

*The Address—Mr. Gelber*

international diplomacy. On this continent we are witnessing the transformation of the status of non-white society. That the process is painful for many in no way diminishes the high purpose of emancipation for all.

The laws of Canada reflect the society in which we live and which we wish to build. Among the pillars of the edifice of law is the Criminal Code, which expresses a concern for a peaceable and just society. In his book on "Liberty in the Modern State" Harold Laski said:

Law is not merely a command; it is also an appeal—the essence of the law making process is the consent of interested minds—Authority, if my view is right, is always acting at its peril. It lives, not by its power to command, but by its power to convince.

Our ideas of liberty as expressed in our codes and in the common law reflect the struggle against tyranny. Today the shadow of arbitrary authority is not absent, and twice we have been engaged on foreign soil in struggles of world-wide proportions to repel the bid of tyrannical power for a wide hegemony.

It is right that we should be zealous to protect our liberty, but one of the most difficult problems in government is to ensure individual freedom while maintaining the rights of society itself. In his classic exposition "On Liberty" John Stuart Mill wrote:

There is a limit to the legitimate interference of collective opinion with individual independence; and to find that limit and maintain it against encroachment, is as indispensable to the good condition of human affairs, as protection against political despotism.

But Mill himself recognized that there is a distinction between holding an opinion and incitement. There is the classic illustration that freedom of speech does not entitle a man to shout "fire" in a crowded theatre. Mill said this:

No one pretends that actions should be as free as opinions. On the contrary, even opinions lose their immunity when the circumstances in which they are expressed are such as to constitute their expression a positive instigation to some mischievous act. An opinion that corn dealers are starvers of the poor, or that private property is robbery, ought to be unmolested when simply circulated through the press, but may justly incur punishment when delivered orally to an excited mob assembled before the house of a corn dealer, or when handed about among the same mob in the form of a placard.

The means of communication are changing radically and the world of John Stuart Mill would not recognize our own society with its highly organized mass media. The fishbowl of free expression in Hyde park is distant from the audience of tens and tens of millions fascinated by television and radio and subjected to the daily outpourings of large circulation newspapers. Scientific studies have

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been applied to the problems of mass communication. The probings of motivational research are available to the great merchandisers, and the techniques of market manipulation are being applied to political tasks with a skill and capability never before experienced. In his book "The Hidden Persuaders" Vance Packard writes about the political bosses in the 1956 United States presidential campaign:

They made spectacular strides in changing the traditional characteristics of American public life. They were able to do this by drawing upon the insights of Pavlov and his conditioned reflexes, Freud and his father images, Riesman and his concept of modern American voters as spectator-consumers of politics and Batten, Barton, Durstine and Osborn and their mass merchandising lore.

Of course the first guardian of our liberties remains what Laski called "the consent of interested minds". The political maturity of our people and the determined defence of our free institutions stand against those who might want to persuade us along undemocratic paths. But law not only sets out for all to see the ideals of our society; in all its majesty it is a great educator. We must be continually examining the codes of our society to ensure that they express our highest concern.

Representations have been made to successive governments that the Criminal Code of Canada has narrowed the crime of sedition, sections 60 to 63, so that it loses those aspects of the common law which make it an offence "to promote ill feeling between different classes of a community". Furthermore, in prohibiting the spreading of false news, section 166, the term "public interest" should be clearly defined. It seems to me that there is the right of the citizen to the quiet enjoyment of his home and his society. The hate literature to which attention was drawn in this house by the hon. member for York Centre should be denied the services of the post office of Canada.

We witnessed, in the death of the Weimar republic the use of democratic privileges by the enemies of democracy to corrupt and destroy it. When liberty becomes licence we must be vigilant to sustain our freedoms. We also recognize the use of statutes to enlarge our areas of freedom in measures ensuring non-discrimination and fair employment practices. The social ideals of our society are expressed by law. The command of our great common law is that you must keep the peace. The Criminal Code of Canada should fulfil this enjoiner.

We are a nation of minorities, and in the post-war period our immigration policies have encouraged the rise among us of new and larger islands of Europe overseas. We