of the Liberal party, and voiced these arguments to oppose abolition. Many in the legislature denied that the move to abolish capital punishment was being driven by a humanitarian concern. Rather, the bill was portrayed more as denying the state its moral authority to take the life of anyone, based upon false reasoning that equated executions of murderers to the crime itself. Independent MP Jones (Nays; Nays) explained:

As human beings we have rights, but with every right there is corresponding responsibility. A person convicted of premeditated murder has earned no rights because he has shown no responsibility whatsoever to society … [to think otherwise] is a sad commentary on our morality to consider the criminal more important than innocent society.

With these moral-based frames came numerous references to theological rationale, with some remarking on how the debate involved individual religious convictions. Among MPs (often Liberals) who used moral frames to support the legislation, philosophers and theologians were referenced to assert that the taking of a life was the prerogative and right of God alone. Religious-based opposition often found among PC MPs framed the debate on the reasoning that God demanded the death penalty and that God had appointed the government as the agent for administering justice and maintaining peace. If Parliament was to introduce abolition, it would do so in opposition to God's law. Constituency complaints were similarly explained by MPs to be because of the Canadian government’s failures to fulfill its moral and Christian obligations to God as specified in the Bible. Therefore, capital punishment was framed as part of a divine mandate in order to rally opposition to the legislation.
Some politicians advocated for greater reliance on religious leadership (e.g., the Canadian Council of Churches) to resolve the debate by acting as moral leaders of the nation. Alternatively, other MPs remained critical of input from religious leaders. These politicians claimed that organizations campaigning for abolition of capital punishment on humanitarian grounds maintained an ambiguous position that failed to deny the state the moral right to impose capital punishment. From these ideas it was advocated, theoretically, that governments always retain an inherent duty to apply capital punishment. To assume a government does not have permission to execute was openly rebuked by MPs as an abstract statement inapplicable to real-life situations. Even the many Liberals who supported the legislation to abolish supported the notion of the Canadian government’s inherent right to kill. Liberal PM Trudeau (Yea; Yea) agreed, explaining: “There are those who sincerely believe that no man or group of men ever have the right to end a human life ... I am not one of those who share that belief”. Indeed, nearly all MPs concluded that the principle that political authority should resort to capital punishment should remain for when situations warranted it as a last resort. Therefore, whether or not MPs supported abolition, there was an absence of politicians directly challenging the theoretical right for governments to execute, as reflected in PC Clark (Yea; Yea): “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”.

Overall, the third theme of moral-based resolutions was composed largely of frames used by politicians who interpreted the legislation as an issue of ethics, and likewise demanded an ethical solution to the debate. These frames were predominantly employed by MPs outside the Liberal party, expressing their opposition to the legislation for abolition. However, it is notable that nearly all MPs in this debate, whether favouring or opposing the legislation, remained perfectly clear that there would always remain moral legitimacy for the Canadian government to employ capital punishment.

5.4. THEME 4 – ABOLITION AS A UTILITARIAN ISSUE

This theme was found within the political rhetoric of MPs that framed the legislative debate as an evaluation of capital punishment and its abolition, in terms of increasing efficiencies within the criminal justice system. Specifically, this included politicians debating the merit of capital punishment according to its capacity to function as a deterrent. Others emphasized the potential capacity for abolitionism to reduce crime and increase safety in Canada. As noted in Table 5.7, this theme was present in the rhetoric of 33 MPs, 57% of whom supported the
legislation and 43% who argued in opposition of it. As illustrated in Table 5.8, Liberal MPs used utility frames almost half as much as all other political parties (44%), and did so predominantly in support of abolishing capital punishment (86%). While PC MPs largely framed utility in opposition of the legislation (69%), the remaining political parties used these frames repeatedly towards the same trends. These included unanimous NDP support and unanimous opposition among the Social Credit and Independent MPs. This theme is explored with more detail in Appendix F.

<table>
<thead>
<tr>
<th>Total Number of MPs who Referenced Theme 4</th>
<th>Speech Argument (For legislation – Y; Against legislation – N)</th>
<th>Final Vote (For legislation – Y; Against legislation – N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>33/113 in Parliament (29%)</td>
<td>19 Y (57%) 14 N (43%)</td>
<td>20 Y (61%) 13 N (39%)</td>
</tr>
</tbody>
</table>

Table 5.7 – Theme 4
Table 5.8 – Theme 4 by Political Party

<table>
<thead>
<tr>
<th>Political Party</th>
<th>Number of MPs</th>
<th>Speech Argument</th>
<th>Final Vote</th>
</tr>
</thead>
</table>
| Liberal (Lib)            | - 14/113 in Parliament (12%)  
                           | - 14/38 in Lib party (37%)  
                           | - 14/32 referencing Theme 4 (44%) | 12 Y (86%)  
                           | 2 N (14%)               | 12 Y (86%)  
                           | 2 N (14%)               |
| Progressive Conservatives (PC) | - 13/113 in Parliament (12%)  
                           | - 13/63 in PC party (21%)  
                           | - 13/32 referencing Theme 4 (41%) | 4 Y (31%)  
                           | 9 N (69%)                | 5 Y (39%)  
                           | 8 N (61%)                |
| New Democratic Party (NDP) | - 3/113 in Parliament (3%)  
                           | - 3/6 in NDP party (50%)  
                           | - 3/32 referencing Theme 4 (9%) | 3 Y (100%)  
                           | 0 N (0%)                | 3 Y (100%)  
                           | 0 N (0%)                |
| Social Credit (SC)       | - 2/113 in Parliament (2%)  
                           | - 2/6 in SC party (33%)  
                           | - 2/32 referencing Theme 4 (6%) | 0 Y (0%)  
                           | 2 N (100%)             | 0 Y (0%)  
                           | 2 N (100%)             |
| Independent (Ind.)       | - 1/113 in Parliament (1%)  
                           | - 1/1 in Ind. party (100%)  
                           | - 1/32 referencing Theme 4 (3%) | 0 Y (0%)  
                           | 1 N (100%)             | 0 Y (0%)  
                           | 1 N (100%)             |

This utilitarian theme framed the debate as intending to find resolutions which would improve inefficiencies in the criminal justice system. Some commentary reduced the issue of capital punishment to simple statistics, using ratios and recidivism rates to justify the validity of executing criminals. Meanwhile, others argued against the death penalty by using statistics to demonstrate its low deterrence or limited applicability for most criminal offenses in Canada. This theme was summarized well in the rhetoric delivered by Liberal MP Basford (Yea; Yea):  

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The central issue in this debate is not whether we in this country hang one or two criminals; the central issue is whether we can build a more effective criminal justice system which, without hanging, protects society.

As such, many debaters emphasized rationality, logic and pragmatism when discussing the legislation. MPs across political parties praised this approach as more objective and realistic because it helped avoid problematic emotions, passions and philosophies which were more common among the Canadian public. Therefore, these politicians discouraged the use of moral philosophy, preferring instead to rely upon factual data and a logical approach to the legislative material. Indeed, the supposition that MPs voted using only instinct or gut feeling suggested an intellectual laziness felt to be uncommon among members of the House.

Supporters of the legislation, most often members of the Liberal party, believed that abolition of the death penalty would reduce crime and increase safety. It was claimed that abolition would broaden and strengthen the Criminal Code by introducing alternative punishments for a much wider range of crimes. For example, it was believed abolition would overcome the common reluctance of juries to apply the death penalty, which often resulted in criminals being sentenced with lesser punishments. Abolition of the death penalty would make it easier for juries to come to a conclusion and thus increase the probability of obtaining convictions against criminals. Therefore, the legislation was perceived to target violent crime and act as tougher criminal law than in a majority of other nations.

In a complementary view, these MPs explained that their reasoning was also based upon the unproven merit of capital punishment as a deterrent. Though many agreed the punishment was an ineffective deterrent, they specified their support for the legislation was conditional. If evidence could be found that clearly showed the punishment was in fact a deterrent, MPs admitted they would accept these facts and vote for retention. These MPs agreed capital punishment would be justifiable if absolutely necessary for the protection of other lives, but insisted the onus remained upon others to prove the penalty could save many lives at the expense of one. For capital punishment to become a legitimate penalty, it required that advantages for Canadian society be proven to outweigh all potential disadvantages. This was the same for Liberal PM Trudeau (Yeas; Yeas) who clarified:

The question is whether state execution is an effective deterrent to murder, and therefore a justifiable act of collective self-defence … I want proof. Not absolute proof. Not even proof beyond a reasonable doubt. A preponderance of evidence will do. A preponderance of available evidence
showing that executions are likely to deter other murders would serve as an adequate justification for the act.

If Liberal MPs, and other supporters of the legislation, could be convinced that taking life through execution would make society safer and life more sacred, then many would overlook any moral code prohibiting capital punishment. The punishment was framed by this logic of utility with MPs agreeing to the legitimacy of capital punishment only as far as it was effective in actually working to safeguarding the rights of Canadians. Liberal MP Milne (Yeas; Yeas) summarized this well:

The question parliament is considering at this point in time … is the following: Given better law and order through the provisions of the peace and security bill ... do we still need capital punishment on the law books of Canada to deal effectively with crime in our society?

Without evidence that the death penalty was an effective deterrent, these MPs concluded that the proposed alternative of life imprisonment would be preferable. Opponents of the legislation, however, remarked that the prison system itself was ineffective and that it generated more crime instead of preventing it, with its failed experiments of prison reform and other efforts for rehabilitation. Successful rehabilitation was assumed to become less common if periods of incarceration were lengthened, and therefore recidivism rates would increase with abolition.

Overall, the theme of utilitarian solutions consisted of frames in political rhetoric that both supported and opposed the legislation to abolish. Those politicians opposing the bill, most often PCs, warned of the rising crime rates and argued against the effectiveness of life imprisonment. Supporters of the legislation, again most commonly Liberals, relied upon the absence of evidence proving executions remained an effective deterrent against crime.

5.5. **Theme 5 – National Interest**

The final theme concerned statements made by MPs as they deliberated upon whether abolition would be in Canada’s national interest. Political commentary framed the debate by emphasizing government obligations to manage crime and safety for the sake of preserving the social order. As well, other MPs framed the legislation by questioning the potential for this legislation to “civilize” Canadians and improve society. Similarly, many other politicians discussed whether alternative methods for execution could be found to be more humane than life imprisonment. As noted in Table 5.9, this theme was found in speeches delivered by a total of 59
MPs, with a majority (71%) referencing national interest in opposition to the bill. As illustrated in Table 5.10, Liberals were split in their use of these frames to support or oppose the bill while PC MPs framed the legislation in opposition at an overwhelming 85%. Once again, NDPs who used these frames always did so in favour of the legislation, while all Social Credit and Independent MPs did so in opposition. This theme is explored with more detail in Appendix G.

Table 5.9 – Theme 5

<table>
<thead>
<tr>
<th>Total Number of MPs who Referenced Theme 5</th>
<th>Speech Argument (For legislation – Y; Against legislation – N)</th>
<th>Final Vote (For legislation – Y; Against legislation – N)</th>
</tr>
</thead>
</table>
| 59/113 in Parliament (52%) | 17 Y (29%)
42 N (71%) | 18 Y (31%)
41 N (69%) |
National interest was referenced by politicians primarily in speeches discussing government obligations regarding crime in Canada. Many MPs, among all political parties, remarked that the intention of legislative debate was to reach the best resolution for the nation. Therefore, politicians framed the legislation by focusing on whether abolition would improve the country or not. For example, MPs favouring the legislation argued capital punishment diminishes the value of government by corrupting its intended role of preserving human life. Supporters of

<table>
<thead>
<tr>
<th>Political Party</th>
<th>Number of MPs</th>
<th>Speech Argument</th>
<th>Final Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liberal (Lib)</td>
<td>- 20/113 in Parliament (18%) - 20/38 in Lib party (53%) - 20/59 referencing Theme 5 (34%)</td>
<td>10 Y (50%) 10 N (50%)</td>
<td>11 Y (55%) 9 N (45%)</td>
</tr>
<tr>
<td>Progressive Conservatives (PC)</td>
<td>- 33/113 in Parliament (29%) - 33/63 in PC party (52%) - 33/59 referencing Theme 5 (56%)</td>
<td>5 Y (15%) 28 N (85%)</td>
<td>5 Y (15%) 28 N (85%)</td>
</tr>
<tr>
<td>New Democratic Party (NDP)</td>
<td>- 2/113 in Parliament (2%) - 2/6 in NDP party (33%) - 2/59 referencing Theme 5 (3%)</td>
<td>2 Y (100%) 0 N (0%)</td>
<td>2 Y (100%) 0 N (0%)</td>
</tr>
<tr>
<td>Social Credit (SC)</td>
<td>- 3/113 in Parliament (3%) - 3/6 in SC party (50%) - 3/59 referencing Theme 5 (5%)</td>
<td>0 Y (0%) 3 N (100%)</td>
<td>0 Y (0%) 3 N (100%)</td>
</tr>
<tr>
<td>Independent (Ind.)</td>
<td>- 1/113 in Parliament (1%) - 1/1 in Ind. party (100%) - 1/59 referencing Theme 5 (2%)</td>
<td>0 Y (0%) 1 N (100%)</td>
<td>0 Y (0%) 1 N (100%)</td>
</tr>
</tbody>
</table>
the bill, often Liberals, also warned that executions represented unchecked state power and thus held the potential to create a repressive state exploitative of a vulnerable and fallible criminal justice system.

Otherwise, many PC MPs opposed the legislation by framing capital punishment as a means by which the state is able to restore social equilibrium and justice. Despite any doubts regarding the legitimacy of execution as a punishment, it was still deemed a political necessity for protecting society and the social order. Murder was perceived as an offence against both the individual and the state; therefore, the killing of a murderer by the state was not revenge but rather self-preservation. It was explained that organized, civilized societies function under a rule of law whereby society protects individual life at the expense of those endangering it. From that reasoning, abolitionism of capital punishment would be endorsing anarchy. According to this rationale, politicians framed the debate as a question of whether the Canadian government would use this punishment as a weapon in the war against violent crime. Indeed, there were numerous references equating capital punishment to government responsibilities in wartime, whereby the state was justified to use violence against enemies of the country internally or externally. By framing the legislation in terms of the nation’s self-defense, executions were seen as a political duty to ultimately protect the government and its citizens. PC MP Darling (Nays; Nays) remarked:

To say otherwise demean[s] society and ourselves as legislators when we refuse to take whatever action is necessary to protect the lives and property of law-abiding citizens of our country.

Abolition was therefore framed by opponents of the legislation as the Canadian government voluntarily relinquishing its authority to punish. Murder was represented as rejecting the social order and rebelling against the state, and government executions were framed as functioning to restore that order.

Other commentary centered upon the legislation’s potential to better Canadian society by civilizing citizenry. Describing the death penalty as collective violence, it was claimed by many Liberal politicians that abolition would aid in Canada’s development and would help towards reversion back to the Dark Ages. As such, many MPs supporting the legislation encouraged Parliament to join countries like Great Britain where the status of human worth and dignity was thought to be held in higher regard. However, other MPs framed abolition as un-civilizing, because it was healthy for societies to symbolically condemn violent crimes, and to deny this
right would be downgrading standards of public morality. Similarly, the legislation was opposed by those remaining critical of the life imprisonment, seeing it as an uncivil alternative. These MPs questioned whether long prison terms would be any more humane when punishing criminals, given descriptions of prisoners degenerating through years of suffering. With the proposed alternative of imprisonment framed as cruel and degrading torture, abolitionists supporting the legislation were considered hypocritical to be arguing for mercy and compassion. PC MP Lambert (Nays; Nays) summarized it well:

The sentence of whole life imprisonment is a cold, sadistic act ... more sadistic on the part of legislators who say that for those humane and moral reasons they are going to abolish capital punishment.

Sentencing criminals to 25 years was further criticized as not being any more advanced or humane than executions, but rather more rigid and oppressive for brutalizing prisoners and brutalizing the institution of criminal justice. Some insisted that if a government can be permitted to incarcerate an offender for 25 years, it is then surely capable of applying capital punishment. Otherwise, it should remain at least consistent that governments, which are denied the right to take life, should also be denied the right to deprive citizens a lifetime of liberties. Therefore, with the legislation to abolish framed as a symbolic killing, MPs opposed the legislation with warnings that abolition would be creating dangerous madmen of the prisoners and driving them to suicide or death from inmate violence.

However, many MPs did encourage exploration of more humane measures for executions to help change the opinions of some abolitionists. Hanging, the chosen method of execution in Canada, was criticized and opposed for its brutality and inefficiencies. Many PC MPs opposing the legislation encouraged the introduction of a more civilized alternative method that was less repulsive to view but still effective, such as quietly taking life in a chamber by administering a pill or injection. Given that the practice of hanging was used in a time period when punishment was intended to deliver a highly punitive and torturous death, the method was claimed to make a large impact on the views of many people. Indeed, it was admitted by many supporters of the bill that they would vote for retention if a less savage method of execution could be introduced. PC MP Jelinek (Nays; Nays) remarked:

If the manner of carrying out executions [that] stands in the way of getting a consensus on retaining capital punishment, and if there are people who are abolitionists because they feel that hanging is cruel and inhumane, then let us examine the question of the means of carrying out the death penalty.
... Then let us by all means find a method that is more humane, more acceptable to the abolitionists.

Therefore, in opposition to the legislation, many MPs encouraged that the death penalty be retained and then, afterwards, alternatives to hanging as the method of applying the penalty may be pursued. These MPs agreed that the violence of executions was unfortunate but necessary.

Overall, the theme of national interest was predominantly used by PC politicians opposing the legislation for abolition. These MPs frequently referenced the need for the penalty to be used as self-defense for the country and as a means to maintain social order. While some supporters of the legislation, mostly Liberals, suggested abolition would increase social civility, many more MPs of other political parties remained skeptical to this claim. These MPs instead argued for alternative, more humane execution methods, believed to be more civil than the cruel punishment of life imprisonment.

From the results highlighted throughout this chapter, this thesis will now begin a deeper analysis of these themes. Emphasis will be given to exploring the theoretical and practical implications concerning the legislation of abolition without public consent, and why this remains a relevant concern in general for the Canadian criminal justice system and public policy making generally.
CHAPTER 6: ANALYSIS AND DISCUSSION

This chapter presents an analysis of Canadian parliament’s 1976 debate with the intention of illuminating how abolition of capital punishment was enacted despite public opinion polls that showed strong opposition to abolition. As a moral issue, abolition of capital punishment was decided through a free vote. This prevented the Liberal majority government from relying upon party discipline to enforce MP support for the legislation. Many MPs voted against party lines: in fact, 37 Liberals voted to keep the death penalty, while 16 Conservatives voted to abolish it (CBC, 2013). These voting results are a stark contrast to the usual form of legislative politics in Westminster-style parliaments, characterized by strong party discipline and highly cohesive political parties (Plumb, 2013). Rather, the free vote required a legislative debate to rally support for the bill. Richards (1970) explains how free voting brings a dramatic change to parliament because MPs have no pressure to support party policy (79). Though a rarity in parliament, free votes have the potential to enliven the legislative process with high-quality and thoughtful discussion (Warhurst, 2008; 580). But with a majority of Canadians favouring retention of the death penalty\(^1\), it was essential for abolitionists to frame the debate in ways that convinced MPs to not reflect the opinions of their constituencies. Policy framing and political rhetoric were therefore instrumental for helping pass socially unpopular legislation. By assessing floor speeches and voting records on the bill, this thesis examined how MPs defended their position on the death penalty, once party discipline was removed. As outlined in Chapter 5, themes were identified in the speeches of elected officials who participated in the debate. Examination of the political discourse in this case offered insight into why many MPs did not adhere to their electorate's position during the final vote. Because the issue of capital punishment necessitated a free vote, proponents of abolition used the parliamentary debate to frame justifications for passing the law in the face of public opposition. Applying various and interrelated arguments to defend their position, abolitionists strategically diminished the significance and relevance of public opinion, enabling Canada’s abolition of capital punishment.

6.1. THEMES

During a free vote, MPs are not ‘whipped’ to vote according to party policy. This voting style can foster more transparent representation of constituent preferences among MPs. Without the usual obligation to adhere to their political party’s position, MPs are often expected to better

\(^1\) Polls in Canada during 1976 reported approximately 70% of the public favouring retention (Chandler, 1976: 44; Strange, 1996: 597; Marshall, 2009).
reflect the interests of constituents during a free vote (Black and Hicks, 2006). Other academic theories also attest that community values ought to be directing public policies (Key, 1961), with research by Norrander (2000) positively describing the historic relationship between public opinion and government policies. Yet much of the 1976 parliamentary debate challenged the expectation to follow public opinion. Public opinion was a theme identified in the speeches of 28% of the MPs who partook in the debate, but was evenly divided in use to support or oppose the legislation. The equal split in its framing illustrates that there is no consensus on the value of public opinion. For example, while Conservative MP Reynolds felt the debate should be taken to a national referendum, NDP Party leader Ed Broadbent believed the matter was too important to leave to popular opinion (CBC, 2013). Indeed, politicians judged public opinion according to varying criteria, from assessing the quality of public knowledge to questioning the reliability of opinion polls. Liberal MP Fleming, Parliamentary Secretary to Minister of Communications, remarked in support of abolition: “I believe that if the Canadian public were asked to sit down for a period of time and consider this issue, they would in fact realize that capital punishment alone will not bring them what they desire.” Other Liberals similarly challenged the value of public opinion – and the relevance of the public’s majority opposing abolition – by portraying Canadians as incapable of adequately understanding the legislation. They blamed the media for terrorizing the public with fear, described Canadians as over-emotional, and criticized opinion polls as unreliable sources of information. Such rhetoric reflects research examining attitudes of first-term MPs by Docherty (1997), who found that many politicians believed constituency interests were difficult to measure. Using these arguments to negatively represent Canadians, much of the debate downplayed the significance of public opinion. Because it was a free vote, framing public opinion in this way was necessary in order to convince MPs to support the legislation in opposition to their constituency. Conversely, opponents of abolition portrayed Canadian public opinion as both reliable and relevant to the legislative debate. These politicians spoke highly of Canadian citizenry, defending society’s ability to accurately understand the legislation and contribute to the discussion. As such, voting with public opinion was framed by these MPs as essential to the democratic process. PC MP Francis described this as respecting “a basic principle that laws must be enacted with the consent of the governed.” This supports a view of the legislature as a representative of constituencies (Rosenthal, 2004), where social input is considered a positive dimension of political debate (Garvey, 2002). Stimson et al., (1995) went as far as to encourage politicians to “pay attention not only to the overall levels of public opinion ... but also to the year-to-year shifts in opinion” (559). Retentionists therefore consistently framed
public opinion as an essential factor for the legislative free vote. Despite this, the abolitionists’ ability to use policy framing proved more effective, helping to convince more MPs to freely vote in favour of the legislation opposed by a majority of Canadians. This analysis is consistent with existing research by Jacobs and Shapiro (2000) who argue that “public opinion is not propelling public policy decision… [but instead] politicians’ own policy goals are increasingly driving major policy decisions and public opinion research” (xv). Other research has also affirmed that policies of abolitionism arise from political elites intentionally defying public pressures (Kelley and Braithwaite, 1990; 529). This is consistent with Canada’s 1976 free vote, whereby despite the absence of party discipline, MPs freely decided to abolish capital punishment against public opinion.

Within a free vote, MPs are given the opportunity to vote independent of their political party. As a result, the ultimate outcome of the vote becomes the responsibility of each MP and not that of the political party. This is very different from regular ‘whipped’ voting in the Westminster system where, as a result of high party cohesion, parliament is “at best a proximate—at worst, a marginal—actor in determining the content of measures of public policy” (Norton, 1993). Yet it is undecided whether a ‘vote of conscience’ should reflect an MP’s individual opinions or their constituency. This was an ongoing topic of discussion throughout the parliamentary debate. A similar theme, referenced by almost half of all participating MPs, discussed the role of an elected official during a free vote. Overall, 40% framed their duties in arguments supporting the legislation and 60% in ways to oppose abolition. The disagreement over an MP’s voting responsibility illustrates how the exact purpose of the legislature during a free vote remains unclear. Opponents of abolition consistently framed their role as ultimately bound to represent Canadians. Claiming that to do otherwise would be undemocratic, these MPs argued that upholding their assigned legislative duties required following public opinion. Similarly, much of the scholarship depicts MPs as empowered through populist elections to develop laws according to a clear policy-making process that remains representative of public interests (Keefe and Ogul, 1985; Smith et al., 1998; Kornberg, 1967; Rosenthal, 2004; Blidook, 2010). PCs also criticized the Liberal government for relying upon party discipline to gain votes for abolition which, in their opinion, defied the Parliamentary tradition of a free vote. MP Oberle, in opposing the legislation, stated: “The peace and security package is only a charade ... [just] as the 'free vote' the Prime Minister has promised will be. Most members of the cabinet will not be guided by their conscience or by the direction given to them by their constituents; they will be guided by their political ambitions.” Similarly, after the 1987 parliamentary free vote that reaffirmed Canada’s
commitment to not having the death penalty, Reform Party MPs blamed the Liberals for voting according to party loyalty (Manning, 1995). The accusation of an ‘un-free’ vote also reflects conclusions in past research, identifying pressures to vote with party colleagues still strong during free votes in parliament (Warhurst, 2008; 585). With party cohesion so prominent in Westminster parliaments already (Mayhew, 1974; Smith et al., 1998), it has been found that “cohesion remains the norm” even when free votes are allowed over divisive issues (Pattie et al., 1998; 146). This norm would have been a large contributor to Canada’s abolition if Liberal MPs understood their role as still obligated to follow party lines during the free vote.

It has been argued that abolitionism is only ever enacted as result of elite reformers (Davis, 1957; Buxton, 1973). Indeed, with the Liberal majority at the time, it would not be surprising for a political majority to facilitate abolition into law (Wozniak, 2012). Many Liberal MPs denied being influenced by party pressure, insisting instead that their vote was made conscientiously. Since politicians have access to exclusive information not available to the public, they suggested parliament was capable of making more informed decisions than the average citizen. Therefore it was framed as a forfeit of political responsibility to simply mirror opinion polls. Liberal MP Campagnolo, Minister of Indian Affairs and Northern Development, stated “I would ask constituents everywhere to consider the words of Edmund Burke who stated, ‘Your representative owes you not his industry only but his judgment and he betrays you instead of serving you if he sacrifices it to your opinion’”. Such rhetoric has been described as political elitism, with a large amount of research documenting its disproportionate influence upon the policy-making process (Mills, 1956; Dahl, 1961; Fan, 1988; Zaller, 1992). Furthermore, Liberal MPs also disagreed that the legislator’s role was to reflect public opinion, instead interpreting their duty more broadly as one of following their own “conscience”. In fact, many understood their role as intended to reach a conclusion independently.

Given how widely unpopular the legislation was among the Canadian public, a free vote to abolish capital punishment would shift the blame away from the Liberal party and onto individual MPs. Research by Overby et al., (2011) argued that free votes strategically protect the government by shifting responsibility for the outcome of the vote from the party to the individual MP. Therefore, “a conscience vote, then, is not a case of a party offering freedom for its members — it is a case of parties protecting themselves” (Jaensch, 1986; 45). It was documented how Prime Minister Trudeau, a week before the vote, delivered “a passionate speech” stating to MPs: “Those who vote against the bill cannot escape their personal share of responsibility for the
hangings that will take place if the bill is defeated" (CBC, 2013). Trudeau’s argument suggests an implicit promotion of abolitionism by persuading MPs to believe the outcome of the vote was their individual responsibility. Therefore, as Richards (1970) argued about free votes, the government obtains passage of controversial laws without accepting responsibility. As a free vote, abolitionists successfully argued that the role of an MP was to vote independent of public opinion. This rhetoric enabled the passage of abolition against Canadian public opinion.

Punishment has long been considered as a collective moral expression to condemn crime (Durkheim, 1893 [1949]). As a moral issue, therefore, debates to abolish capital punishment are consistently opened to a free vote. Though not applied for “technical” matters where political parties have a “definite policy”, such as in economic policy matters, free votes are often called to resolve moral issues (Cowley, 2007: 75; Plumb, 2013: 255). This includes “life and death” issues of conscience, like those of abortion, euthanasia, and capital punishment (McKeown and Lundie, 2009: 2). Such moral issues, or “social question[s] which have strong moral overtones”, tend to be treated differently within the political system (Jordan and Richardson, 1982; Richard, 1970: 7). In these circumstances, political parties give parliamentarians the freedom to vote according to their own consciences (Cowley, 1998). Freed from their normal obligation to follow party mandate, in a vote of conscience MPs are afforded the opportunity to debate and evaluate the morality of legislation according to their personal opinions. Legislative debate therefore becomes central to morality policy politics (Cowley, 2001).

The abolition of capital punishment was often situated within a moral framework during Canada’s parliamentary debate. Found in the speeches of nearly half of the total legislature, most of these politicians (73%) framed the issue in moral terms to oppose abolition. Moral-based reasoning was therefore one of the most significant frames among opponents of abolition. In fact, over half of the Liberals using moral rationale were doing so to frame arguments in opposition to the legislation. This illustrates how, even among MPs from the party that formed the government, there was a significant disagreement over the morality of abolition prior to the free vote. PC MPs, comprising over half of all politicians discussing the morality of abolition, argued predominately against the legislation (88%). They framed abolition itself as immoral, given that executions brought retributive justice and were a moral duty of government given by God to better society. Politicians insisted the Canadian government possessed a moral right to administer lethal punishment in an ethical manner. As well, many supporters of the legislation readily agreed that the Canadian government would always retain an inherent right to execute if circumstances
demanded it. Leader of the Opposition, MP Joe Clark, explained in a speech of support for abolition: “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.” Such a qualification is notable because it highlights that only a handful of abolitionists using moral rationale openly challenged the moral right for governments to kill. This contradicts existing research assuming that the underlying emphasis of abolitionism denies any moral justification for the death penalty (Meyer and Weaver, 2006). But PCs also explained more indirectly that, as a free vote, it was the moral responsibility of democratically elected MPs to faithfully represent the values and opinions of the nation. As such, the Liberal government and others favouring abolition were accused of behaving immorally. This reasoning demonstrates how PCs framed the debate in moral terms to validate the opinions of the wider public, explicitly connecting MP responsibilities to the interests of the Canadian public. Past research validates this political rhetoric, finding MPs to be more representative of constituency values during policy-formation of morally-based issues (Fenno, 1973; Mooney and Lee, 1999).

Abolitionists instead largely situated the debate outside of moral terms to rally support before the free vote. Although the role of morality has been historically prominent in relation to capital punishment debates (Aune, 2004; 455), there has also been a significant decline in the use of moral frames to promote abolitionism (Steiker and Steiker, 2010-1; 686-687). According to Steiker and Steiker (2010-1), the decline in moral reasoning is a function of abolitionists wanting to avoid claims of moral superiority. Yet abolitionists in this debate were still accused of being morally arrogant for disagreeing with public opinion, with PC MP Jarvis commenting: “It seems to me to be more than just presumptuous to say that my moral character or integrity or ethics is superior to 89 per cent of my constituents. Is there some miraculous moral transformation that takes place [upon being elected] ...?” Rather, because it was as a moral issue requiring a vote of conscience, abolitionists justified their socially unpopular position as one of following their personal conscience before any party or constituency pressures. This policy frame validates research by Smith et al., (1998; 228) insofar as politicians tend to consciously depart from partisan considerations when voting on moral issues, choosing instead to defer to their own sense of morality.

Otherwise, the few politicians using moral reasoning to argue for abolition quoted religious scripture to frame the death penalty as immoral and against the opinions of Christian leaders and churches in Canada. Therefore, given the absence of party mandate forcing their
decision, the small minority of abolitionists shifted their responsibility during this free vote to another authority by appealing to external religious institutions for direction. This affirms scholarship positing legislative elites routinely avoid responsibility on issues of morality (Pal and Weaver, 2002), especially within parliamentary systems like Canada, as compared to the United States (Smith and Tatalovich, 2003; 247). Despite how the decision to abolish capital punishment necessitated a free vote because of its ethical implications, much of the debate evaluated the legislation outside a moral framework. Specifically, many MPs framed abolition in utilitarian terms. For example, PM Trudeau specified: “The proper focus of this debate is factual data and logical induction, not moral philosophy. In that sense, the issue before us must be resolved by a practical rather than a moral judgment.” Much of the debate therefore involved discussion about the capacity of life imprisonment (as the proposed alternative to capital punishment) to effectively deter crime in Canada. This reflects research identifying ‘deterrence’ as the most popular argument in capital punishment debate during the 1970s (Radelet, 2008; 44). MPs opposing abolition on the basis of utility claimed the death penalty’s capacity to lower crime rates was well-documented. As well, they insisted that imprisonment for life would never be a cost-effective solution for crime. Retentionist’s tendency to frame the merits of capital punishment according to “cost” was explained by Steiker and Steiker (2010-1) as an uncontroversial approach for gaining support for capital punishment. But this contradicts prior research by Mooney and Lee (1999, 2000) who argued that morality policies remain far more salient to the general public than having to form opinions on technical issues like budgets.

With over half of the politicians using utilitarian frames supporting the legislation, utility was one of the most popular arguments among abolitionists. This shift has been attributed to the changing cultural character of punishment from a moral to a practical issue (Sarat and Boulanger, 2005). This has been especially so with the growing use of economic vocabulary (e.g., ‘cost-benefit analysis’, ‘efficiency’ and ‘fiscal control’) within the context of crime control debates (Garland, 1990; Garland, 1997; 185). It also has been noted how emphasis on utility avoids direct challenges to the institutional legitimacy of capital punishment (Muschert, 2009). Indeed, many abolitionists openly acknowledged their opinion would change if new evidence was produced to verify the death penalty’s deterrent effect. Insisting the onus was on retentionists to establish better evidence of the utility in executions, many Liberal MPs appeared to default their vote in support of their own party’s bill. This qualification seems to validate research by Cobb, Ross and Ross (1976) and Smith et al., (1998) which found partisan loyalty had a stronger influence on MP
voting when concerning technical issues. Therefore, in the context of a free vote, framing the debate in terms of utility contributed to more MPs supporting abolition against public opinion.

Furthermore, adopting this logic of instrumental rationality, a significant number of Liberals defended their vote to abolish by appealing to the importance of improving Canada’s criminal justice system. They argued capital punishment to be practically inefficient and without reliable evidence to verify its capacity to deter criminals. It was suggested therefore that introducing alternative means of crime control in Canada would ensure more criminals were eligible to receive punishment. This was based upon reasoning that juries would be more likely to convict if the punishment was not execution. Liberal MP Fleming, Parliamentary Secretary to Minister of Communications commented: “It is also tremendously important that the Canadian public realize that we are not softening the law in this bill; in the total picture it is very much a toughening of the law.” In campaigns for abolitionism, some Canadian politicians were simultaneously promoting greater punitive measures through the alternative of lengthy incarceration. Wozniak (2012) found similar “tough on crime” political rhetoric among abolitionists when emphasizing death penalty alternatives (13). Liberal MPs also relied upon statistics and other empirical evidence to frame life imprisonment as a more cost-effective form of punishment. Despite research by Radelet (2008) noting that incapacitation actually becomes more expensive (44-52), this rhetoric does align with findings by Donohue and Wolfers (2006) identifying explicitly “non-moral” frames – like that of cost-benefit evaluations and economic-based rationale – as a growing trend among abolitionists. Such utilitarian rhetoric has become so common among abolitionists that Sarat (2002) termed it as “the new abolitionism” (353). By shifting the discussion to be framed by statistical data, and not ethics, the merits of abolitionism become more objective and less debatable. The characterization of public policies by scientifically deduced facts (Stone, 2002; 88) has been found to afford MPs a means of promoting policy from a position of objectivity. As Nie (2003) explains, “fram[ing] value and interest based political conflict as scientific ones … [thereby ensuring politicians] escape responsibility for making the tough choices required of them” (323). Referencing scientific studies and empirical evidence to substantiate their claims enabled abolitionists to frame their opinion as superior to the public’s opinion because it was informed by proven facts. This logic provided MPs more perceived credibility and helped validate their choice to vote against public opinion during the free vote.
Additionally, there was a noteworthy amount of discussion among MPs to vote in the interests of the nation. This theme of national interest encompassed political commentary framing the debate to legislate abolition in terms of improving Canada as a whole. While abolitionists insisted that voting for the legislation would enhance Canada’s cultural civility through a more humane criminal justice system, many other MPs disputed this claim and argued abolition of the death penalty would threaten Canada’s public safety and social order. Over half of all MPs participating in the debate used this frame, with a large majority arguing Canada’s interests were best served by voting to retain the death penalty. This trend was expected, given how retentionists tend to see the death penalty as one aspect of national punitive policy (Carne, 2011). As well, the small numbers of Liberals to use this frame were exactly divided on whether national interests aligned with the legislation to abolish. PC MPs, however, comprised over half of those using this frame and did so in overwhelming opposition of abolition (85%). These PCs accused the Canadian government of neglecting its obligation to deter crime and protect the citizenry by applying capital punishment as necessary. PC MP Diefenbaker and former Prime Minister referenced the assassination of Israeli athletes during the 1972 Germany Olympic Games, claiming that the Canadian government was neglecting its international responsibilities for the upcoming Montreal Olympic Games. Indeed, many retentionists equated crime to warfare, whereby the government must kill in self-defense. Even Liberal MP Blais, Parliamentary Secretary to President of the Privy Council, agreed: “I can see capital punishment in instances where it would be required as a means of self-defence, that is a method of self-defence available to society.” By insisting Canadians viewed the death penalty as the ultimate demonstration of state authority condemning crime, retentionists reasoned that the nation expected the government to use this punishment. This depiction of capital punishment was also found in the literature, describing executions as operating under pretence of society designating authority onto governments to punish until death (Foucault, 1977, 130; Kaufman-Osborn, 2002). Other PCs expressed the view that abolition was ideal but currently unrealistic, and so it would be inappropriate for the country’s stability to abolish prematurely. However, retentionists conceded that alternative methods for execution, such as poison, should be considered so that Canada could use a more civilized form of capital punishment. Canada’s method of execution in 1976, hanging, has a history marked by violent and repulsive deaths (Denno, 1997). Though hangings had underwent many reforms in application (Kaufman-Osborn, 2002), many still desired better and less gruesome means of executions (Laurence 1960, 48; Hillman 1993, 746). By framing the proposal of life incarceration as a slow degradation of life, many retentionists argued abolitionism
would bring less civil punishment. Defining ‘civility’ instead as a criminal justice system that honored its victims, many politicians maintained that executions were more civilized than imprisonment. This affirms the conclusions by Strange (2001), who described Canada’s abolitionist debate as centering upon the task of determining whether capital punishment could be reconciled with the belief that Canadians were a civilized people (356).

Alternately, proponents of the legislation insisted abolition would ‘civilize’ the nation, banishing the archaic punishment of execution while still allowing government to deliver justice through the prison system. Mandery (2005) described Canada’s choice to abolish as a choice to have “a more civilized and humane political order over a fully popular and participatory one” (641). A great deal of literature continues to represent Canada’s abolition as progressive (Strange, 2001; 366), humane (Thompson, 2008; 173), and ultimately, in Canada’s benefit (Department of Justice Canada, 2003). With many politicians comparing Canada to other ‘more civilized’ abolitionist nations in Europe with ‘developed’ cultural standards, abolition was framed as akin to a rite of passage. This validates Hood (2001), who described how, from the late 1970s, abolitionism transitioned from an internal, national matter to an international human rights issue (337). Through this rhetoric, abolitionists framed the interests of Canada as separate and prioritized above the existing wishes of the Canadian public. In doing so, it was assumed that by abolishing the death penalty the public would eventually become more civilized and consequently support this decision.

Overall, the subsequent free vote after this parliamentary debate resolved to pass legislation to abolish. The themes illustrated dominant trends in political rhetoric, which were responsible for rallying support for the socially unpopular legislation. With MPs voting free of party pressures, abolitionists drew upon various arguments to consistently frame the policy in a manner that discouraged following public opinion. Although various factors exist for influencing parliamentary decision-making, proponents of this legislation capitalized on the use of policy framing to convince fellow MPs to not vote with their electorate. In this way, Canada abolished capital punishment against public opinion.

6.2. IMPLICATIONS AND RECOMMENDATIONS

Recommendations from this thesis include a thorough re-examination into Canada’s legislative process for formulating public policy and reforming criminal law. A more in-depth examination of Canada’s abolition could include comparing MP votes on the legislation with
each MPs electorate support (e.g., reviewing election results). Since this was a free vote, it would be insightful to know if MPs were more likely to vote for abolition if they felt secure in their constituency ridings. This approach could examine if MPs tend to vote differently during a free vote depending on the risks accompanied with their future electability. Though Parliamentary debates are public and recorded, this research has demonstrated that MPs in favour of unpopular policies are capable of providing rationale that is largely unaccountable and dismissive of their constituencies. Public opinion was consistently devalued during the discussion to abolish, suggesting the decision-making process during public policy formation is capable of functioning without public support. Given that a majority of Canadians still favour reinstatement of capital punishment\(^2\), it needs to be considered whether enacting policies without public consent will ever be a successful way of changing social norms. Research by Peshkopia and Imarmi (2008), though specific to Eastern Europe, validates these conclusions that the public will fail to internalize abolitionism when enacted without their approval. As this legislation concerned the abolition of capital punishment is all the more alarming, given how controversial and polarizing this subject continues to be. This could be explored in future research by examining other similarly controversial issues, such as abortion, assisted-suicide and prostitution. Knowing that policies can be framed outside moral terms, it is important to further examine the role of specialized discourse nullifying the influence of public opinion. Further consideration is also needed to understand how ideals of civility and nationalism contribute to political elitism and public policy reform, and vice versa.

The abolition of capital punishment in Canada also has problematic implications regarding the use and normalization of prisons as a solution to crime. Abolition may have been a part of a larger trend among Liberal social reforms that included making incarceration more acceptable and more efficient within Canada. While abolition can be framed as the humanizing of the penal system within a wider civilizing process (Elias, 1939 [2000]), it can also be interpreted as instead a sophistication of punishment. Prominent scholars have warned against depictions of imprisonment as a viable alternative, including the work of Michel Foucault (1977). In *Discipline and Punish* (1977), Foucault cautioned against selectively sanitized readings of history, claiming it obscures understandings of ongoing problems. This means that perceiving the violent history of capital punishment as something separate and unconnected to the current manifestations of

\(^2\) The latest Angus-Reid poll (2013) found 63%, or approximately three in five, of Canadians still favour a return to government executions in Canada.
prisons has distorted contemporary social expectations. Highlighting transformations in discourse and practices of penal discipline, Foucault describes these changes not as some progressive improvement to criminal law. Therefore, these policy reforms for humane, nonlethal punishments set dangerous precedents of assuming punishment can be performed in a civil manner, which Denver (2008) described as short-lived trends in penal policy (230). Rather, Foucault understood such reforms to be a result of changing authority, where the power to punish gives less emphasis to physical force and more about dominance through an ongoing process of ‘normalization’ (Gutting, 1994: 143). Imprisonment is a punishment that shifts attention away from physical harm to the discipline of the prisoner’s mind. It is a punishment that better accommodates to the shifting tolerances and malleable sensibilities of modern societies; or a punishment that becomes refined and realigned according to changing standards of morality and decency Elias (1939 [2000]). The abolition of the death penalty does not end the debate, but only ends punishment as it was once understood. Abolitionism, therefore, manifests itself as an enlightened and pervasive government policy of imprisonment.

6.3. LIMITATIONS

Despite the valuable contributions of this research, there remain evident gaps and assumptions that should be acknowledged. Given that these MPs polled their constituencies privately and analyzed the results independently, Canada’s “public opinion” according to these politicians cannot be verified as entirely reliable. To acquire an accurate representation of public opinion for this thesis, Gallup polls were chosen as the most dependable measure. Gallup specializes in public opinion data research, using expert quota and area sampling, and so was the best resource available for this project (Chandler, 1976; 39). However, public opinion statistics should still be used cautiously and with emphasized disclaimers, especially when studies are not explicitly detailed concerning sampling and measurement techniques. Regarding the data set, it contained only the recorded public statements of political officials. Because I did not interview any legislators, the data cannot fully speak to the reasoning of MP voting decisions. Therefore, this work cannot evaluate any potential influences that happened off-record, which is an important factor when setting a political agenda. For stronger internal and external validity, future research should gather data directly from the legislators, if possible. Ideally, political debate should be a space for exchanging ideas, representing public values and developing effective policies. But with only two politicians changing their opinions after the completion of the debate, it is difficult to verify if these trends (e.g., Liberals predominately discrediting and PCs widely
favouring public opposition) were fueled by genuine ideas about the role of politicians and public opinion or instead due to pressures of party solidarity and power politics. Given how only 113 of the 255 politicians spoke, it is necessary to appreciate that this 1976 Parliamentary debate was not entirely representative of the opinions of all elected officials in Canada at the time. With only 44% participation, there is an indication that much of the decision-making among politicians happened outside this particular debate. It cannot be verified to what extent the political parties, particularly the party in power, unofficially pressured MPs to vote in party solidarity. This obviously complicates the analysis of the voting, given that it skews comparison with other political parties who may not have enforced party whip. As well, with all the identified themes, it is difficult to assess whether MPs originally interpreted abolition in a certain way (e.g., a moral issue) and voted accordingly, or otherwise already decided how to vote and so appealed to certain perspectives (e.g., moral reasoning) to validate their position during the legislative debate. As such, not all political discourse of this 1976 debate can be defined according to these findings. This limitation could be resolved perhaps with future research going beyond a single case study to assess if MPs were consistent in their views about the role of legislators over time. Future research could also explore other case examples of failed attempts to legislatively abolish capital punishment, to assess what these debates and votes contribute to the existing scholarship. But in doing so, it is crucial to remain aware of the many differences between political systems and to avoid over-generalizing. The Canadian Parliament has its own unique dynamics, such as a component of strong party discipline, it should be noted that policy outcomes would likely differ if proposed within a non-Westminster legislature. These limitations are important to be aware of for the wider interests of this thesis contributing to a more complete understanding of abolitionism in Canada. Although other factors beyond rhetorical themes may help explain the ultimate outcome of the parliamentary vote, this analysis offers new insights for understanding the role of public opinion, political debates and wider process of criminal justice reform.
CHAPTER 7: CONCLUSION

Canada’s 1976 free vote to abolish capital punishment represented a significant development in Canadian parliamentary politics. After numerous prior attempts to enact similar legislation, Canadian Parliament finally chose to reform the extremely controversial law of capital punishment. This resolution was especially contentious given that it occurred in opposition to the opinions of a majority of the public. This thesis attempted to better understand exactly how Canada, in this particular instance, abolished capital punishment against public opinion. By reviewing the associated academic literature, it was discovered that the unpopularity of Canada’s abolition was fairly consistent with legislative decision-making trends internationally. Indeed, the decision to abolish can be attributed to the great deal of scholarship documenting the political elitism rife in routine legislature behaviour. Further research also identified the prominence of framing as a discursive tool in public policy debate, and death penalty discourse more specifically. While this academic literature did provide a solid foundation for beginning to understand how Canada abolished against public opinion, more analysis was required to understand why the 1976 parliamentary debate, in particular, was successful. Using this familiarity with political communications literature, thematic content analysis was the chosen methodology for further exploring the patterns of discourse between MPs. Upon application, this approach revealed a small number of predominant themes of political rhetoric throughout the debate. These results were found to be adequate representations of the majority of arguments and overall tone of MP discourse when evaluating abolition. Critical analysis of these themes collectively revealed that Canadian public opinion was continuously undermined by abolitionists, thereby framing the debate in ways that encouraged fellow MPs to vote against the public. This was a particularly significant finding, given that abolitionists were supporting a legislation that was opposed by a majority of the Canadian public. While retentionists made several attempts to frame the debate as requiring greater public consult, the strategic insistence to distance the relevance of public opinion helped direct the conversation in ways that favoured abolitionism. Given that the Liberal majority government could not rely upon party discipline to accrue votes for the legislation, it became crucial for abolitionists to effectively debate and convince other MPs of the merits in the legislation. Therefore, within the context of a free vote, this policy framing was an instrumental tool for rallying MPs to support the legislation against the opinions of their respective constituency.
Overall, this study aimed to offer new insights that existing research had yet failed to provide: a broad systematic analysis of parliamentary political rhetoric during Canada’s 1976 debate that resolved to abolish capital punishment against public opinion. Building upon previous research, this thesis contributes to the wider academic field of criminal justice policy for better understanding the capacity of public opinion to influence legislative decision-making and criminal law reform. Analysis of the language and procedure in this instance of legislative decision-making helped illustrate how a public policy was enacted without public support. While the current Conservative government of Canada promotes a socially popular mandate emphasizing strict “law and order”, this research illustrates that less punitive criminal law legislation can also be passed without public support. As well, these findings relate to other current criminal law controversies with moral dimensions (e.g., abortion and physician-assisted suicide), insofar that the role of public opinion can have varying effects. It could be suggested that these policies may have more legislative success when proponents represent the proposal outside a moral framework, so as to validate their arguments despite an absence of support from constituencies. However, if the policy is supported by a majority of the Canadian public, then it can be expected for the legislature to emphasize this fact in support of the legislation. This thesis is also relevant to better understanding the relationship between the public and Members of Parliament, and how both interact to resolve morally contentious issues. Though the Canadian public was overruled in this instance, it does not necessarily mean public opinion did not have an influence on the process of abolition. Consequently, it remains important to continue academic research on the ways legislative legislators interpret and negotiate their responsibilities to voters when crafting and reforming law.

With so few contemporary empirical studies on Canadian parliamentary free votes (Overby et al., 2011), and the recent increase of free voting in Canada (Kam, 2009), more research is needed in this area. Though constituent representation during policy formation can be a difficult task already, given the diversity of opinions among Canadians, issues of morality will remain particularly complicated. As Canadian Parliament continues to address such controversial and divisive legislation – like the 2005 Civil Marriages Act or the 2010 long-gun registry – there will continue to arise concerns over the role of voting behaviour for producing representative public policy. Because the public often votes according to political party, which has a clear policy mandate, it is often assumed that MPs will act in ways that complement this assumption when in legislature (Cowley, 2007). Yet ironically, when controversial legislation arises, it typically brings about free votes – thereby shifting the outcome to individual MPs, whom the electorates
often know less about. As such, greater reliance on free voting within the parliamentary system would “change the system of responsibility and accountability” that many Canadian voters know and expect within the Westminster model (Franks, 1997; 34). With more free voting resulting in unrepresentative public policies, this could increase demands for a shift from trustee-based representation (whereby MPs vote according to their personal best judgment) toward more populist-based representation (whereby MPs vote to express the interests of their constituency) (Overby et al., 2011; 466). If these results prove generalizable, it requires a definite reappraisal of our understanding for how to resolve issues of morality through our traditional parliamentary system. Since abolition has yet to become favoured by a majority of Canadians, despite being legislated over forty years ago, there is a need to consider whether this issue is indeed resolved.
**BIBLIOGRAPHY**

*Act to Amend the Criminal Code*, Statutes of Canada 1967, c. 15.


Criminal Law Amendment Act (No. 2), Statutes of Canada 1976, c. 105.


Durkheim, Emile. (1899). Deux Lois de L’évolution Penale. *L’Année Sociologique, IV.*


*In re Kemmler* 136 U.S. 436 (1890).


Mendes, S.M. (2001). The politics and economics of capital punishment policy: Deterrence vs. public opinion.


http://www.parl.gc.ca/About/House/compendium/web-content/c_g_legislativeprocess-e.htm#2c


Only select portions of the comment were included. This was done in a manner that did not misrepresent the content of the claim (Sixsmith and Murray, 2001) by ensuring the surrounding portions of each comment did not detract or conflict with the overall claim. For example, Liberal MP Caccia (Yeas; Yeas) argued support for abolition by insisting that public opinion fluctuates too much to be reliable:

It should be remembered that ten years ago Canadian public opinion was in favour of the abolition of the death penalty. Would they have supported that? Suppose that ten years from now Canadian public opinion should swing again in favour of abolition. Where would they stand then? ... Will they say ‘I go as the wind blows. If it blows from the east, I will vote one way; and if it blows from the west ten years later, I will vote the other way’?

In another example, the following statement comprises Liberal MP Milne (Yeas; Yeas) justified support for abolition by claiming opinion polls and questionnaires did not accurately represent the legislation being proposed in Parliament:

I do not believe we are dealing in isolation with the question ... on a theoretical basis, whether or not they are in favour of capital punishment. If that were the case, certainly I would think that the polls are correct in that 70 per cent or 75 per cent of Canadians favour the retention of capital punishment under these conditions. Surely, the question parliament is considering at this point in time ... is the following: Given better law and order through the provisions of the peace and security bill, such as ... do we still need capital punishment on the law books of Canada to deal effectively with crime in our society? ... This is the difficulty I have with the public opinion polls. I do not think they accurately reflect on the question with which parliament is dealing.
### APPENDIX B: THEME SUMMARIES

<table>
<thead>
<tr>
<th>Main Themes</th>
<th>MPs – Argument/Final Vote</th>
<th>Political Party</th>
<th>Argument</th>
<th>Final Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The value of public opinion</strong></td>
<td><strong>32 MPs Total</strong> Blackburn – Y/Y (NDP); Breau – Y/Y (L); Caccia – Y/Y (L); Cafik – Y/Y (L); Campagnolo – N/N (L); Caouette (5) – N/N (SC); Caouette (14th) – N/N (SC); Collenette – Y/Y (L); Daudlin – Y/Y (L); Darling – N/N (PC); Duclos – Y/Y (L); Fleming – Y/Y (L); Francis – N/N (L); Hogan – Y/Y (NDP); Holt – N/N (L); Jarvis – N/N (PC); Jelinek – N/N (PC); Johnston – Y/Y (PC); Jones – N/N (L); Leggatt – Y/Y (NDP); MacDonald (5th) – Y/Y (PC); MacKay – N/N (PC); Maine – N/N (L); Malone – N/N (PC); Mazankowski – N/N (PC); McGrath – Y/Y (PC); Milne – Y/Y (L); Oberle – N/N (PC); Raines – Y/Y (L); Robinson – Y/Y (L); Roche – N/N (PC); Schumacher – N/N (PC); Smith – N/N (PC); Stevens – N/N (PC);</td>
<td>Liberal</td>
<td>16 Y (48%)</td>
<td>16 Y (48%)</td>
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<td></td>
<td></td>
<td>PC</td>
<td>16 N (52%)</td>
<td>16 N (52%)</td>
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<td></td>
<td></td>
<td>NDP</td>
<td>(3) (9%)</td>
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<td>Social Credit</td>
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<td></td>
<td></td>
<td>Independent</td>
<td>(1) (3%)</td>
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<tr>
<td><strong>The role of elected officials</strong></td>
<td><strong>52 MPs Total</strong> Baker – N/N (PC); Blais – Y/Y (Liberal); Broadbent – Y/Y (NDP); Caccia – Y/Y (Liberal); Cafik – Y/Y (Liberal); Campagnolo – N/N (Liberal); Caouette – (may 14th) N/N (SC); Clark – Y/Y (PC); Clermont – N/N (Liberal); Coates – N/N (PC); Darling – N/N (PC); Daudlin – Y/Y (Liberal); Dick – N/N (PC); Diefenbaker – N/N (PC); Duclos – Y/Y (Liberal); Fairweather – Y/Y (PC); Fleming – Y/Y (Liberal); Fortin – N/N (SC); Francis – N/N (Liberal); Friesen – N/N (PC); Hamilton – N/N (PC); Hogan – Y/Y (NDP); Holt – N/N (Liberal); Jarvis – N/N (PC); Jelinek – N/N (PC); Johnston – Y/Y (PC); La Salle – N/N (PC); Lavoie – N/N (PC); Leggatt – Y/Y (NDP); MacFarlane – Y/Y (Liberal);</td>
<td>Liberal</td>
<td>21 Y (40%)</td>
<td>21 Y (40%)</td>
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<td>PC</td>
<td>31 N (60%)</td>
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<td>NDP</td>
<td>(4) (8%)</td>
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<td>Social Credit</td>
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<td>Member</td>
<td>Party</td>
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<tr>
<td>MacKay – N/N (PC); Maine – N/N (Liberal); Malone – N/N (PC); Marceau – Y/Y (Liberal); Martin – Y/Y (Liberal); Mazankowski – N/N (PC); McGrath – Y/Y (PC); McKenzie – N/N (PC); Murta – N/N (PC); Nicholson – Y/Y (Liberal); Oberle – N/N (PC); Peters – Y/Y (NDP); Philbrook – Y/Y (Liberal); Raines – Y/Y (Liberal); Roche – N/N (PC); Schumacher – N/N (PC); Scott – N/N (PC); Stevens – N/N (PC); Wenman – N/N (PC); Whittaker – N/N (PC); Yewchuck – N/N (PC)</td>
<td>Liberal (16) (36%)</td>
<td>12 Y (27%)</td>
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<td>45 MPs Total</td>
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<tr>
<td>Alkenbrack – N/N (PC); Appolloni – Y/Y (Liberal); Broadbent – Y/Y (NDP); Cafik – Y/Y (Liberal); Collenette – Y/Y (Liberal); Condon – N/N (Liberal); Clark – Y/Y (PC); Clarke – N/N (PC); Clermont – N/N (Liberal); Crouse – N/N (PC); Dick – N/N (PC); Epp – N/N (PC); Allard – N/N (SC); Francis – N/N (Liberal); Friesen – N/N (PC); Gilbert – Y/Y (NDP); Guay – N/N (Liberal); Holt – N/N (Liberal); Hurlburt – N/N (PC); Jarvis – N/N (PC); Jelinek – N/N (PC); Jones – N/N (Independent); Lambert – N/N (PC); Landers – N/N (Liberal); MacDonald (may 5th) – Y/Y (PC); MacFarlane – Y/Y (Liberal); MacKay – N/N (PC); Maine – N/N (Liberal); Malone – N/N (PC); Martin – Y/Y (Liberal); Masniuk – N/N (PC); Mazankowski – N/N (PC); McGrath – Y/Y (PC); McKenzie – N/N (PC); Milne – Y/Y (Liberal); Munro – N/N (PC); Parent – N/N (Liberal); Roche – N/N (PC); Roy – N/N (Liberal); Scott – N/N (PC); Trudeau – Y/Y (Liberal); Wagner – N/N (PC); Wenman – N/N (PC); Whiteway – N/N (PC); Whittaker – N/N (PC)</td>
<td>PC (25) (56%)</td>
<td>33 N (73%)</td>
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<td>NDP (2) (4%)</td>
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<td></td>
<td>Independent (1) (2%)</td>
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<tr>
<td>Abolition as a moral issue</td>
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<tr>
<td>Abolition as a utilitarian issue</td>
<td>33 MPs Total</td>
<td>Liberal (14) (42%)</td>
<td>19Y (56%)</td>
<td>20Y (59%)</td>
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<tr>
<td>Alexander – Y/Y (PC); Andres – Y/Y (Liberal); Basford – Y/Y (Liberal); Beaudoin – N/N (SC); Blackburn – Y/Y (NDP); Cafik – Y/Y (Liberal); Caouette (may 5th) – N/N (SC); Clark – Y/Y (PC); Clarke – N/N (PC); Clermont – N/N (Liberal); Condon – N/N (Liberal); Darling – N/N (PC); Daudlin – Y/Y (Liberal); Duclos – Y/Y (Liberal); Fleming – Y/Y (Liberal); Friesen – N/N (PC); Hogan – Y/Y (NDP); Hurlburt – N/N (PC); Jones – N/N (Independent); Leggatt – Y/Y (NDP); MacDonald (may 5th) – Y/Y (PC); MacDonald (June 7th) – Y/Y (PC); Macquarrie – N/Y (PC); Malone – N/N (PC); Marceau – Y/Y (Liberal); Martin – Y/Y (Liberal); Milne – Y/Y (Liberal); Nicholson – Y/Y (Liberal); Robinson – Y/Y (Liberal); Trudeau – Y/Y (Liberal); Wagner – N/N (PC); Wenman – N/N (PC); Yewchuck – N/N (PC)</td>
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<tr>
<td>National interest</td>
<td>59 MPs Total</td>
<td>Liberal (20) (34%)</td>
<td>17Y (29%)</td>
<td>18Y (31%)</td>
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<td>Alexander – Y/Y (PC); Alkenbrack – N/N (PC); Appolloni – Y/Y (Liberal); Blais – Y/Y (Liberal); Breau – Y/Y (Liberal); Cafik – Y/Y (Liberal); Campagnolo – N/N (Liberal); Caouette (may 5th) – N/N (SC); Clark – Y/Y (PC); Clarke – N/N (PC); Clermont – N/N (Liberal); Collenette – Y/Y (Liberal); Crouse – N/N (PC); Darling – N/N (PC); Daudlin – Y/Y (Liberal); Dick – N/N (PC); Diefenbaker – N/N (PC); Dionne – N/N (SC); Douglas – N/N (Liberal); Elzinga – N/N (PC); Fairweather – Y/Y (PC); Francis – N/N (Liberal);</td>
<td>PC (33) (56%)</td>
<td>42 N (71%)</td>
<td>41 N (69%)</td>
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<td>Name</td>
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<td>Gilbert</td>
<td>Y/Y (NDP)</td>
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<td>Guay</td>
<td>N/N (Liberal)</td>
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<td>Hamilton</td>
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<td>Holt</td>
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<td>Hurlburt</td>
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<td>Jarvis</td>
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<td>Jelinek</td>
<td>N/N (PC)</td>
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<td>Kaplan</td>
<td>N/Y (Liberal)</td>
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<td>Friesen</td>
<td>N/N (PC)</td>
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<td>La Salle</td>
<td>N/N (PC)</td>
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<td>Lambert</td>
<td>N/N (PC)</td>
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<td>Landers</td>
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<td>Lee</td>
<td>N/N (Liberal)</td>
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<td>MacDonald</td>
<td>(may 5th) Y/Y (PC)</td>
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<td>MacFarlane</td>
<td>Y/Y (Liberal)</td>
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<td>MacKay</td>
<td>N/N (PC)</td>
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<td>Malone</td>
<td>N/N (PC)</td>
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<td>Martin</td>
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<td>McCleave</td>
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<td>McKenzie</td>
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<td>Milne</td>
<td>Y/Y (Liberal)</td>
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<td>Munro</td>
<td>N/N (PC)</td>
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<td>Nicholson</td>
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<td>Parent</td>
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<td>Patterson</td>
<td>N/N (PC)</td>
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<td>Peters</td>
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<td>Roy</td>
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<td>Rynard</td>
<td>N/N (PC)</td>
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<td>Scott</td>
<td>N/N (PC)</td>
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<td>Wagner</td>
<td>N/N (PC)</td>
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<td>Wenman</td>
<td>N/N (PC)</td>
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</tbody>
</table>

**Total MPs participating in debate:** 1 Independent; 6 Social Credit; 6 NDPs; 38 Liberals; 63 PCs
### APPENDIX C: THEME 1

<table>
<thead>
<tr>
<th>Topics for Theme 1</th>
<th>MPs</th>
<th>Political Party</th>
<th>Argument</th>
<th>Final Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Public knowledge</strong></td>
<td>11 MPs Total</td>
<td>Cafik – Y/Y; Campagnolo – N/N; Daudlin – Y/Y; Duclos – Y/Y; Fleming – Y/Y; Francis – N/N; Holt – N/N; Jarvis – N/N; Jones – N/N; Mazankowski – N/N; Schumacher – N/N</td>
<td>Liberal (7) – Cafik – Y/Y; Campagnolo – N/N; Daudlin – Y/Y; Duclos – Y/Y; Fleming – Y/Y; Francis – N/N; Holt – N/N; PC (3) – Jarvis – N/N; Mazankowski – N/N; Schumacher – N/N</td>
<td>4Y – 7N</td>
</tr>
<tr>
<td><strong>2. Dissatisfied constituencies</strong></td>
<td>11 MPs Total</td>
<td>Caouette (5th) – N/N; Caouette (14th) – N/N; Darling – N/N; Francis – N/N; Holt – N/N; Jelinek – N/N; Maine – N/N; Malone – N/N; Oberle – N/N; Roche – N/N; Smith – N/N;</td>
<td>Liberal (3) – Francis – N/N; Holt – N/N; Maine – N/N; PC (6) – Darling – N/N; Jelinek – N/N; Malone – N/N; Oberle – N/N; Roche – N/N; Smith – N/N; SC (2) – Caouette (5th) – N/N; Caouette (14th) – N/N;</td>
<td>0Y – 11N</td>
</tr>
<tr>
<td><strong>3. Distorted public perceptions</strong></td>
<td>6 MPs Total</td>
<td>Cafik – Y/Y; Darling – N/N; MacDonald (5th) – Y/Y; McGrath – Y/Y; Milne – Y/Y; Raines – Y/Y;</td>
<td>Liberals (3) – Cafik – Y/Y; Milne – Y/Y; Raines – Y/Y; PC (3) – Darling – N/N; MacDonald (5th) – Y/Y; McGrath – Y/Y;</td>
<td>5Y – 1N</td>
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<td><strong>4. Irrational emotions</strong></td>
<td>6 MPs Total</td>
<td>Caouette (14th) – N/N; Collenette – Y/Y; Daudlin – Y/Y; Fleming – Y/Y; Jarvis – N/N; Robinson – Y/Y</td>
<td>Liberals (4) – Collenette – Y/Y; Daudlin – Y/Y; Fleming – Y/Y; Robinson – Y/Y; PC (1) – Jarvis – N/N; SC (1) – Caouette (14th) – N/N;</td>
<td>4Y – 2N</td>
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<tr>
<td><strong>5. Misrepresentative polling</strong></td>
<td>13 MPs Total</td>
<td>Blackburn – Y/Y; Breau – Y/Y; Caccia – Y/Y; Campagnolo –</td>
<td>Liberals (6) – Breau – Y/Y; Caccia – Y/Y; Campagnolo – N/N; Francis – N/N; Maine – N/N; Milne –</td>
<td>7Y – 6N</td>
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<tr>
<td>6. Dangers of public opinion</td>
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<td><strong>5 MPs Total</strong></td>
<td><strong>Liberals (3)</strong></td>
<td><strong>PC (2)</strong></td>
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<tr>
<td>Cafik – Y/Y; MacKay – N/N; Milne – Y/Y; Raines – Y/Y; Schumacher – N/N;</td>
<td>Cafik – Y/Y; Milne – Y/Y; Raines – Y/Y;</td>
<td>MacKay – N/N; Schumacher – N/N;</td>
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<td></td>
<td>PC (3) – Johnston – Y/Y; Jarvis – N/N; Stevens – N/N; NDP (3) – Blackburn – Y/Y; Hogan – Y/Y; Leggatt – Y/Y;</td>
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<td></td>
<td>SC (1) – Caouette (14th) – N/N;</td>
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<td></td>
<td>3Y – 2N</td>
<td>3Y – 2N</td>
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### APPENDIX D: THEME 2

<table>
<thead>
<tr>
<th>Topics for Theme 2</th>
<th>MPs</th>
<th>Political Party</th>
<th>Argument</th>
<th>Final Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Role of MPs is to represent public</strong></td>
<td><strong>25 MPs Total</strong>&lt;br&gt;Campagnolo – N/N; Caouette (14&lt;sup&gt;th&lt;/sup&gt;) – N/N; Clark – Y/Y; Coates – N/N; Darling – N/N; Francis – N/N; Fortin – N/N; Friesen – N/N; Hamilton – N/N; Holt – N/N; Jarvis – N/N; Jelinek – N/N; Lavoie – N/N; Malone – N/N; Marceau – Y/Y; Mazankowski – N/N; McKenzie – N/N; Nicholson – Y/Y; Oberle – N/N; Schumacher – N/N; Scott – N/N; Stevens – N/N; Wenman – N/N; Whittaker – N/N; Yewchuck – N/N;</td>
<td>Liberal (5) –&lt;br&gt;Campagnolo – N/N; Francis – N/N; Holt – N/N; Marceau – Y/Y; Nicholson – Y/Y;&lt;br&gt;<strong>PC (18)</strong> –&lt;br&gt;Clark – Y/Y; Coates – N/N; Darling – N/N; Friesen – N/N; Hamilton – N/N; Jarvis – N/N; Jelinek – N/N; Lavoie – N/N; Malone – N/N; Mazankowski – N/N; McKenzie – N/N; Oberle – N/N; Schumacher – N/N; Scott – N/N; Stevens – N/N; Wenman – N/N; Whittaker – N/N; Yewchuck – N/N;&lt;br&gt;SC (2) –&lt;br&gt;Caouette (14&lt;sup&gt;th&lt;/sup&gt;) – N/N; Fortin – N/N;</td>
<td>3Y – 22N</td>
<td>3Y – 22N</td>
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<tr>
<td><strong>2. Role of MPs is not to follow public</strong></td>
<td><strong>27 MPs Total</strong>&lt;br&gt;Baker – N/N; Blais – Y/Y; Breau – Y/Y; Broadbent – Y/Y; Caccia – Y/Y; Campagnolo – N/N; Clermont – N/N; Daudlin – Y/Y; Duclos – Y/Y; Fairweather – Y/Y; Fleming – Y/Y; Franci – N/N; Hogan – Y/Y; Jarvis – N/N; Johnston – Y/Y; La Salle – N/N; Leggatt – Y/Y; MacKay – N/N; McGrath – Y/Y; Murta – N/N;</td>
<td>Liberal (12) –&lt;br&gt;Blais – Y/Y; Breau – Y/Y; Caccia – Y/Y; Campagnolo – N/N; Clermont – N/N; Daudlin – Y/Y; Duclos – Y/Y; Fleming – Y/Y; Franci – N/N; Hogan – Y/Y; Jarvis – N/N; Johnston – Y/Y; La Salle – N/N; Leggatt – Y/Y; MacKay – N/N; McGrath – Y/Y; Murta – N/N; Schumacher –</td>
<td>16Y – 11N</td>
<td>16Y – 11N</td>
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<tr>
<td>3. MPs can represent public opinion if they want to do so</td>
<td>16 MPs Total</td>
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<tr>
<td>Baker – N/N; Breau – Y/Y; Broadbent – Y/Y; Caccia – Y/Y; Dick – N/N; Fleming – Y/Y; Francis – N/N; Hogan – Y/Y; Jarv...</td>
<td><strong>Liberals</strong> (8) – Breau – Y/Y; Caccia – Y/Y; Fleming – Y/Y; Francis – N/N; MacFarlane – Y/Y; Nicholson – Y/Y; Philbrok...</td>
<td>9Y – 7N</td>
<td>9Y – 7N</td>
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<tr>
<th>4. Free vote</th>
<th>11 MPs Total</th>
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<tbody>
<tr>
<td>Campagnolo – N/N; Caouette (14th) – N/N; Clermont – N/N; Darling – N/N; Jarvis – N/N; Johnston – Y/Y; La Salle – N/N; Maine – N/N; Oberle – N/N; Roche – N/N; Stevens – N/N;</td>
<td><strong>Liberals</strong> (3) – Campagnolo – N/N; Clermont – N/N; Maine – N/N; <strong>PC</strong> (7) – Darling – N/N; Jarvis – N/N; Johnston – Y/Y; La Salle – N/N; Oberle – N/N; Roche – N/N; Stevens – N/N; <strong>SC</strong> (1) – Caouette (14th) – N/N;</td>
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<tr>
<th>5. Parliamentary tradition</th>
<th>14 MPs Total</th>
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<tbody>
<tr>
<td>Blais – Y/Y; Broadbent – Y/Y; Cafik – Y/Y; Diefenbaker – N/N; Duclos – Y/Y; Fairweather – Y/Y; Fleming – Y/Y; Hogan – Y/Y; Johnston – Y/Y; Leggatt – Y/Y; MacKay – N/N; Martin –</td>
<td><strong>Liberals</strong> (6) – Blais – Y/Y; Cafik – Y/Y; Duclos – Y/Y; Fleming – Y/Y; Martin – Y/Y; Raines – Y/Y; <strong>PC</strong> (5) – Diefenbaker – N/N; Fairweather – Y/Y; Johnston – Y/Y; MacKay – N/N; Whittaker – N/N; <strong>NDP</strong> (3) – Broadbent – Y/Y; Hogan</td>
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<tr>
<td>6. Use of national referendum</td>
<td>6 MPs Total</td>
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<tr>
<td>Y/Y; Raines – Y/Y; Whittaker – N/N; – Y/Y; Leggatt – Y/Y;</td>
<td>Caouette (14th) – N/N; Fleming – Y/Y; Jelinek – N/N; Johnston – Y/Y; Murta – N/N; Whittaker – N/N;</td>
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### APPENDIX E: THEME 3

<table>
<thead>
<tr>
<th>Topics for Theme 3</th>
<th>MPs</th>
<th>Political Party</th>
<th>Argument</th>
<th>Final Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Legislation concerns a highly moral issue and so needs a moral-based resolution</strong></td>
<td>23 MPs Total</td>
<td>Liberal (7) – Appolloni – Y/Y; Collenette – Y/Y; Condon – N/N; Francis – N/N; Holt – N/N; Hurlburt – N/N; Jones – N/N; Kaplan – N/N; Parent – N/N; PC (15) – Alkenbrack – N/N; Epp – N/N; Friesen – Y/Y; MacDonald – Y/Y; Masniuk – N/N; McKenzie – N/N; Murta – N/N; Parent – N/N; Roche – N/N; Rynard – N/N; Scott – N/N; Wenman – N/N; Whiteway – N/N; Whittaker – N/N;</td>
<td>3Y – 20N</td>
<td>3Y – 20N</td>
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<td></td>
<td>Dick – N/N; Francis – N/N; Jarvis – N/N; Jelinek – N/N; Jones – N/N; Maine – N/N; Mazankowski – N/N; McKenzie – N/N; Murta – N/N; Parent – N/N; Roche – N/N; Rynard – N/N; Scott – N/N; Wenman – N/N; Whiteway – N/N; Whittaker – N/N;</td>
<td>Liberal (2) – Francis – N/N; Maine – N/N; PC (6) – Dick – N/N; Jarvis – N/N; Jelinek – N/N; Mazankowski – N/N; McKenzie – N/N; Whittaker – N/N; Ind. (1) – Jones – N/N;</td>
<td>0Y – 9N</td>
<td>0Y – 9N</td>
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<td></td>
<td>Allard – N/N; Clarke – N/N; Clermont – N/N; Epp – N/N; Gilbert – Y/Y; Guay – N/N; Hurlburt – N/N; Jones – N/N; Masniuk – N/N; McGrath – Y/Y; McKenzie – N/N; Whiteway – N/N;</td>
<td>Liberals (2) – Guay – N/N; Clermont – N/N; PC (7) – Clarke – N/N; Epp – N/N; Hurlburt – N/N; Masniuk – N/N; McGrath – Y/Y; McKenzie – N/N; Whiteway – N/N; NDP (1) – Gilbert – Y/Y;</td>
<td>2Y – 10N</td>
<td>2Y – 10N</td>
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| 4. Government will always retain moral right to kill | SC (1) – Allard – N/N; Ind. (1) – Jones – N/N; | SC (1) – Allard – N/N; Ind. (1) – Jones – N/N; | 8Y – 4N | 8Y – 4N |
| 12 MPs Total | Liberals (8) – Cafik – Y/Y; Clermont – N/N; Guay – N/N; Landers – N/N; Robinson – Y/Y; Martin – Y/Y; Milne – Y/Y; Trudeau – Y/Y; PC (3) – Clark – Y/Y; MacDonald – Y/Y; Wagner – N/N; NDP (1) – Broadbent – Y/Y; | Liberals (8) – Cafik – Y/Y; Clermont – N/N; Guay – N/N; Landers – N/N; Robinson – Y/Y; Martin – Y/Y; Milne – Y/Y; Trudeau – Y/Y; PC (3) – Clark – Y/Y; MacDonald – Y/Y; Wagner – N/N; NDP (1) – Broadbent – Y/Y; | 8Y – 4N | 8Y – 4N |
| 5. Executions can be done in morally acceptable manner | Liberals (2) – Breau – Y/Y; Clermont – N/N; PC (1) – Alkenbrack – N/N; NDP (2) – Broadbent – Y/Y; Peters – Y/Y; | Liberals (2) – Breau – Y/Y; Clermont – N/N; PC (1) – Alkenbrack – N/N; NDP (2) – Broadbent – Y/Y; Peters – Y/Y; | 3Y – 2N | 3Y – 2N |
| 5 MPs Total | 3Y – 2N | 3Y – 2N |
| 6. Morality being misused to promote abolition | Liberals (2) – Holt – N/N; Roy – N/N; PC (5) – Crouse – N/N; Epp – N/N; Holt – N/N; Hurlburt – N/N; Jones – N/N; Malone – N/N; Munro – N/N; SC (1) – Allard – N/N; Ind. (1) – Jones – N/N; | Liberals (2) – Holt – N/N; Roy – N/N; PC (5) – Crouse – N/N; Epp – N/N; Holt – N/N; Hurlburt – N/N; Jones – N/N; Malone – N/N; Munro – N/N; SC (1) – Allard – N/N; Ind. (1) – Jones – N/N; | 0Y – 9N | 0Y – 9N |
### APPENDIX F: THEME 4

<table>
<thead>
<tr>
<th>Topics for Theme 4</th>
<th>MPs</th>
<th>Political Party</th>
<th>Argument</th>
<th>Final Vote</th>
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</thead>
<tbody>
<tr>
<td><strong>1. Legislation is about practical efficiencies</strong></td>
<td>22 MPs Total</td>
<td>Liberal (7)</td>
<td>10Y – 12N</td>
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<td></td>
<td>Basford – Y/Y; Beaudoin – N/N; Cafik – Y/Y; Darling – N/N; Friesen – N/N; Hurlburt – N/N; Jelinek – N/N; Johnston – Y/Y; Jones – N/N; Lambert – N/N; Leggatt – Y/Y; MacDonald – Y/Y; Macquarrie – N/N; Malone – N/N; Marceau – Y/Y; Martin – Y/Y; Munro – N/N; Nicholson – Y/Y; Robinson – Y/Y; Trudeau – Y/Y; Wenman – N/N; Yewchuck – N/N;</td>
<td></td>
<td>10Y – 12N</td>
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<td></td>
<td>PC (12)</td>
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<td></td>
<td>Basford – Y/Y; Cafik – Y/Y; Marceau – Y/Y; Martin – Y/Y; Nicholson – Y/Y; Robinson – Y/Y; Trudeau – Y/Y;</td>
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<td></td>
<td>Liberal (7) –</td>
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<td>Basford – Y/Y; Cafik – Y/Y; Marceau – Y/Y; Martin – Y/Y; Nicholson – Y/Y; Robinson – Y/Y; Trudeau – Y/Y;</td>
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<td>Liberal (7) –</td>
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<td>Basford – Y/Y; Cafik – Y/Y; Marceau – Y/Y; Martin – Y/Y; Nicholson – Y/Y; Robinson – Y/Y; Trudeau – Y/Y;</td>
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<td>PC (12)</td>
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<td>Basford – Y/Y; Cafik – Y/Y; Marceau – Y/Y; Martin – Y/Y; Nicholson – Y/Y; Robinson – Y/Y; Trudeau – Y/Y;</td>
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<td></td>
<td>Liberal (7) –</td>
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<tr>
<td><strong>2. Abolition should not be enacted if capital punishment does actually deter</strong></td>
<td>19 MPs Total</td>
<td>Liberal (6)</td>
<td>11Y – 8N</td>
<td></td>
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<td></td>
<td>Alexander – Y/Y; Blackburn – Y/Y; Caouette (14th) – N/N; Clark – Y/Y; Clermont – N/N; Darling – N/N; Duclos – Y/Y; Hogan – Y/Y; Hurlburt – N/N; Leggatt – Y/Y; McDonald – Y/Y; MacKay – N/N; Macquarrie – N/N; Malone – N/N; Martin – Y/Y; Milne – Y/Y; Robinson – Y/Y; Trudeau – Y/Y; Wenman – N/N; Yewchuck – N/N;</td>
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<td>11Y – 8N</td>
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<td>Liberal (6) –</td>
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<td>Alexander – Y/Y; Blackburn – Y/Y; Caouette (14th) – N/N; Clark – Y/Y; Clermont – N/N; Darling – N/N; Duclos – Y/Y; Hogan – Y/Y; Hurlburt – N/N; Leggatt – Y/Y; McDonald – Y/Y; MacKay – N/N; Macquarrie – N/N; Malone – N/N; Martin – Y/Y; Milne – Y/Y; Robinson – Y/Y; Trudeau – Y/Y; Wenman – N/N; Yewchuck – N/N;</td>
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<td>Liberal (6) –</td>
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<td>Alexander – Y/Y; Blackburn – Y/Y; Caouette (14th) – N/N; Clark – Y/Y; Clermont – N/N; Darling – N/N; Duclos – Y/Y; Hogan – Y/Y; Hurlburt – N/N; Leggatt – Y/Y; McDonald – Y/Y; MacKay – N/N; Macquarrie – N/N; Malone – N/N; Martin – Y/Y; Milne – Y/Y; Robinson – Y/Y; Trudeau – Y/Y; Wenman – N/N; Yewchuck – N/N;</td>
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<td></td>
<td>Liberal (6) –</td>
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<tr>
<td><strong>3. Legislation should be passed because Canada</strong></td>
<td>15 MPs Total</td>
<td>Liberals (9)</td>
<td>12Y – 3N</td>
<td></td>
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<tr>
<td></td>
<td>Alexander – Y/Y; Andres – Y/Y;</td>
<td></td>
<td>12Y – 3N</td>
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<tr>
<td></td>
<td>Alexander – Y/Y; Andres – Y/Y; Cafik – Y/Y; Collenette – Y/Y;</td>
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<td>will become safer (by increasing conviction)</td>
<td>Blackburn – Y/Y; Cafik – Y/Y; Clark – Y/Y; Clarke – N/N; Collenette – Y/Y; Daudlin – Y/Y; Duclos – Y/Y; Fleming – Y/Y; MacDonald (5th) – Y/Y; MacFarlane – Y/Y; MacKay – N/N; Milne – Y/Y; Parent – N/N;</td>
<td>Daudlin – Y/Y; Duclos – Y/Y; Fleming – Y/Y; MacFarlane – Y/Y; Milne – Y/Y; Parent – N/N;</td>
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<td>PC (5) – Alexander – Y/Y; Clark – Y/Y; Clarke – N/N; MacDonald (5th) – Y/Y; MacKay – N/N;</td>
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<td>NDP (1) – Blackburn – Y/Y;</td>
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<td>4. Legislation should not be passed because government should always retain option to execute</td>
<td>6 MPs Total Blais – Y/Y; Cafik – Y/Y; Clark – Y/Y; Clermont – N/N; Hurlburt – N/N; Wagner – N/N;</td>
<td>Liberals (3) – Blais – Y/Y; Cafik – Y/Y; Clermont – N/N; PC (3) – Clark – Y/Y; Hurlburt – N/N; Wagner – N/N;</td>
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<td>3Y – 3N</td>
<td>3Y – 3N</td>
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<tr>
<td>Topics for Theme 5</td>
<td>MPs</td>
<td>Political Party</td>
<td>Argument</td>
<td>Final Vote</td>
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<tr>
<td>1. Government has obligation to retain capital punishment</td>
<td><strong>21 MPs Total</strong>&lt;br&gt;Alexander – Y/Y; Alkenbrack – N/N; Appolloni – Y/Y; Clarke – N/N; Clermont – N/N; Darling – N/N; Dick – N/N; Diefenbaker – N/N; Douglas – N/N; Epp – N/N; Friesen – N/N; Hurlburt – N/N; Jones – N/N; MacDonald – Y/Y; Masniuk – N/N; McKenzie – N/N; Munro – N/N; Parent – N/N; Patterson – N/N; Wenman – N/N; Whiteway – N/N;</td>
<td><strong>Liberal (4)</strong> – Appolloni – Y/Y; Clermont – N/N; Douglas – N/N; Parent – N/N; <strong>PC (16)</strong> – Alexander – Y/Y; Alkenbrack – N/N; Clarke – N/N; Darling – N/N; Dick – N/N; Diefenbaker – N/N; Epp – N/N; Friesen – N/N; Hurlburt – N/N; MacDonald – Y/Y; Masniuk – N/N; McKenzie – N/N; Munro – N/N; Patterson – N/N; Wenman – N/N; Whiteway – N/N;</td>
<td>3Y – 18N</td>
<td>3Y – 18N</td>
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<tr>
<td>2. Legislative debate is an opportunity to act as a representative government</td>
<td><strong>12 MPs Total</strong>&lt;br&gt;Alkenbrack – N/N; Crouse – N/N; Diefenbaker – N/N; Hamilton – N/N; Holt – N/N; Jones – N/N; MacDonald – Y/Y; Maine – N/N; Martin – Y/Y; McKenzie – N/N; Munro – N/N; Parent – N/N; Patterson – N/N; Wenman – N/N; Whiteway – N/N;</td>
<td><strong>Liberal (3)</strong> – Holt – N/N; Maine – N/N; Martin – Y/Y; <strong>PC (8)</strong> – Alkenbrack – N/N; Crouse – N/N; Diefenbaker – N/N; Hamilton – N/N; MacDonald – Y/Y; McKenzie – N/N; Munro – N/N; Patterson – N/N; Wenman – N/N; Whiteway – N/N;</td>
<td>2Y – 10N</td>
<td>2Y – 10N</td>
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<tr>
<td>3. Canada needs abolition to become more civil</td>
<td><strong>12 MPs Total</strong>&lt;br&gt;Cafik – Y/Y; Campagnolo – N/N; Daudlin – Y/Y; Fairweather – Y/Y; Fleming – Y/Y; Gilbert – Y/Y; Martin – Y/Y; Milne – Y/Y; Oberle – N/N; Raines – Y/Y;</td>
<td><strong>Liberals (7)</strong> – Cafik – Y/Y; Campagnolo – N/N; Daudlin – Y/Y; Fleming – Y/Y; Martin – Y/Y; Milne – Y/Y; Raines – Y/Y; <strong>PC (4)</strong> – Fairweather – Y/Y; Oberle – N/N; Stevens – N/N; Wenman – N/N;</td>
<td>9Y – 3N</td>
<td>9Y – 3N</td>
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### 4. Abolition will make Canada uncivil

<table>
<thead>
<tr>
<th>35 MPs Total</th>
<th>Liberals (13) –</th>
<th>PC (17) –</th>
<th>9Y – 26N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allard – N/N; Basford – Y/Y; Blais – Y/Y; Breau – Y/Y; Campagnolo – N/N; Colleenette – Y/Y; Condon – N/N; Daudlin – Y/Y; Francis – N/N; Guay – N/N; Holt – N/N; Johnston – Y/Y; Lamb – N/N; MacKay – N/N; Malone – N/N; Masniuk – N/N; McCleave – N/N; McKenzie – N/N; Murta – N/N; Oberle – N/N; Rynard – N/N; Wagner – N/N; Wenman – N/N;</td>
<td>Basford – Y/Y; Blais – Y/Y; Breau – Y/Y; Campagnolo – N/N; Condon – N/N; Daudlin – Y/Y; Francis – N/N; Guay – N/N; Holt – N/N; Lee – N/N; Martin – Y/Y; Roy – N/N;</td>
<td>Clarke – N/N; Crouse – N/N; Darling – N/N; Friesen – N/N; Hurlburt – N/N; Johnston – Y/Y; Lamb – N/N; MacKay – N/N; Malone – N/N; Masniuk – N/N; McCleave – N/N; McKenzie – N/N; Murta – N/N; Oberle – N/N; Rynard – N/N; Wagner – N/N; Wenman – N/N;</td>
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<td>Stevens – N/N; Wenman – N/N;</td>
<td>Gilbert – Y/Y;</td>
<td>Jacques – N/N;</td>
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### 5. Abolition is not necessary as humane executions are available

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<tr>
<th>19 MPs Total</th>
<th>Liberals (2) –</th>
<th>PC (14) –</th>
<th>1Y – 18N</th>
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</thead>
<tbody>
<tr>
<td>Clarke – N/N; Crouse – N/N; Darling – N/N; Dionne – N/N; Elzinga – N/N; Francis – N/N; Hurlburt – N/N; Jelinek – N/N; Jones – N/N; La Salle – N/N; Lambert – N/N; Landers – N/N;</td>
<td>Francis – N/N; Landers – N/N;</td>
<td>Clarke – N/N; Crouse – N/N; Darling – N/N; Elzinga – N/N; Hurlburt – N/N; Jelinek – N/N; La Salle – N/N; Lambert – N/N; Malone – N/N; McCall – N/N; McCain – N/N; McKenzie – N/N; Neil – N/N; Rynard – N/N;</td>
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<td>Jacques – N/N;</td>
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<tr>
<th>NDP (2) –</th>
<th>SC (2) –</th>
<th>Ind. (1) –</th>
<th>1Y – 18N</th>
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</thead>
<tbody>
<tr>
<td>Leggatt – Y/Y; Peters – Y/Y;</td>
<td>Allard – N/N; Caouette (14th) – N/N;</td>
<td>Jones – N/N;</td>
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<tr>
<td>NDP (2) –</td>
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<td>6. Debate concerns whether Canada is currently ready for abolition</td>
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<td><strong>Malone</strong> – N/N; <strong>McCain</strong> – N/N; <strong>McKenzie</strong> – N/N; <strong>Neil</strong> – N/N; <strong>Peters</strong> – Y/Y; <strong>Rynard</strong> – N/N; <strong>Scott</strong> – N/N; <strong>Scott</strong> – N/N; <strong>NDP (1)</strong> – <strong>Peters</strong> – Y/Y; <strong>SC (1)</strong> – <strong>Dionne</strong> – N/N; <strong>Ind. (1)</strong> – <strong>Jones</strong> – N/N;</td>
<td><strong>Scott</strong> – N/N; <strong>NDP (1)</strong> – <strong>Peters</strong> – Y/Y; <strong>SC (1)</strong> – <strong>Dionne</strong> – N/N;</td>
<td><strong>7 MPs Total</strong></td>
<td>2Y – 5N</td>
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<tr>
<td><strong>Alkenbrack</strong> – N/N; <strong>Breau</strong> – Y/Y; <strong>Campagnolo</strong> – N/N; <strong>Caouette (14th)</strong> – N/N; <strong>Clermont</strong> – N/N; <strong>Jarvis</strong> – N/N; <strong>MacFarlane</strong> – Y/Y; <strong>Liberals (4)</strong> – <strong>Breau</strong> – Y/Y; <strong>Campagnolo</strong> – N/N; <strong>Clermont</strong> – N/N; <strong>MacFarlane</strong> – Y/Y; <strong>PC (2)</strong> – <strong>Alkenbrack</strong> – N/N; <strong>Jarvis</strong> – N/N; <strong>SC (1)</strong> – <strong>Caouette (14th)</strong> – N/N;</td>
<td></td>
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<td>2Y – 5N</td>
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