

*Capital Punishment*

we must stop to assess the seriousness of the punishment already imposed by law, and see whether such punishment should be decreased or maintained in regard to the particular crime, which is murder.

Should murder be penalized by imprisonment or by death? Does the common good, today, require the abolition of capital punishment more than it did previously? Every person's opinion on the problem of capital punishment depends on that person's personal background. The purpose of capital punishment is to deter other citizens from committing a similar crime. The principle underlying such punishment is not vengeance, or the argument that a murderer is unworthy of living. That is certainly not the motive inspiring our judges, jurors and the people who urge that the law be carried out and enforced.

Is the death penalty a good deterrent of crime? In my humble view, so long as men are not assured that they cannot take another man's life and get away with it, this deterrent will be necessary to society.

There is no doubt that a man who takes another man's life is in contempt of human law as well as divine law, and must, therefore, be punished for his crime. Many will say that divine law does not authorize the death penalty, in view of the commandment which says "Thou shalt not kill", and that therefore, the state is not authorized under divine law to transgress this principle through positive legislation.

Father Janvier, the prominent French sociologist and preacher, makes the following statement on pages 116 to 118 of his book entitled "Justice and Law":

When a man, through his own viciousness, becomes a public menace, the regular authority cuts him out of the social body, just as a physician cuts out an eye, an arm or a leg when gangrene threatens the whole physical body. There is no injustice involved, because in falling into certain extremes which are repugnant both to reason and to the heart, the criminal has divested himself of human dignity and has fallen, so to speak, into animality. Having become similar to a wild beast, indeed even worse and more harmful, he deserves the same kind of treatment. Courts do not execute criminals out of a lack of respect for human life, but on the contrary, out of love for human life, in defence of it, and as a means of preserving it for all. In passing a capital sentence, they are motivated not by feelings of vengeance or of hatred for the wicked, but by concern for the innocent. They pronounce a death sentence to make the punishment fit the crime, in order that in the community, the fear of punishment might inspire hate of evil, in order that scoundrels whose conscience is indifferent to good and deaf to the call of duty, will refrain from killing for fear of being killed.

[Mr. Paul.]

To what extent is it appropriate for justice to avail itself of this terrible right? To the extent necessary or appropriate to protect society. Prudence should determine the cases where it is appropriate for justice to use either clemency or greater severity. To consult general interest and to act according to its requirements, such is the duty of those who lead the people and legislate.

I quite humbly believe that we show too much commiseration for the criminal, and the disguised feelings of pity and charity lead many people to make requests to society to do away with capital punishment. It is unfortunate that they do not always show as much pity for the family of the murderer's victim. Very often a tearful wife is left alone, having to assume the responsibility for the education of her children orphaned by a murder committed by a man who, often for reasons of jealousy, spite or hatred, has decided to kill his fellow man, with the hope that he himself will escape capital punishment, convinced that he will never be found.

To abolish capital punishment would mean that we believe that the right lies in the power of the individual, that might is right and that justice leans towards the strong.

Would it not be dangerous then to leave the impression that each man has a right to take his own revenge for a wrong that might have been caused to him?

The Creator has seen fit to implant in man's mind, as a primordial instinct, the fear of death. If this is a primordial instinct, as it necessarily must be, capital punishment is certainly a deterrent of crime, and, in this case, it is a necessity at this stage of our civilization. When the human mind has changed, when the improvement we aim at is attained, we shall then be able to afford abolishing capital punishment which, I think, the security of our society strongly demands today.

I have great respect for the views of those who hold opposite views. I commend them for wanting to do something in the interest of humanity. Yet, I ask the same right for myself and those others who also are acting in the best interest of mankind, even if they be of different opinion.

Mr. Speaker, I shall vote against the legislation moved by the hon. member for York-Scarborough, as I am convinced of the necessity of maintaining capital punishment in this country.