

Hate Propaganda

that we will not have people who are pressured into certain actions in our society as a result of the fear that they will be pilloried before public opinion. If they have really done these things, there is no reason that they should be protected. If they have not, there is no possibility that they will be subjected to public contumely.

In conclusion, I would say that if we adopt the amendment which is proposed by my colleague from New Westminster, which I believe one of the hon. members opposite has shown is not even as well worded as the amendment which was adopted to a later section, "other than in a private conversation,"—that amendment which the committee found it possible to support—we would destroy in very large part the moral effect of this legislation.

Criminal law does deal with morals. It deals with morals when they are public morals, not private morals. And things which occur in private are not always private. They are not private if they involve the advocacy of killing people, and I suggest, Mr. Speaker, that there is nothing on which the people of Canada wish this Parliament to express itself more clearly than their abhorrence of any suggestion that social problems should be resolved by resort to mass murder.

Mr. Hogarth: Would the hon. member permit a question?

Mr. MacGuigan: Certainly.

Mr. Hogarth: If the clear and present danger is not the basis on which criminal law should be formulated, why is it we have not got a law that prohibits the advocacy or promotion of the mass death of mentally retarded since that policy has absolutely no social redeeming feature?

Mr. MacGuigan: I am not sure if I understand my hon. friend's question. I presume this legislation and other legislation of this kind would prohibit murder, would prohibit the annihilation of those people who are mentally retarded, or any others. Perhaps my hon. friend could explain more fully what he has in mind.

Mr. Hogarth: I point out that here we have made it an offence to advocate or promote genocide, and the genocide is directed to an identifiable group which has to be a section of the public distinguished by colour, race, religion or ethnic origin. But we have no laws against advocating or promoting the mass

murder of people who might be mentally retarded, and my point is that if the clear and present danger is not the criteria, if it is the lack of social value that forms the basis of our laws, why have we not moved in these many other fields in which the concept has no social value?

• (4:30 p.m.)

Some hon. Members: Hear, hear.

Mr. MacGuigan: My friend is focussing, I believe, Mr. Speaker, on the definition of "identifiable group". Not all forms of mass murder are prohibited by this legislation but only forms which deal with fundamental groups, groups which I might refer to as natural groups. This is where the great problem has been found to lie in the twentieth century. We have not found any serious social problem in most of our countries with people advocating the annihilation of the mentally retarded or mentally insane. If we do, we may require legislation to deal specifically with those instances. We have had a great deal of history in the twentieth century illustrating attempts to annihilate groups which are of the kind here defined.

Mr. P. M. Mahoney (Calgary South): Mr. Speaker, I was rather pleased to find the hon. member for Windsor-Walkerville (Mr. MacGuigan) admitting in his answer that the clear and present danger was in fact the motivation for something like this, and a proper criteria. I think it is natural that anybody who belongs to the Liberal party will have a great deal of difficulty with legislation like this. No single item I can conceive of could present as compelling an end to justify the means as a move to reduce even the thought that genocide might be an acceptable sort of subject for conversation. It is as abhorrent as any single item that one could put one's mind to. Yet what is the means proposed to control this situation?

It seems to me that conversation in the living room or kitchen is more an extension of the thought processes than an extension of public debate.

Mr. Baldwin: What about the bedrooms?

Mr. Mahoney: That is a cute phrase and I was coming to it. It seems to me when the law moves into the kitchens and sitting rooms of the nation and it is made an offence to advocate or promote within the family group a thing that is repulsive and abhorrent, you are getting to a point where you have to ask