

Criminal Code

closely watched. If abolition is recommended by the house in the forthcoming vote there will be no problem, but if abolition does not carry, then there may be a measure of discrimination in the treatment of those now under sentence of death.

To allay any doubts about this I would recommend to the government that consideration be given to the commutation of all death sentences presently imposed. It is unjust that some death sentences should be considered under a set of conditions prior to a decision by this house and that other sentences should be considered after a decision is taken by the house, when in both cases the sentences have been imposed under the same set of laws and under the same set of circumstances. It would be much better if all sentences heretofore imposed be commuted before a decision is taken by the house, and then a new start could be made after that decision is made. I commend this to the consideration of the government.

[Translation]

Mr. Antonio Thomas (Maisonneuve-Rosemont): Mr. Speaker, in rising to make my maiden speech in this house, I must admit quite frankly that I do so with deep sadness, due to the disgraceful events of the past weeks, and having to speak on such a serious, burning and controversial subject. I realize that everyone of us is entitled to his own opinion, keeping in mind that, as members of parliament, we are also spokesmen for our constituents.

Therefore, I wish to thank those who have helped me in taking what I believe is the best course by making their views known to me, even though I may disappoint those who do not share my views. But in a sound democracy, the minority must yield to the majority, and if the rules of the game are followed, there is less chance of coming to a deadlock or of causing misunderstanding. Starting from that principle, I am in favour of maintaining the death penalty for capital murder and my decision is based more on reason than on feelings.

Capital punishment must be applied to protect society and, in my opinion, it is not out of revenge but for the common weal. To abolish this penalty would result in depriving society of security and encourage contempt of the law.

If a criminal knows, when committing a crime, that the only punishment awaiting him

[Mr. Thomas (Middlesex West).]

is detention in a penal institution, then society is actually looking for trouble. To oppose capital punishment is not necessarily an indication of great moral strength or of social progress; it could rather be a sign of decadence.

It is not so much a matter of knowing what is good for the criminal, than what is necessary to maintain order within society and to protect lives and also ensure the safety of the citizens. In fact, it is easier to pardon than to condemn in our times, when no personal prejudice is involved.

Man has a tendency to self-delusion, and deems himself wiser and kinder than God. Let us not forget either that man-made justice is only an earthly decision, willed by God; I am considering only the case where the guilty party is truly guilty. God withholds his heavenly judgment. It cannot be denied that earthly justice is not perfect as divine justice is.

Should we believe that all murders should be liable to capital punishment? Obviously not. We must not ask that capital punishment be applied to all cases. Judges and juries must then take everything into account to determine the degree of the murderer's responsibility.

Psychology, psychiatry, criminology, sociology must help them to differentiate between a fully conscious action and the deed committed by a murderer temporarily blinded by anger, jealousy, despair, circumstances, etc.

Consideration must also be given to the influences exerted, to family and community responsibilities, to the age of the culprit, whether it is a first murder or a relapse, and always remember that, except in cases of utter degradation, man always maintains some freedom, hence some moral sense.

It can be deemed probable that certain tendencies to eliminate the concept of sin and repentance will be harshly judged in the future. Such an attitude makes it too easy to release a prisoner, giving him the opportunity to commit further crimes; furthermore, early release reduces the benefits.

To conclude, capital punishment cannot be rejected under the claim that man may not pass judgment on his neighbour. The judge, of course, must never seek to make a final decision on the culprit, since only God can do it, and has the right to do so, but he must weigh the deeds and seek to determine the degree of responsibility.