

*Criminal Code*

judge, especially when there is no appeal, because it is impossible to say: "Whoever has never sinned shall cast the first stone."

My social science studies have enabled me to understand, to a certain extent, mass behaviour. Later on, I turned to psychology in my personal studies, with a view to acquiring a deeper understanding—up to a point, of course, since everything is relative—of human feelings and the importance of emotions in individual behaviour.

All human beings act, consciously or unconsciously, in order to love or to be loved. Individual behaviour differs, but in its outward form only.

All human beings are influenced directly by three important factors:

1. Family.
2. Sexuality.
3. Religion.

Mr. Speaker, we are reaching the climax of the debate. If you will allow me, I shall go back to the positive arguments, which are the most conclusive, in favour of abolition of the death penalty.

Abolition or suspension of capital punishment does not immediately lead to a much greater number of crimes. Statistics may be quoted in favour of both alternatives, but they should be based on the human plane, where two criteria motivate human beings—not generally, but always—namely, the wish to acquire and the fear of losing. As I wish to progress with my learned colleagues of the house, I too say, to put it mildly, that the effectiveness of capital punishment as a deterrent has yet to be proved.

• (6:00 p.m.)

Even certain countries such as Spain, Greece, Turkey, particularly the United Kingdom and, with certain reservations, Japan, which retain the death penalty, have doubts as to its value as a deterrent.

All available information seem to confirm that the removal of an offence from the list of offences punishable by death never gave rise to any substantial outbreak of that offence.

Certain crimes, including petty larceny, larceny, counterfeit and rape were even reduced after the abolition of capital punishment for such crimes in the 19th century.

The experience was the same with murders which are no longer considered as capital

murders, and the same general observation usually applies total abolition of capital punishment.

In Canada, from 1951 to 1958, there was an average of six executions; but there were 12 in 1952, and 11 in 1953. However, throughout this period, the criminality rate remained about the same. In western and southern Australia, there had been an average of two executions per year since 1935 but in the last five years there was none and criminality seems to remain substantially at the same level.

I say that perhaps the best deterrent to crime is primary education given in concrete form the example set by adults. I do not believe any criminal became one as an adult. He was predestinated in his younger years. He suffered traumatism which had serious consequences. I do not think there are basically bad people. I would rather think there are unfortunate people. That is what we must see through, Mr. Speaker, there is a real risk of executing an innocent or of improperly carrying out an execution.

It does not always take the same time to die.

The state should set the example by recognizing that human life is sacred and that it is wrong to kill.

For the state, an execution is a "voluntary mutilation". By doing away with a citizen, the state does not remove the crime: it only commits another.

The health penalty can only be justified as a collective revenge, an atonement or a supreme punishment.

It is considered nowadays that penalties have no other purpose than to serve as a deterrent or as a punishment. Now, this end may be achieved otherwise than by taking a life.

The law of retaliation is obsolete. An execution is a kind of judicial or legal murder. And the existence of the death penalty degrades justice.

The inclusion of the death penalty among the punishments provided for distorts the meaning of trials for murder which turn into a sinister tragi-comedy. Such punishment makes criminal justice dubious.

The death penalty is based on a metaphysical concept of human freedom, whereas according to social science, an offender usually does not enjoy complete freedom. Absolute justice is then an illusion and integral atonement, a fiction. Human justice cannot assess individual responsibility positively. In fact,