

*Criminal Code*

In this case, as I said, I do not think that I would be justified to take this initiative.

[English]

The hon. member for Swift Current-Maple Creek.

[Translation]

**Mr. Simard:** Mr. Speaker, with the consent of the house, could I finish my remarks?

[English]

**Some hon. Members:** Agreed.

**Mr. Speaker:** Is it agreed that the hon. member might close his remarks? The house may allow the hon. member to go to six o'clock and allow the hon. member for Swift Current-Maple Creek to call it six o'clock.

**Some hon. Members:** Agreed.

[Translation]

**Mr. Simard:** Thank you, Mr. Speaker.

For abolitionists, this seems to prove that for the protection of citizens in general and of policemen in particular, life imprisonment is just as effective, if not more. It seems that it is not the seriousness of the penalty which is the decisive factor on this point, but the likelihood of its application.

It is really too simple to brush aside any discussion on the death penalty by suggesting it is a primitive law of retaliation or a medieval institution, or by presuming that all those in favour of maintaining capital punishment are merely prompted by unconscious motives of aggressiveness or revenge. And let not be introduced as proof things which prove little to many a sincere and lucid mind not to allow emotions to overwhelm the reasoning process is not the exclusive privilege of one given group of thinkers. And it must be admitted that the two inquiries, in England and in Canada, have been seriously held, as were others elsewhere.

The question of capital punishment, as we said, must be studied with detachment under the dual considerations of legality and the expedient administration of the law in the present, concrete circumstances. This double-barrelled problem is not without difficulties.

Is it true that there is apparently no Roman Catholic doctrine on capital punishment? Such an unqualified statement is rather surprising. The following statements seem much more balanced.

The Church declares that the state does not exceed its powers in wielding the temporal sword. It also asserts that this weapon should be used not only with justice, but also, and always, with prudence. The Church goes much further and proclaims its own abhorrence of blood, which does not permit acceptance of capital punishment in its own code.

Beyond this, the Church leaves to penal codes and political institutions their controversies and their fluctuations always subject to circumstances and to events.

It then seems that the Church cannot have a firm attitude on capital punishment since application of the penalty is mostly a question of policy on crime.

That the right itself is a legitimate one can be proved rather easily by theological arguments. Revelation leaves no doubt as to the licit nature, in principle, of the death penalty. The holy scriptures, the teachings of the church and the unanimous doctrine of Catholic theologians and most Protestant authors are quite clear on that.

On this question of fact, there is room for differences of opinion. The Church itself has taken no stand. But it may be felt that in present circumstances capital punishment is unnecessary. At any rate, the abolitionist idea is constantly gaining ground.

I should like to add two comments underlined by several thinkers who have meditated on the various aspects of the abolition of the death penalty.

Abolition of the death penalty must not result in too lenient an application of penal justice. Since it is claimed that confinement can adequately protect society, let that penalty be applied in such a way that society will be adequately protected. That does not preclude, on the contrary, the use of every modern method of the rehabilitation of convicts.

While granting that many criminals may not be entirely responsible or even, in a few cases, not responsible at all, the campaign against capital punishment should not spread the conviction that all guilty people are robots or sick people. That would be casting on the greatness of man a reflection of the utmost gravity.

[English]

**Mr. McIntosh:** Mr. Speaker, may I call it six o'clock.

At six o'clock the house adjourned, without question put, pursuant to standing order.