

*Criminal Code*

have no respect for the life and security of others.

Today the current of compassion for criminals is so deep that people are forgetting the odious lot of the victims.

To those who invoke social progress and the level of our civilization to ask for abolition of the death penalty, I say that a truly civilized country, an era truly characterized by social progress can be recognized by its low crime level; the surest way to abolish the death penalty is to abolish crime and murder. This reminds me of a sophism by the late Mr. Duplessis, who used to say that the best health insurance was health itself.

On the technological, medical and scientific levels, our modern world has made enormous advances, but on the moral and social levels, crucial problems interfere with the progress of our civilization.

A lot has been written and said on the subject of capital punishment.

It seems that when we try and refer to those texts and speeches, we only remain at the stage of ratiocination.

For example, abolitionists will say: "The Lord is the only master of our life" and they will put forward the "Thou shall not kill" that the retentionists interpret as "Thou shall do no murder", and who maintain that the Lord exerts his control over the destiny of man through the use of human contingencies; the Lord, first cause, acts through secondary causes.

As for me, I prefer to leave aside these confrontations between biblical justice and legal justice, between the world of theology and the world of human relations.

Too many of those jeremiahs with a shade of religion, against capital punishment do not mention the eternal punishment as a retribution for a temporal life of sin. It is a bewildering disproportion for whoever considers this reality in terms of our human context only.

Abolitionists emphasize the holy nature of the human life; the retentionists reply that the abolition of freedom takes away the dignity of the individual and that the sacrifice of a man's freedom is often equal to the sacrifice of his life.

Is it better to take away a man's life than to reduce him to the condition of an animal?

Abolitionists contend that the murderer, when committing his crime, does not consider at all the punishment that could ensue from it, but retentionists reply that punishment

[Mr. Choquette.]

looms over potential murderers and therefore deters many of them from committing murder.

Abolitionists claim that a judicial error is possible; retentionists contend that incarceration alone of murderers endangers greatly the life of the prison guards.

Abolitionists contend that repeated commutations make a mockery of official sentences handed down by our courts; retentionists, on the other hand, contend that there is nothing of the sort, since our penal system provides this legal mechanism by which any death sentence is subject to commutation by the executive.

And we could go on indefinitely with this parallel of pro and con arguments.

Apart from this subtle reasoning, an intuitive knowledge of human nature will clearly establish the deterrent power of capital punishment.

I feel it would be to take leave of one's senses to deny the deterrent effect of the prospect of such penalty.

We can philosophize *ad nauseam* in support of the opposite trend. This is a conviction intimately felt by the whole being, this is a deep feeling possessed by any healthy soul; let us beware of quibbling, by abstract reasoning, philosophers have come to prove that one does not exist.

The abolitionists remind me of the unfaithful husband. He often succeeds, by charming eloquence and argumentation endowed with the most rigid logic, to intellectually convince his wife of his faithfulness; however, she in her heart of hearts feels by intuition that she has been sadly taken in.

● (6:40 p.m.)

[English]

May I quote the royal commission:

It is reasonable to suppose that the deterrent force of capital punishment operates not only by affecting the conscious thoughts of individuals tempted to commit murder, but also by building up in the community, over a long period of time, a deep feeling of peculiar abhorrence for the crime of murder.

[Translation]

It is an erroneous belief that life imprisonment, if it does exist, serves the same purpose.

There are some pariahs with no ambition or purpose other than to take life easy, who could easily become instruments of organized crime; for them, it does not make any difference whether they live in jail or elsewhere; why not take a chance to get on easy street