

*Criminal Code—Death Penalty*

and the jury will not carry out the mandate indicated in the act. A severe punishment will work against itself. The public would sympathize with the criminal. The deterrent effect is quite right and natural. Our laws are fashioned after the form of our religion and the laws of nature. They are the foundation for our law.

No; I cannot say that a man should not be put to death. I will not say that, because when an individual in a community follows Bacchus and Venus and is a menace to the community, what does nature do? She begins to paralyze him. She paralyzes his feet so that he cannot walk, and eventually they carry him to the cemetery. Nature eliminates him. I cannot say that the courts are wrong when they do the same thing. I will not say that, but will leave that question aside. I will say, however, that if punishment has not some purpose to fulfil in the future, and if that is not a utilitarian purpose, it is a crime and sin against humanity to perpetrate a punishment.

The next theory I would suggest is that of emulation or disapprobation, whichever you wish to call it. This is the theory which satisfies the public mind. People believe a prisoner should be punished, and perhaps a certain amount of punishment should be administered. On the other hand this theory should not be carried too far. You can go only so far, because if you go further the public mind will turn against you. There is a limit to what you can do. Your punishment must be in line with what the public mind believes the punishment should be. In the southern states when they will not punish criminals, lynching is resorted to.

One must recognize public sentiment as well. On the other hand that must not be carried too far, because in that event when a man is convicted you could not administer justice because public sentiment would determine what justice should be meted out to him. Consequently, you have to give a man a certain amount of justice. It is unfortunate that we have to have crime, but certainly it is true that the more intelligent we become, the higher we ascend in the scale of knowledge, the more crimes we shall have because crime is the product of civilization. As we advance, the circle of crime is enlarged, with the result that we are obliged to mete out punishment to many more people. We have lessened the severity of punishment, but at the same time the radius of crime is very much greater. In the time of King Henry VIII, 72,000 people were hanged, a pretty good record for one king. It was quite common in those days to hang people by the thousand,

[Mr. Blair.]

and this was done as a deterrent, but to-day we do not think it is so effective as a deterrent.

I should like to quote a passage from a little book entitled *The Death Penalty Inquiry*, by E. Roy Calvert, which reviews the evidence that was taken in England in 1931 by a select committee of the House of Commons, appointed to ascertain the facts relating to countries which had abolished capital punishment. In its written memorandum, handed in to the committee, the national council for the abolition of the death penalty proceeds to show that the death penalty had been:

—legally abolished or completely abrogated by disuse in a large number of countries, including Austria, Belgium, Denmark, Finland, Holland, Norway, Portugal, Roumania, Sweden, most of the cantons of Switzerland, Queensland, and eight states of the American Union. It is recognized that certain of the abolitionist countries differ widely in race and social life from this country. On the other hand, many are closely allied to Britain in race, culture, and ethical ideas. The council submits that if, in countries where conditions are not greatly dissimilar to our own, the abolition of capital punishment has not been followed by a large increase in violent crimes, it is not unreasonable to conclude that such a result would not follow its abolition in this country.

I have quoted that, Mr. Speaker, to show that capital punishment is not as great a deterrent as some people seem to think it is.

Mr. WOODSWORTH: Is it the abolition of the present method of hanging or the abolition of capital punishment that my hon. friend desires?

Mr. BLAIR: This committee of the House of Commons met for the purpose of inquiring into the facts as to capital punishment, and I say that if capital punishment does not act as a deterrent to crime if we are going to maintain it we should adopt a more humane way of putting people to death. This select committee of the House of Commons in England took evidence in regard to capital punishment in Belgium, Denmark, Holland, Italy, Norway, Sweden and Switzerland, from seven distinguished witnesses, in most cases the accredited representatives of their respective governments. I quote:

Each of these gentlemen was chosen because of his office and knowledge, and not for his opinions on the subject, which, in most instances, were completely unknown prior to the inquiry. Each of them without exception confirmed that abolition had not led to an increase in murder.

I contend that if complete abolition of capital punishment does not tend to increase crime, a milder method of punishment than