

Criminal Code

is that? We all agree that this age of ours, hard and materialistic as it may appear to be, is still chivalrous, that is the main reason. We give women equality in many ways, economically, socially and legally, but we still maintain women should not be flogged. We say that we are chivalrous, and when we say this we really get back to Christian ethics. We do not flog women today because that is one of the standards to which we adhere. If it is wrong in the light of our Christian principles and chivalrous attitude to flog women, then certainly it must be wrong to flog any prisoner. He is entitled to some consideration. He is not able to stand on the field of battle, with his lance out, and fight us on equal ground. Once he has been arrested and is in the toils of the law, he is very much an underprivileged person. I can see no argument in favour of deterrents strong enough to offset that one basic principle.

The great reformers have gone into this matter since the time of Plato. An Italian gentleman by the name of Beccaria did much to modernize the criminal law of Italy and of that of the whole of Europe. He was followed by Montesquieu the noted French political philosopher and contemporary of Voltaire. These men, who lay behind the French revolution, at least pointed up the need for reform in Europe and brought reform a little further along the line. Jeremy Bentham in England took up the cudgels against the cruelties of the law and he brought the movement along further. He lay behind great reform movements in English law. He in turn inspired men like Wilberforce who said, "If slavery and cruelty to human beings is wrong in England, it is wrong all over the world". The fires spread. Lincoln took up the torch and made himself an immortal name for carrying this cause further yet. After all, one of the worst features of slavery is the possibility that another human being can inflict corporal punishment upon you.

I will get back, gentlemen, to the first argument. Corporal punishment should be abolished in its entirety. We cannot fool around any longer with degrees of corporal punishments; it is wrong from A to Z. I for one must cut across party lines, or all lines, and favour the passing, at any time, of any bill which will prevent one man from being brutal to another.

Mr. Heward Graffey (Brome-Missisquoi): At the outset, Mr. Speaker, I should simply like to say that in dealing with a subject such as this one we are only rendering the prisoners justice if we deal with it in a most objective way and not in a sentimental fashion. I feel that it is fair to say that nearly everyone in the world and certainly nearly everybody in Canada, including hon. members

on both sides of this house, wants to see corporal punishment abolished as he wants to see capital punishment abolished. In my experience over the last eight years working with prisoners in federal institutions and from talking to them I know they would wish that we in this house would, as I said, deal with this subject in an objective way and not in a sentimental way.

I do not think anybody in the year 1958 is going to deal with capital punishment on the basis of an eye for an eye or a tooth for a tooth. Unlike some of those who have spoken previously on capital punishment and corporal punishment, I do not think that, generally speaking, the aspect of retribution permeates the mind of the public in their approach to these subjects. I therefore simply say this. Just as we want to see the use of the H-bomb abolished, we all want to see corporal punishment abolished. But before we take the necessary steps, we want to examine carefully exactly what social sanctions exist.

When we approach matters of penal reform, criminology and penology there are four general headings under which we can discuss them. One is the material cost to the state, but that consideration does not enter into this particular discussion. No cost matter should enter into it. A second heading is the protection of society. That matter does enter into it. A third heading is the correction of the prisoner, and is likewise a consideration. Then there are the deterrent aspects, and that is something else of a relevant nature.

There is one thing that I want to point out. Some hon. members have discussed the aspect of deterrence in relation to capital punishment and corporal punishment in foreign countries. They have mentioned the fact that where corporal punishment has been abolished in other countries of the world they have seen corrective aspects. I simply want to say that those countries they quote are in a much more advanced state in relation to penal reform than we are in Canada today.

I should also like to say that at the time the Archambault report was brought down I think it is fair to relate to this house that there were abuses in our federal institutions with regard to the use of the lash. Gradually the situation has been improved. At the time of the bringing down of the Fauteux report it was said that improvements could be made. But today I think it is fairly generally agreed in the justice department that only on rare occasions is the lash used. That is why I want to say at this time that, like everybody else, I support this bill most heartily in principle. However, I want to say that I think it might be a little bit