

Criminal Code

advisability of abolishing capital punishment. But one cannot accept the presumption which would deny the right: the irresponsibility of all criminals.

But, they say, society is the one that is responsible, for it did not know how to make the criminal avoid his crime. True, society is partly responsible when it does not give its members the means to fulfil themselves, which would deter them from committing crimes, but this cannot possibly suppress all individual responsibility.

Can we invoke universal consent, as all theologians have done, as an argument to show that the death penalty is legitimate? We believe that this consent is in itself less a proof than a certain indication or, if you prefer, a confirmation. In our view, it is rooted in the right itself recognized by the more or less spontaneous conscience of people since the beginning of time. But today, is it still possible to speak of universal consent? Surely not as regards the advisability of maintaining the death penalty; perhaps not even with respect to the right itself, although public opinion is not too concerned with this particular aspect.

As a matter of fact, the most controversial question is that of the death penalty's value as a deterrent. That is the point which ultimately determines the legislators' action. It surpasses all other means as a strong deterrent, according to Professor Bouzat, of Rennes, as quoted in *Études*, No. 315, 1962, page 204.

[English]

Statistical findings and case studies converge to disprove the claim that the death penalty has any special deterrent value.

[Translation]

Those who uphold the death penalty bring forth psychological reasons to prove its deterrent value: the instinct of preservation, the natural desire to live. And when statistics are quoted against that, they reply that if capital punishment does not always have the deterrent effect they say it has; this is due to the very conditions under which it is applied and which render it more or less efficient: the slowness of proceedings, the very small number of executions, etc.

On the other hand, those who are in favour of abolition emphasize the importance of statistics which, it must be admitted, seem to carry a lot of weight. Here are a few examples.

They always refer to British statistics compiled in 1910 and which revealed that out of

250 persons who had gone to the gallows, 170 had been hanged in public.

In Germany: in 1947 and 1948, 68 crimes; abolition in 1949; in 1950 and 1951, 51 crimes.

If the death penalty was a real deterrent, there should be practically no murders in the 41 American states which electrocute their murderers—or which hang them, or put them to death in gas chambers—and the nine states which have abolished the death penalty should be hot-beds of murderers. As a matter of fact, the opposite is true.

A full and complete study of these statistics should no doubt take many factors into consideration. But it must be admitted that there is food for thought in this. Abolitionists conclude from that that for the protection of citizens in general, and of policemen in particular—

Mr. Speaker: I regret to interrupt the hon. member, but his time is up.

• (5:50 p.m.)

[English]

Perhaps before I call on the hon. member for Swift Current-Maple Creek (Mr. McIntosh) to take the floor, I might refer to the discussion which was initiated earlier this afternoon in respect of which I indicated later on I would give an opinion and judgment.

[Translation]

This afternoon, the hon. members for Sherbrooke and Lapointe (Messrs. Allard and Grégoire) suggested that I should take the initiative and divide the resolution which is under consideration now. Since then, I had the opportunity to study the suggestions made by the hon. members and to read attentively the remarks they made during their interventions.

I do not think that I can change the opinion I gave this afternoon, to the effect that this resolution is not of the kind which the Speaker would be justified to deal with in the way suggested by the hon. members. In my opinion, there is only one proposition before the house, which deals with the abolition of the death penalty, and the other aspects of the question are rather of a secondary nature and could not, in the circumstances, be separated from the initial proposition and made into separate resolutions. It is only in exceptional circumstances and when there is little doubt about it that the Speaker can intervene and, of his own initiative, amend the resolution proposed by an hon. member.