

On the contrary, fear generates a desire for revenge, a desire to kill, and increasingly we are seeing a kind of vigilantism trying to replace the authority of the State.

Madam Speaker, the death penalty is essentially degrading for the individual, since it brands the life of the guilty party as useless. It also excludes one of the main purposes of punishment which is rehabilitation. People who opt for alternatives to capital punishment are those who have a respect for all human life and urge society to rehabilitate and reform the offender. Therefore, any civilized society has a duty to impose sanctions that encourage rehabilitation.

We should ask ourselves the following question. Can we, in the guise of meeting out justice, take an attitude that is strangely similar to the desire for revenge? I think this attitude is indefensible and absurd. A death sentence might be useful if it would bring the victims back to life, but I don't think we have reached that stage yet.

The anger of the victims' families is, of course, legitimate and their desire for retribution may be understandable, but suffering does not necessarily give wise counsel. In my opinion, resorting to capital punishment is merely a confession of weakness and perhaps even of society's cowardly reluctance to deal with a problem that should be approached with imagination and intelligence.

Madam Speaker, what about the risk of executing an innocent man? Unlike other sanctions, capital punishment is irreparable, of course. Judicial errors may not abound, but they do occur, and this alone says it all. No matter what guarantees our contemporary court system may provide, there is always an element of risk. The case of Donald Marshall springs to mind, wrongly convicted of murder as he was, and then released after spending 11 years in a New Brunswick penitentiary. There is no other conclusive evidence that somebody was erroneously executed in Canada, but it did happen in Great Britain, France and the United States.

Though the death penalty is punishment meted out to the criminal, it also has an impact on the relatives: all members of his family have to live with the stigma of infamy. The parents of the condemned man have to face the reality of an ordeal which punishes them beyond any kind of retribution. In addition, in certain cases justice may be thwarted when jurors envision the death penalty. For example, faced with the seriousness of capital punishment, jurors entertaining the slightest doubt may very well be tempted to bring in a not-guilty verdict. With full knowledge they may indeed prefer risking the release of a criminal rather than send an innocent man to the gallows.

From a social perspective, Madam Speaker, death penalty restoration advocates affirm that it is an effective means of intimidating or dissuading, hence a way to protect society against criminals. As it happens, there is no absolute proof that capital punishment has a deterrent effect on potential murderers.

Capital Punishment

Most of the studies which have been carried out conclude that capital punishment is not a deterrent when it comes to committing murder, or that there is no direct link between the death penalty and the murder rate. These studies seem to indicate that at best punitive verdicts play only a very secondary role in mechanisms which lead to criminal or non-criminal behaviour. It would be a lot more logical to suggest, for instance, that such factors as religious beliefs, upbringing, parental education and the influence of a given neighbourhood are much more likely to prevent or encourage someone to commit murder. Capital punishment does not prevent crime. Most murders are committed in a moment of passion or excessive fright. Some would even say in a moment of aberration.

Even if those responsible for these murders were aware of the probable consequences of their actions, these consequences would undoubtedly have only a secondary importance compared with psychological and sociological factors. Generally speaking, the criminal does not think about the penalty he might have to pay. He focuses on how to commit his crime without being caught. The famous writer Albert Camus, winner of the 1957 Nobel Prize, said the following:

If, indeed, the fear of death is a certain fact, another certain fact is that, however great this fear might be, it has never been enough to discourage human passions. Man's instincts, which are always in conflict, are not, as our laws would have it, constant forces in a state of balance. They are everchanging forces which rise and fall successively and whose ups and downs feed the life of the spirit.

This is why, Madam Speaker, the risks taken by criminals, of whatever type, do not prevent them from committing a crime. We have the case of hardened criminals who consider the risks and come to the conclusion that their crimes have a very good chance of going unpunished. Capital punishment would not change their minds. Death does not scare criminals. For them, it is mostly a matter of their ability not to get caught, and the most cunning killers plan their murders. It is by examining the crime itself that it becomes possible to differentiate between the clumsy murderer, who leaves traces of his actions, and the cunning murderer, who eliminates all the clues. The first risks being executed as premeditation can be proven, while the second, more cunning killer could easily avoid execution.

In addition, Madam Speaker, many comparative scientific studies have shown that abolition of the death penalty does not result in an increase in the number of homicides. On the contrary, most of these studies show that, in countries where the death penalty has been abolished, abolition has frequently been followed by a decrease in the number of homicides. In Canada, for instance, criminologist Ezzat Abdel Fattah published about 15 years ago a study on the deterrent effect of capital punishment, which clearly concluded that there was no cause and effect relationship between the increase in the number of murders and the abolition of the death penalty in this country.

His study also showed that the increase in the murder rate between 1962 and 1970 was simply a component of the general