

Criminal Code

will come when by education and rehabilitation we can improve the individual wherever he lives. Maybe Victor Hugo had the right idea and maybe it is now. He said this in setting forth a challenging principle:

In the twentieth century war will be dead, the scaffold will be dead, hatred will be dead, frontier boundaries will be dead, dogmas will be dead; man will live.

That means not only the man who may have committed a crime but also all men, all children, all women.

He will possess something higher than all these—a greater country, the whole earth and a great hope, the whole heaven.

I am very grateful to the house, Mr. Speaker, for giving me these few extra minutes to finish my speech.

● (5:50 p.m.)

[Translation]

**PROCEEDINGS ON ADJOURNMENT
MOTION**

**SUBJECT MATER OF QUESTIONS TO BE
DEBATED UNDER ADJOURNMENT
MOTION**

The Acting Speaker (Mr. Rinfret): Order. It is my duty, pursuant to provisional standing order 39A, to inform the house that the questions to be debated at the time of adjournment tonight are as follows: the hon. member for Danforth (Mr. Scott): Housing—Reported shortage of mortgage money; the hon. member for Vancouver Quadra (Mr. Deachman): Harbours—Vancouver—Proposed wharf development; the hon. member for Cumberland (Mr. Coates): Labour conditions—Atlantic region—Steps to improve unemployment situation.

CRIMINAL CODE

**PROPOSED AMENDMENT REGARDING
CAPITAL PUNISHMENT**

The house resumed consideration of the motion of Messrs. Byrne, Nugent, Scott (Danforth) and Stanbury.

[English]

Mr. Hubert Badanai (Fort William): Mr. Speaker, my reason for entering this debate is that the question is a humanitarian one of great interest to the people of Canada. In addition, I have taken part in every discussion on the subject of capital punishment since the former member for York-Scarborough introduced a bill in the house in 1959 and successive bills in 1960 and 1961.

I spoke on those occasions, as I propose to speak to you now, in support of the principle of abolition of capital punishment. After each of those occasions, having expressed my views against the retention of capital punishment, I invited comments from my constituents and as a result I received a great number of letters for and against the retention of the death penalty, with the number favouring abolition on the increase every successive year.

From this experience I found that clergymen in general are against the death penalty. Most judges and policemen are for it. Women are divided, some favouring abolition on moral grounds and some favouring retention as a protection against sex crimes. But in all I discovered that people who were once for the retention of the death sentence were gradually becoming converts to the idea that the death penalty is no longer considered an effective deterrent to murder.

Undoubtedly the general feeling swinging toward abolition had the effect of influencing the previous Conservative government to introduce Bill C-92 in May, 1961, the passing of which divided murder into capital and non-capital categories. It was a step in the right direction but it did not go far enough.

The *Globe and Mail* devoted an editorial to the passage of Bill C-92 of 1961, concluding with these words:

The new amendment will reduce the number of cases in which the government is required to exact the extreme penalty or to interfere with law, but they do not answer the moral question: Should society kill any man whatever his or her crime?

The last debate on the subject, both in this house, in the press and at public meetings, indicated quite clearly that public opinion in Canada is moving faster toward abolition than at any time in the past. A growing number of Canadians regard hanging as a barbarous relic of the past no longer necessary in the administration of justice. At this point I wish to congratulate the Prime Minister (Mr. Pearson) for facilitating a free vote on the issue enabling every member of this house to vote according to the dictates of his or her conscience in the beginning of this session and letting parliament come to an early decision.

It seems to me that the issue is between two schools of thought, one thirsting after justice, which reminds one of the persecution of Jean Val Jean in Victor Hugo's "Les Misérables", and the other urging not forgiveness but rather the rehabilitation of the criminal.