

*Criminal Code*

The basic rules of society are the expression of what the latter prescribes and of the penalties it provides for the violation of its rules. Without penalties, rules have no effect; and the penalty must be proportional to the crime or offence committed.

It is by practising the virtue of justice that society can secure that balance, and it is by practising concurrently the virtue of charity with the virtue of justice that the individual will respect the life and property of his fellowmen.

The third part of the resolution deals with the prerogatives of mercy and pardon which may be exercised by the governor in council. I think it is placing a very heavy responsibility on the shoulders of members of the cabinet to provide that they will consider alone each case of mercy.

That is why I would suggest that a standing committee of the house made up of members of the various political parties—or, if preferable, the justice and legal affairs committee—be asked to consider on merit each case of mercy and that a report be subsequently transmitted to the governor in council so that he can decide on the appeal for mercy.

Of course, committee reports would not necessarily be binding on the cabinet since only the governor in council is entitled to relieve a convict.

Nevertheless, the aim of this committee's studies would be to help the cabinet, in some cases, to reach decisions and it would still minimize the remote possibility of judicial errors that may occur from time to time.

During debates in the house, several members have already expressed their dislike of hanging, the mode of execution now in use. I agree with them on this matter and I believe this very primitive mode of execution should be replaced by the gas chamber or the electric chair.

In closing, I should like to say this. We live in a society ruled by laws; peace and order must prevail in it.

Each individual forming this society must understand that the law applies equally to everyone, that every law by its definition and concept calls for a sanction and penalty proportional to the crime and offence. And it is our duty and responsibility as parliamentarians to see that those laws and their penalties are applied, if we want our civilization to continue enjoying the prestige and reputation it now has.

[Mr. Asselin (Charlevoix).]

**Mr. Gérald Laniel (Beauharnois-Salaberry):**

Mr. Speaker, my intervention in this debate will be brief, because I do not want to repeat the arguments which were put forward so far. However, I want to show that my attitude concerning the matter of capital punishment, is serious and that I respect the opinions of others. My decision to vote against the motion before us, does not make me a propagandist of the retention, who is trying to convince the abolitionists and prove them they are completely wrong. On the contrary, I believe that, under the present circumstances, there is some good in the position of both groups and I even think it is easier to be an abolitionist in the face of the rapid social evolution of our civilized world, since abolitionists are considered as reformists and seem to be more modern than we are.

Mr. Speaker, since I am basically in favour of the retention of capital punishment, I must admit that all the arguments advanced so far have not yet convinced me of the necessity for completely abolishing from our law this punishment, that some consider as barbaric. I am ready to admit that it is desirable to use it in a more and more limited way, as we improve our penal system, but, it is hard for me to think that I shall become convinced of the necessity of its total abolishment. Besides, it is not the punishment itself which concerns me most, but rather the fact that this punishment remains a usable instrument hanging over the heads of the criminals, as the spear of Damocles.

Therefore, the resolution in its present form, gives me no alternative, except if it is amended in order to maintain the death penalty for at least a certain number of crimes, among which the murder of police officers and prison guards on duty, as well as for some capital murders. It might be desirable that in this last instance, more leeway be made available to the judge, so that he may use clemency, replacing death penalty by life imprisonment when circumstances warrant.

Capital punishment is considered by many as a deterrent, some see it as a punishment or the repayment of a debt toward the society. Others consider it as barbaric, scandalous, as contrary to our principles of christian charity. I considered all these points, I searched for an answer in statistics, the scriptures and literature published on this issue but I have always failed to convince myself that I should change my original opinion.