

Criminal Code

province will always be as sincere as is this one.

The conference pointed out that things can be done to deter crime. These involve working in the home, working with the individual, working with the offender, encouraging and assisting qualified young people to train for vocations and services in which the offender can be helped, such as prison chaplaincy, social work, probation and parole positions, teaching and psychiatry. Not for the offender but for society as a whole we need to encourage our young people to move into the type of occupation which will have service to humanity as its main concern.

They also urged continuing—

—study of the problem of crime in our midst, the needs of the offender and his family, awakening our own consciences and those of the public with every means proper within our own power, including the printed page, sermons, radio and T.V. literature,

There we get the tie-in between the first of the quotations I cited and this one, because these people too have realized the significance of the technological age in which we live.

I think that one could suggest that we are ready for a sort of total response to the question of capital punishment; that perhaps we should make a crusade out of this, something like a holy year in which no murder would be committed. Perhaps the centennial year would be a good year for such a project. But, Mr. Speaker, you know why this will not be done and why we do not do it. It is because we now live in a period since the development of psychology as a science. We are living after people like Freud and Jung have spoken. While we may not always believe what they have said, we cannot deny that they have said it, and our response to the actions of human beings can never again be as primitive as it was a few years ago.

We know, Mr. Speaker, that if we direct that sort of attention to the question of capital punishment, one of the results might well be an increase in the number of murders which are committed. That is one of the most telling arguments against capital punishment—that it may in some ways even encourage the very thing it is supposed to deter.

When we have debated this resolution I hope the house will proceed to pass it in its present form unamended in any way. Let us not amend it to allow capital punishment for treason, because we know that one century's treason is another century's patriotism. How much easier the present history of Canada

[Mr. Johnston.]

might have been had that great western radical, Louis Riel, not been hanged; had the government of that day been in the position of being unable to hang him. Let us not allow exceptions in the case of the murder of prison guards, because we all know that it will be inevitable within a year or two that someone will be slain and we will be back once more to this whole agonizing business. It is just as possible within the confines of a prison as anywhere else in our society to find extenuating circumstances.

• (5:30 p.m.)

The resolution or amendment before this house would solve that particular problem. And let us not provide for exceptions in cases where children are murdered. Surely these crimes are committed by those whose minds are not normal and, therefore, they fall outside the scope of capital punishment as set up at the present time.

Let us not amend the law for a trial period, either. If we close this episode in the history of Canada let us keep it closed. If we do not, then inevitably at the end of the trial period, five years or ten years, whatever it may be, we shall have in effect encouraged a group of particularly desperate murderers, because those who commit them as the trial period ends will bring themselves into the full glare of publicity. I believe the experience of other countries shows the question will come back to us with an almost overwhelming demand that we should return to something which we ought to abandon and forget forevermore.

[Translation]

Mr. Alcide Simard (Lac-Saint-Jean): Mr. Speaker, the state cannot be denied the punitive power—stripping that word of the disparaging meaning it has acquired through usage—that is the power to punish those who break the laws enacted for the good of society. That goes for any just law, and all the more for laws which are only stating the most fundamental requirements of natural law, such as respect for any innocent life.

If the problem is limited to the death penalty, it is necessary to make a distinction between the right of the state to impose that punishment, on the one hand, and the opportunity to exercise that right in concrete circumstances of time and place, on the other hand. Among those who advocate most strongly the abolition of the death penalty, many admit the right of the state, in theory, to inflict that punishment, but deny the existence today of the conditions which make it