

Criminal Code

victim of the murderer. What you are seeking to do is to relieve your emotional antagonism toward the murderer by an act of revenge.

It will be said, of course, that when we think of the bereaved family of a murdered person we should think in terms of protecting society so that other families will not meet the same fate. It is all very well for the Leader of the Opposition (Mr. Drew) to say that he does not believe the death penalty is not a deterrent to murder. He, of course, is entitled to his belief and his opinion; but there are those of us who prefer to base our opinion upon statistical evidence, and all the statistical evidence available to students tells us without a single exception that there is no correlation whatever between the death penalty and the incidence of homicide.

I would suggest that no case can be made out either for or against capital punishment on the basis of its relationship to the incidence of murder, and I think had my colleague from Vancouver East (Mr. Winch) pursued his remarks with regard to those states of the American union which have abolished the death penalty—you will recall he showed us where the level of incidence of homicide remained unchanged—and had he compared these states with the other states in the union where the death penalty is still imposed we would have found—in fact I saw the same study to which he referred—that the incidence of homicide is dependent entirely on other factors.

These factors largely appear to be the educational and economic status of the various regions. In regions where the educational and economic status is such as to encourage homicide you can have all the death penalties you like and you will not reduce the homicides, and in those regions where the educational and economic level is such as to discourage homicide you will not increase the homicides if you abolish the death penalty.

Like my colleague the hon. member for Winnipeg North Centre (Mr. Knowles), I also am more concerned with the effect upon society as a whole of the use of capital punishment than I am with the effect on the convicted person. I do not think I can be alone among the people of Canada—in fact I know very well I am not—when I have a feeling of guilty horror every time I hear of someone condemned to death in our law courts. I am not able to escape that feeling of guilty horror, and I am convinced that there are many thousands, if not hundreds of thousands, of my fellow Canadians who suffer

that same feeling of guilty horror that the only way we have yet evolved of dealing with the problem of homicide is to kill the murderer, in spite of the evidence that it does not reduce the incidence of homicide, and the clear evidence in front of our faces that it does nothing whatever to relieve the condition of the family of the murdered person.

Surely, Mr. Speaker, it is not good enough to suggest, as I heard suggested here not long ago, that perhaps in the future, when Canadian society has progressed further than its present point, we may be able to do away with the death penalty. Doing away with the death penalty will be evidence of our advancement and our progress. Its retention will be evidence of our determination to remain back in the dark ages which guard this question of homicide.

Hon. Stuart S. Garson (Minister of Justice):
Mr. Speaker—

Mr. Speaker: If the minister speaks now, he will close the debate.

Mr. Garson: In closing the debate I think the first point I should make is to refer to the occasion for this motion, which was the report of the special committee of the House of Commons of the last parliament on its Bill No. 93, the Criminal Code consolidation bill. On that occasion the committee reported as follows:

The committee, upon the material before it, was not prepared to recommend a change in the present law respecting the defence of insanity, lotteries and the imposition of punishment by whipping and by sentence of death, but unanimously has come to the conclusion, and so recommends, that the governor general in council give consideration to the appointment of a royal commission, or to the submission to parliament of a proposal to set up a joint parliamentary committee of the Senate and the House of Commons—

—to consider and report upon these matters. Like other members, I was very much impressed by the excellent speeches which have been made during the course of the debate, but it did seem to me that if any stranger had come into our midst during its course he would have been drawn to the almost irresistible conclusion that the resolution before the house was whether or not we should continue capital punishment. What we are seeking to do here, I suggest, is not to prejudge the matter at all but to send it to a committee to get that evidence without which the special House of Commons committee of the last parliament was unwilling to change the present law, because its members did not feel they could take that responsibility until the matter had been more carefully investigated.