

I am sure the chairman of the Law Reform Commission would want to point out the way in which contact with the bar has been maintained. I would say to hon. members of this House that were any problem or danger to arise in that contact, I would be eager to find ways to reinstitute the involvement of the bar with the commission. The history of the commission and of the commissioners I think assures us there is no particular problem in that respect. Accordingly, the bill is presented to hon. members and I commend it to them for speedy enactment into law so that we can add to the commission one additional full-time member.

This is an opportunity for us to put a new member on the commission, which has had only two changes since it came into existence, who may be with the commission for a fairly prolonged period. I am, therefore, pleased to move the second reading of this bill and its referral to the Standing Committee on Justice and Legal Affairs.

Mr. R. Gordon L. Fairweather (Fundy-Royal): Mr. Speaker, a more modest person would hesitate to inflict himself upon the House of Commons twice in the same day, but the reason is that the minister has been able to bring forward two bills.

Mr. Knowles (Winnipeg North Centre): This is the third time.

Mr. Fairweather: Third for the minister, but I was speaking about myself. The only wheat grown in Fundy-Royal is that used at Thanksgiving; it is placed on the altars of the churches, and I have often thanked God for that fact. Mr. Justice Hartt, the chairman of the Law Reform Commission, in a recent interview left the impression that he was discouraged about the progress of the commission, its work and the public understanding of its mandate. I very much hope that this is only a newspaper impression and that it inaccurately reflects the chairman's view of the work of the commission.

I said in an earlier speech that many of us very much enjoyed particularly the third report of the Law Reform Commission. That report was published just recently. I again state that if all government documents and reports could be written as eloquently and as clearly as are those of the Law Reform Commission, public understanding would be much enhanced. The minister and the government, surely, must show that they are in earnest about the commission's work in producing a series of what might be called very fundamental reports about the law. I think particularly of family courts and the very important reform in that area.

In this case, public opinion is substantially ahead of parliament and the legislatures. This is similar to what occurred in the matter of divorce law reform: this parliament was well behind public opinion on that issue. I realize that the report on fines and restitution has only recently been published and I would not expect the government to be ready to move in this direction. But if Mr. Justice Hartt and his newly constituted commission are to believe they enjoy the support of parliament, I think they are entitled to ask when we expect amendments to be made to the law. I hope that when the minister is reconstituting the commission, full regard will be given to the

Law Reform Commission

regional realities of the country. The minister has, of course, quite properly mentioned that one of the commissioners shall be from the bar of Quebec. That is understandable. I would also hope that the new commission would have representation from western Canada.

Really, the questions raised by the Law Reform Commission are almost fundamental to our system of government. They underscore questions that are being raised beyond these walls about, really, the wider philosophy of whether democracies are themselves governable. I do not think that anyone, on December 12, wants to hear me give a lengthy dissertation on this; but I believe that unless our system is substantially improved, that question will be asked by many more people than are asking it now. It seems to me that some of the elements of the law are in a little disrepute at the moment with respect to compassion, sensitivity and access not only to the law but to members of parliament and ministers. If this situation can be changed, justice will be granted quickly, fairly and evenly in essential elements of our society.

● (2020)

I am going to paraphrase a quotation which I have had in my mind for many years. I have searched very diligently to find the accurate reference, but up to now the Library of Parliament has not been able to provide it. It is the saying of a Russian philosopher called Berdyaev who reminded us that you cannot compel men to be just; that pity, mercy and love are elements or components of justice.

I believe this is partly what the commission is trying to remind us of as it researches the law and the reasons for our law. Many people in this House and in the country say that this is so much sentimentality; that if, for instance, one believes that the parliament of the United Kingdom last night re-emphasized its understanding of the elements of justice by refusing to be swayed by the mob who would return to hanging, this message is one which I think the Prime Minister (Mr. Trudeau) himself might describe by an expression which he used on an earlier occasion when speaking of wearing one's heart on one's sleeve. It is not that at all. I believe profoundly that it is essential that the public has an understanding of and respect for the law. That is why I am very anxious to see some of the changes proposed by the Law Reform Commission brought forward quickly in the form of bills so that this parliament can deal with them.

The minister is anxious to have this bill passed, and there are other bills waiting in the wings, but I just want to refer to an essay entitled "Morality and Law" which appeared in the November issue of *Encounter* magazine, written by Shirley Robin Letwin. She writes:

To recognize that morality is not an object, adjunct, auxiliary, or criterion of law, but intrinsic to it, is in no way incompatible with a regard for the freedom of individuals to make their own lives as they see fit. On the contrary, recognizing that a commitment to freedom in this sense is a moral commitment is essential to preserving freedom against its most deadly enemies: those who insidiously spread confusion by undermining all standards of civilization. It must, however, be recognized that all good things cannot be had at once. If a free community values its civilization, it will neither be unanimously agreed on what is compatible with it, nor make all newcomers feel equally at home. In a community that has a sense of its own identity, even where there is no danger whatsoever of persecution or legal