

Criminal Code

justifiable reason for maintaining capital punishment would be that the abolition of capital punishment would throw open the doors and leave this country open to a great increase in the number of murders, as some of our people have suggested. I do not believe that anyone in Canada wants to see anyone hanged or executed in any other way. Only a sadist would get any satisfaction out of seeing a man put to death. I suggest there must be very sound reasons for taking a man's life.

The question that must arise in our minds is simply this, whether or not we agree in principle with capital punishment. Would the removal of it bring about a great increase in crime, particularly with respect to homicide? That is the only justification for the retention of capital punishment. We learn from experience. We know that in those countries where capital punishment has been abolished there has been no increase in homicide. As a matter of fact we know that in Denmark the last murderer was executed in 1892; in Holland the last execution took place in 1860; in Norway, in 1876; in Sweden, in 1909, and in Switzerland, in 1924.

In the years that followed the abolition of the death penalty there was no increase in murder in those countries. Wherever we look throughout the world, the abolition of the death penalty has not been followed by an increase in homicide. Why should we, therefore, believe that in Canada the situation would be very different? If the abolition of the death penalty in Sweden, for example, was not followed by an increase in homicide; if in Norway or Switzerland the abolition of the death penalty did not bring about an increase in murders, what reason have we to suggest that this country will be overrun with murderers the day after we abolished the death penalty? We have no logical reason for believing that.

Without wishing to go into the moral or ethical reasons for the death penalty, pro and con, since the subject was dealt with very effectively by my seatmate, the hon. member for Vancouver East, this afternoon I do want to leave this idea with the house. I hope when the committee meet they will take this attitude. We do not like to take human lives; therefore we will not take human lives unless it is absolutely essential. The burden of bringing proof will not be upon those who want the abolition of capital punishment but upon those who want to retain capital punishment, to prove to the members of this house that we cannot do without it.

I believe the evidence indicates that we can do without it. In any case, I maintain that if there is any reasonable doubt in the minds of the members of this house, and if a mistake is to be made to the slightest degree, let us err on the side of humanity and decency.

Mr. G. W. Montgomery (Victoria-Carleton): I do not intend to take up much time on this subject, Mr. Speaker. The matter has been dealt with thoroughly, in so far as I am concerned, by my colleague the hon. member for Kamloops (Mr. Fulton). Having been a member of the special committee which worked on the bill last session, I feel I should like to say a word about that committee. First, I am one hundred per cent in favour of this committee being set up. The speakers who have preceded me have indicated there is a divergence of view across this country about capital punishment. At the last session the committee wisely recommended that a special committee be set up to study these particular subjects. I am very glad that the minister and the government have seen their way clear to appointing this committee. I imagine it will be given the broadest terms of reference.

If the committee at the last session had left the code as it was, I feel there would have been a lot of criticism. If in the limited time available last winter we had undertaken to deal with these subjects, there would have been much criticism. I feel the committee acted wisely in the recommendations that were made. As I said, I have very little to add to what other members have said. I feel all hon. members should approach this subject with an open mind.

I cannot agree entirely with the hon. member who just spoke that we should consider this whole question of whether or not we should abolish capital punishment on the basis of whether it might reduce or increase crime. I look at it from a different standpoint entirely. Of course I am a lawyer. I have had no great experience in criminal practice, but I have had some. I have a lot of faith in the jury system. I believe the jury system ties in with this subject of the criminal law and with every phase of crime, prosecution and punishment. I believe that people who are accused of crime are well safeguarded under our criminal system as it is at the present time. The prosecution takes a very fair stand, and in most cases places before the court all the evidence, not only against the prisoner but anything known to be in favour of the prisoner which might