

whole western society, depends greatly for its very fibre and base on belief or faith. The hon. member for Calgary South may well label it emotionalism or sentimentality. However, I am willing to continue to adhere to a faith in mankind because it is the basis of our whole western civilization. I would much rather run a few risks than be found guilty of what to me personally is an unpardonable crime, namely the taking of human life. We have not the power to grant life and I feel that neither as individuals nor as organized groups of individuals have we the moral right to take away life in any way, shape or form.

(Translation):

**Mr. Remi Paul (Berthier-Maskinonge-Delaudiere):** May I be allowed, Mr. Speaker, to express my opinion on the bill introduced by the hon. member for York-Scarborough (Mr. McGee). The practice of criminal law has made it possible for me to form my own concepts in the issue before us.

I have no doubt that hon. members of this house, who are in favour of abolishing capital punishment, are convinced that they are right. But that certainly does not entitle them to conclude that those who want capital punishment maintained are wrong.

Should we look upon the death penalty from a sentimental angle? No, Mr. Speaker, for this is in fact much more a question of reasoning. Some will maintain that it is illogical to keep up corporal punishment that goes way back to Roman law. But may we not also state, that a custom, a principle or a tradition can still be applied even though it is of ancient origin.

Humanity has not always erred in the things it has done. In every nation there are customs and basic social principles, which in spite of being as old as the world, are as necessary and appropriate today as they were originally.

Nothing is more degrading and morbid, people will say, than capital punishment, and by imposing such punishment and more particularly by maintaining it, society is debasing itself by debasing someone else.

Yet, society is composed of individuals who must live with one another, and it has the responsibility of enforcing rules and laws to protect itself and its members. Some thinkers and social scientists will carry this reasoning to its ultimate conclusion and maintain that nobody has the right to deprive a man of his physical or intellectual freedom. If such a theory were accepted, it could also be claimed that a community composed of individuals can neither surrender nor assume rights which individuals themselves do not have.

### *Capital Punishment*

However, no society could survive if its best elements lacked the necessary material means to repress those who disturb the established order and transgress the laws.

What is the definition of law? Philosophy gives the following definition:

Law is ordered reason for the common good, enacted and applied by authority.

The term "ordered" suggests direction and obligation. Therefore, there is intervention of the will, but ordered by reason.

Law must have as its direct purpose the common good, that is to say, the good of all mankind. And it must never be forgotten that the common good is the general good, which must be ordered for the proper ends of society.

Any law must have a general implication and provide, first of all, for the general good, the good of the community, and if the law is to cover the individual as a unit, it must do so in so far as the individual co-operates to the good of the community or of society as a whole.

If law derives from authority, we must ask ourselves whence and from whom such authority comes. As far as the common good of Canadian society is concerned, we, as members of the House of Commons, are that authority, because we have been entrusted with the duty of governing. While authority proceeds from God, God delegates that authority to those who have been legally chosen to govern. Law, therefore, must come only from members of the house, and not from private reason alone. Since we have the power to legislate, we must do so for the common good of society and not for any particular good or purpose.

We must never forget that the primary source of all law is in the eternal law; however temporal law, which is a secondary one, must regulate individual actions, that is to say, actions of reasonable beings. Temporal law is therefore positive in addition to being divine or human, and the latter, as far as we are concerned, is either civil or criminal.

Civil or criminal law has a particular character, that is to say, it must aim at the common good. Now, in order to ensure the common good, it is necessary to define what constitutes a crime or an offence, and necessarily, some appropriate sanction must be imposed on those who commit a crime; and it is the duty of all members to "organize" suppression of crimes on behalf of society.

This repression of crime requires that punishment be meted out to those who are guilty of the crime. In considering this bill,