

Criminal Code

It is therefore imperative that we try to improve the reputation of this house by adopting the amendment moving the deletion of clause 7.

● (5:30 p.m.)

[English]

Mr. Steven Otto (York East): Mr. Speaker, I will be very brief. I should like to reply to some of the arguments put forward by the hon. member for Edmonton West (Mr. Lambert), some of which seem to be logical. His arguments were based on the old idea that morality is tied in with the law. One would presume from his speech that morality is the result of legislation and was devised by legislators and members of the church. One might come to the conclusion that morality is a permanent thing and that it never changes. Let me remind the hon. member of some early history.

Morality was not originally the prerogative of the church, particularly in pre-Christian days. Morality was the prerogative of military forces. At that time cowardice was immoral and illegal. We have come a long way since then. Subsequently, religious leaders undertook to guide, in respect of morality, and control the conduct of the people. Indeed, there was a long struggle, as outlined in English history, when the state attempted to take some of these powers from the church and put them into law.

One cannot say what morality is or suggest, as did the hon. member, that it is closely tied to the law. You may not be able to divide the two but you can recognize the change.

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

Mr. Otto: Yes.

Mr. Woolliams: Would the hon. member care to offer an opinion as to whether an act of homosexuality or bestiality is immoral?

Mr. Otto: If one examines the early history of civilization he will find that homosexuality was quite common. This did not become immoral until the Christian era. There was an historical purpose for this change. Morality is dictated by religious orders.

An hon. Member: You did not answer the question.

Mr. Otto: Religious organizations now make the laws which control and guide the mores of a nation.

[Mr. Matte.]

Mr. Dinsdale: Obviously we are living in a sick society.

Mr. Otto: Yes, but the fact that this is a degenerated society does not mean that the failure to pass this law will help it. If one examines the history of the Roman empire he will find that after Constantine, Hadrian tried to introduce strong measures to bring back many of the old gods. He tried to bring the Roman empire into line, but he failed and the Roman empire fell apart. If our society is going to fall apart the passage of this measure will not be the cause.

Morality changes. As I said a moment ago, the conduct or the definition of morality or immorality is no longer a prerogative of religion or the church. The church suggests that it is not a sin to be poor, but our society suggests that to be poor is immoral. We know that it is immoral to be old. All these things change. By and large, the defining of morality and immorality is being assumed by technocrats and psychiatrists rather than by the state. Not long ago the Medical Association defined death as that state when the brain stopped functioning. It made no mention of the soul. The Medical Association accepted that without question. It is not those members of the medical profession—psychiatrists and others—who state that homosexuality on the part of individuals over the age of 21 is immoral. Members of the medical profession tell us that homosexuality is a sickness and that with present day knowledge there is no remedy for it.

Mr. Woolliams: That is only one opinion.

Mr. Otto: That is not only one opinion, that is the consensus of many opinions as a result of studies by psychiatrists and others. There is apparently no cure.

Mr. Dinsdale: Perhaps they should see a psychiatrist.

Mr. Otto: The journals of the American Psychiatric Association are in the library. They contain report after report by psychiatrists which indicate that homosexuality is an illness and that it cannot be cured. In any event, this is recognized as an illness. Hon. gentlemen opposite do not believe this, but there is evidence to support the argument that homosexuality is not a criminal matter. These people should not be treated as criminals. This definition has nothing to do with the old concept of morality.