

*Criminal Code*

free to take the stand they deemed most reasonable.

Furthermore, it is not true that the church, as is so often claimed, has always favoured capital punishment, nor that this punishment was an integral part of the Christian tradition. St. Augustine stated, as early as the 5th century, when addressing the imperial commissary: I appeal to your faith in Jesus Christ; in the name of his divine mercy, we do not want the sufferings of God's servants to be avenged by the *lex talionis*—On the contrary, we want the men, without losing their life, to be brought back to their senses.

Of course, it is not enough to show the weakness of arguments brought forward to favour retention. I favour abolition of the death penalty for positive reasons, of which the most outstanding is related to the notion of social progress.

● (4:00 p.m.)

To my mind, it is beyond dispute, Mr. Speaker—and I see few members in this house prepared to question it—that abolition of the death penalty constitutes in itself social progress. Indeed, the way of civilization has always been marked by a progressive abandonment of killing one's fellow-man.

Most primitive men, living as wandering tribes, killed without any distinction unproductive aged, madmen and violent criminals alike.

There was no alternative as long as the old people were jeopardizing the precarious economy of the tribe by consuming without producing; the mentally ill as well as the criminals were a constant menace to everyone, since the tribes' continuous treks made it impossible to incarcerate them. Of necessity, these people had to be gotten rid of; their elimination was required for the common safety.

But there is no doubt that giving up killing has always been considered a progress by the majority of men, since every society generally developed along these lines as it gradually emerged from its savage state.

Once it settled down on richer land, the tribe stopped killing the aged. Then, as the means became available, what would be called today the required social capital, the society abandoned the killing of the mentally ill, even the most dangerous of them. Originally, they were put away in asylums where they died a slow death; later, much later, they were taken care of and cured.

[Mr. Pelletier.]

As for the death penalty, society gave it up by degree. We all know that barely 150 years ago, hanging was the penalty for shop-lifting, for the slightest burglary, for things we consider today as minor crimes or simple misdemeanours. This, Mr. Speaker, is nothing new. The evolution toward final abolition was initiated centuries ago. We are not being asked, today, to break new ground, but quite the opposite, only to terminate what our fathers, our grandfathers and our great-grandfathers started a long, long time ago.

I submit that we are all ready for this last stage, psychologically as well as from a material viewpoint.

Let us admit first of all that, consciously or not, we are all ashamed of putting such a responsibility into the hands of some of our fellow-countrymen who are thereby compelled to kill their neighbour, this time not in the heat of battle or moved by passion, but deliberately and in cold blood. It is not by accident that we now hide from all eyes this capital punishment that we used to display on the public square. Better still, we hide the name of the executioner. We keep it as an official secret, and no wonder. Indeed, which one of us would like his son to take on that job? Which one of us would even be willing to admit that his father or brother performed that task? Is there but one member in this house who would be proud to have a hangman among his relatives? And when, to justify it, we compare the death penalty to war, we generally forget to note that military feats of valour inspire the greatest of pride, not to mention the most intolerable boasting, whereas the occupation of executioner is as shameful as a vice.

Therefore, Mr. Speaker, the point is this: have we reached that degree of civilization which enables a community to protect itself against murderers by other means than the death penalty? Is capital punishment really the one and only possible method of prevention? For it is obvious that the community must defend itself against criminals, just like it must protect itself against mentally ill persons that are dangerous. Nobody is suggesting that either of them should be left free when they threaten people's lives. But once revenge is discarded, once the scant effectiveness of capital punishment as a deterrent to potential murderers is understood, one realizes that capital punishment is no longer an indispensable protection against murderers, no more than it is against dangerous psychopaths.