

*Criminal Code*

Is that torture not worthy of the barbarians of the era of the Roman empire? I call it refined barbarism. There has been talk also of the immorality of the act perpetrated collectively by all the citizens of a country when the state, for its own security and the protection of law and order, not for the sake of vengeance but rather for the love of the heritage it will bequeath its children, decides to do away with a man found guilty of high treason.

The word "vengeance" was also used.

● (6:10 p.m.)

In the first place, the state, in general, practically ignores the individual it sentences. Any individual revenge is thus avoided. Moreover, the legislation providing for the death penalty is far from being dictated by vengefulness. The best evidence that we can give is this: Has not the state established systematic distinctions between the various types of murders? Has it not reserved capital punishment to only one class of murder?

No. This argument about revenge makes no sense. If someone can assert that the death penalty is obsolete, this argument can be considered as a residue of the last war when such phenomena appeared. Have these phenomena lasted? It is easy to answer. At any rate, if this instrument of the state had proved so superficial, the result of a collective revenge, materially, formally and historically speaking, it would never have survived throughout the ages and all the upheavals known since the first politically-known society.

We would be tempted to kill, still through vengefulness.

Besides we have the retentionists, those who have not made much noise till now, those who work for the retention and who sincerely believe in the protection of society.

Mr. Speaker, speaking of justice, it is said: Justice must be done. But justice must also appear as being done. Well, our society, our people want to be protected. But the people must also have the feeling that they are protected. In my opinion, if the penalty were removed from our statutes now, our society would not have this feeling of being adequately protected.

There are retentionists among all classes of society, all environments, all religions. It seems also that the great majority of the Canadian people is in favour of the retention of capital punishment for certain premeditated murders.

[Mr. Vincent.]

I want to point out now that, in my own riding, I met several persons who were in favour of the abolition of the death penalty, but the great majority is in favour of its retention as it exists since 1961. Thus, if the great majority of the people, as is evidenced by the surveys made in our ridings and throughout Canada, is in favour of the retention of the death penalty, society must have this feeling of being protected by the legislation in our statutes.

Before we come to a vote, which is serious, which is a matter of conscience, which will have a great effect on the social future of our environment, we must ask ourselves the following question: If we remove from our statutes the death penalty provided for those convicted of capital murder, will we have more or less of such premeditated crimes? The question here is not about crimes and their punishment in 1850, 1870 or 1925, when a man could be hanged for stealing a horse or stealing five gold pieces. We no longer have such things today. Capital punishment is exacted only from those convicted—the onus of the proof being on the Crown—in the case of premeditated murder, of high treason or of crime syndicate murders.

It is our duty, as legislators, to take the steps required to keep capital murder at a minimum.

As legislators, we must protect society, or rather society demands our protection. That is what I was asked in the personal letters I have received: to maintain for society this feeling of protection through a law which is written very clearly in the Criminal Code and which may be used in some cases. The members of our society ask us to protect them against those who made a choice and who are the only ones responsible for the application of capital punishment, the criminals.

I put the following question to myself before I vote: "Will the retention of capital punishment in our statute books result in a lower number of capital murders?" And I am convinced, in my conscience, that it will help us maintain the order established in our civilization.

I would go as far as saying I am convinced that by complying with this request to abolish the death penalty, we might be endangering the life in the future, not of the persons guilty of capital or premeditated murders, but of a great number of other persons. I am thinking especially about policemen, prison guards and certain witnesses who might prove embarrassing.