

possible and to give it extensive publicity, but the method has been improved to such an extent that the publicity has more or less been done away with.

Feeling strongly on this question, as I do, at the last meeting of the Sheriffs' Association held in Toronto on November 29, 1935, I sponsored and was successful in having unanimously adopted the following resolution:

"That in the opinion of the sheriffs of Ontario in convention assembled, the method of inflicting the death penalty in use in Canada is a relic of mediaeval days, and the advance in humanitarian civilization calls for the substitution of a more human method.

Furthermore, in our opinion a central place in the province should be provided for imposing the death penalty, thereby ensuring and facilitating the proper administration of justice and materially reducing the considerable cost to the public of the present gruesome method."

The cost is not so great, but the effects of the hanging process are certainly detrimental to the people of Canada. He appeals to me to urge that the suggestion be adopted, as everybody seems to be in favour of it. Then he adds this extremely important appeal:

Since assuming the office of sheriff at Hamilton it has cost \$700 or \$800 on an average.

I made inquiries from the remission branch, and was given the same information.

The suggestion has been made to me that scientists claim that for the purposes of effecting executions monoxide gas could be used. They say that it is entirely odourless and could be easily manufactured for the purpose. However, we will leave the scientific angle to be discussed at a later time.

May I now outline a few ideas prevalent in the minds of Canadian people, the first of which is that when a man is hanged he deserves to be. No; people are not put to death altogether because they deserve it. That is the law of retribution. If that law were applied to hon. members in this chamber none of us would be here.

Mr. SPENCE: Speak for yourself.

Mr. BLAIR: I am not speaking politically; I am approaching the matter from a physical standpoint. We have made sacrifices on the altars of Bacchus, Vulcan, and other strange gods. We would not be here; we would be dead and buried if in this universe there were meted out justice according to the laws of retribution. We disobey the laws all the time. The laws of nature are extremely kind and generous to us, and it is through the salvation of nature that we are sitting here. So I say that we must be careful and guarded in our use of that law of retribution. In my view the law of retribution is wrong in its

conception. It was all right for a Kant and a Hegel, and those old Scotchmen who wrote the Confessions of Faith, and all that sort of thing. That was the spirit of the times.

Mr. McINTOSH: They were Germans.

Mr. BLAIR: They crucified and massacred one another. Kant's philosophy was that the law of retribution should be maintained in our courts and that philosophy to some extent still prevails in our British government and has its influence upon Canada. It is high time that Kant was set aside, and that we used the philosophy proposed by Jeremy Bentham, or some of those modern fellows who had utilitarian viewpoints, who look to the future, and look forward to social questions.

The law of Kant refers more to the criminal; it concentrates upon him, and punishes him because he deserves punishment. That will not do. Any time when pain is inflicted upon an individual without having a purpose to be achieved in the future it is a sin against humanity. I am saying that it is a sin against humanity if we inflict pain upon any creature without having a purpose for so doing. Pain was not intended to be used as a punishment. The law of nature was never intended to be a punishment. Some people think it was, but that is not so. The battles of life are going on within us all the time, and when our constitution is unequal to the task of fighting some battle, we have to suffer. Pain is the sentinel on the high tower calling for help. It is not a curse, nor is it a punishment; it is intended to be a signaller, not an affliction.

In the present instance we are concentrating our attention upon the criminal and his punishment because some people say that he deserves it. Let us get away from that old law of retribution and move forward to the law of utilitarianism. That would act more in the way of a deterrent. The criminal is punished because we want to protect the social order of things. It used to be thought that a deterrent would stop people from committing crimes, and there may be some truth in that belief. However the deterrent theory has its limitations, because if you punish a man as a deterrent to others you are using that punishment for the benefit of the social order. That practice must not be carried too far. In the criminal's interests as well as in those of society you have to bring him to justice. But when you are punishing a criminal as a deterrent for the benefit of the social order you must not overdo the punishment. If it is overdone it will react,