

*Criminal Code*

and so on. In the debate we have answered passages from scripture with passages from scripture, quotations with quotations, statistics with statistics and authorities with authorities.

I suggest, Mr. Speaker, that we take a few minutes to dissect the fabric, separate the warp from the weft and clearly re-establish the various problems involved. These are, first, the abolition of capital punishment; second, the proper and adequate substitution for capital punishment; third, conditional release and fourth, rehabilitation and reform.

These are different problems and they must be dealt with separately and severally, otherwise no decent progress can be made toward their solution. In this regard my first grievance is that the motion before us does not make these distinctions, does not enumerate the various problems which have to be faced, does not establish any priority in the importance of those problems, and does not indicate any solutions. In the matter of a few lines the motion tries to define a question which has bothered and beleaguered jurists, criminologists, scientists, moralists and sociologists for centuries.

Finally, what the specialists I have enumerated have been unable to settle throughout the years we, as relative amateurs, are expected to solve in three or four days with a free and peaceful conscience.

I should like to return to this later, Mr. Speaker. In the meantime, I am left in the ridiculous position of being against capital punishment but of being forced to vote against the motion to abolish it.

In expounding my views on that one most important issue of capital punishment, and in trying to remain strictly within the boundaries of that subject, may I touch briefly on four main considerations having to do with it. The first one is the right of the individual to life. The second is the problem of civilization. The third is death as an example, or as a deterrent to murder. The fourth one is death as a divine prerogative.

In developing these points my main source of inspiration, after months of resistance to it on my own part, has been my own brother, Father Jean-Paul Régimbal—mentioned by the hon. member for York South (Mr. Lewis)—who, besides being a priest is also the holder of a master's degree in criminology. He has served some four years as chaplain at Bordeaux jail, and as such has had to prepare seven persons for the gallows. I have had to

[Mr. Régimbal.]

resist some emotional arguments from time to time, but I have never been able to deny his knowledgeability on the subject. In developing the three following points, I take pride and pleasure in quoting him almost verbatim:

• (7:30 p.m.)

[*Translation*]

With your permission, Mr. Speaker, I will speak of the right of life. Any citizen living in society does it for two purposes: to fully insure his human and indefeasible rights, and to pursue his human development and full achievement of his personality, in a manner consistent with the common weal. If this common weal compels a person to sacrifice certain individual interest to the benefit of the community, other indefeasible rights can not be surrendered: the rights of life, of religious freedom, of education, etc.

The right of life is a priority right and the state cannot use its authority to deprive any of its citizens of it. Thus, resorting to death penalty, for the purpose of protecting society and eliminating the wrong-doer, is evidently a misuse of authority and a direct violation of the priority right of the human being.

If it is true that the criminal himself by committing a deliberate murder, has violated this same right, this is not a sufficient reason why in its turn the state should apply death penalty against a convicted citizen.

The state can resort to other means, more compatible with its dignity and the nobleness of its purpose to achieve this dual aim: protection of society and elimination of the dangerous criminal: this means can be found in life imprisonment in specialized institutions where the convict would be confined until death, in conditions which are yet deferent to the sacred nature of his person.

This is not false pity or maudlin philanthropy: this is a logical conclusion which has been reached through a fair philosophy of the human being, of right, and of society. Every human being, by essence, is a value in himself whose life and fate rest in the hands of God and whose spiritual and immortal nature calls for the most complete respect.

Every human being has some priority rights which prevail at all times over those of the state.

Human society should make sure that primary rights of men are respected by all its citizens.

It is a precisely defined duty for the state to protect all citizens even the criminal against vindication of society. Despite his