

Hate Propaganda

know that even the greatest of our freedoms are not really absolute. Free speech is not an absolute; it has to be curtailed. Freedom of religion is not an absolute; there are many activities which religious groups seek to carry out and which the state forbids. Freedom of assembly is not untrammelled. Just try holding a mass meeting in the centre of some square in any large city during the day and see how you get along. In establishing norms of behaviour for society and in passing laws, we have to make judgments concerning the relationship between individual rights and the common good. As a Jeffersonian liberal, my tendency is always to give first place to the former, to the rights of the individual, but sometimes we have to surrender a measure of individual rights for the good of the generality of society. This is what civilized community living is about. I believe that in the long run the right to promote and incite hatred is not one which can be regarded as among our inalienable rights. We cannot, of course, by legislation remove hatred from the hearts of men, or successfully implant love therein. But we can say, I believe, with some hope of success, that hatred shall not be activated against other sectors of society in the manner in which this bill, albeit inadequate, seeks to describe.

There are signs enough that there still are great dangers from the dissemination in Canada of hatred directed toward identifiable groups. We are not immune from activist prejudice. Far from it, alas. It cannot be argued that because certain long depressed groups are now taking the place in society which they have always deserved means there is no danger of grave problems arising here. It is the sad history of race and group prejudice that the backlash is often most vicious when long ascendant groups feel themselves threatened by a recently emancipated group.

While I am concerned about certain of these provisions, I feel that in addition to understanding and studying the laws they pass, legislators should also consider the spirit of those laws. The philosopher Montesquieu dealt with this question a long time ago in memorable words which are still of value to people today. We must note the relationship between mores and the law, and, indeed, between morals and the law. So, I look not only at the contents of this bill but also at its intent. Having done so, I am prepared to support the bill—not that it is a perfect one, far from it, but, rather, because we are an imperfect society. While I am always an optimist

[Mr. Macquarrie.]

and always a progressivist, I do not believe in the perfectability of human nature. Not in my time nor in the time of anyone here will we reach a situation wherein kings will be philosophers and parliamentarians, saints.

Though we would long to live in a society where hatred did not exist and in which there would be no need to restrain the outpouring of hatred, we do not, alas, live in such a society. This being the case, I do not believe we are proposing a backward step—indeed, I hope it is a helpful step—to declare that the espousal of group-directed hatred is an evil thing which our society thus formally, and in this manner, should and must condemn.

Mr. Eldon M. Woolliams (Calgary North): Mr. Speaker, I did say when I was speaking on the report stage, that I did not intend to take part in the debate on third reading. I shall try to preserve the spirit of that promise to the House, but certain things have been said in this debate which I feel it is my responsibility to answer. Since I believe the interpretation placed on some of the things I said has been misleading, I trust hon. members will bear with me for a few minutes.

Today, I wish to discuss five aspects of this subject. I want to consider the many references made to minorities, and in doing so I intend to mention the work of the committee. I wish to talk about the constitutional aspect of the bill—I think this legislation is unconstitutional and should be included among the subjects considered by the Supreme Court of Canada for decision in this connection. I wish to deal, in particular, with a point which I made during my first speech in reference to this measure, and repeated subsequently. I wish to discuss the contention that a defence available under one section does not exist under another. I am referring to that clause that gives the right to somebody to take out a simple affidavit on reasonable belief and seize literature. Then, you have to come in and defend yourself. That sounds something like the Spanish inquisition.

● (4:20 p.m.)

My first point is this. We have heard a lot about minorities. Canada, if it means anything, means that it consists of groups of minorities of various nationalities and various religions and environments who came here to have freedom. I am not a parliamentarian, or a lawyer for that matter, who believes that we could in these instances, using the words of the hon. member for Palliser (Mr. Schumacher), implement and legislate division.