

*Hate Propaganda*

The concept of absolute freedom is a perversion of the rule of law. It is the replacement of the rule of law by the rule of absolutism. The tradition of the enhancement and the enlargement of the right of freedom of expression—the hon. member for Calgary North cited some of the landmarks that have enhanced and enlarged the right of freedom of speech—is part of a parallel process whereby there have been placed at the same time necessary limitations and restrictions on the legitimacy of freedom of speech.

The criminal law of Canada, modelled upon the criminal law of England, authorizes freedom of speech but not in absolute terms. It does so within permissible contours, within permissible parameters. One need only refer to the present rules regarding defamation, blasphemy, sedition, libel or scurrilous material to appreciate the attempt, made throughout the history of Canada and under the rules of the common law, to draw boundaries between what is permissible and what is not permissible speech rather than to speak in terms of freedom of speech in absolute terms. From time immemorial there have been limitations on the freedom of speech and our laws of libel and slander are examples of this.

• (9:30 p.m.)

We are merely broadening, in the main purview of this bill, the law of libel and slander to include group libel and group slander. I have no right to defame my neighbour's reputation. There must be no right to promote the hatred of people on the basis of race or religion, the hatred of people who are distinguishable by colour or by their ethnic origin, let alone advocate their total annihilation or advocate genocide. No democratic process worthy of its name can licence the advocacy of genocide in the name of the democratic process itself. No claim to freedom of speech can legitimate the incitement of racial hatred and condone the breakdown of social order in the name of free speech.

Finally, Mr. Speaker, one must reject the charge that this legislation involves an invalid use of the criminal sanction. Such an objection not only fails, in my submission, to appreciate the intrinsic value of this legislation in respect of outlawing hate propaganda itself, but ignores the educational value of the legal process in general and the criminal sanction in particular. The measure of our laws, it has been said, is the measure of our civilization. If we are to have justice in socie-

ty, then we must begin with just laws. Nowhere is this more important than in the realm of criminal law. It is here that the most fundamental values of life, liberty and dignity are to be protected and sanctioned, and it is here that the measure of our commitment to these values will be tested.

I do not consider the criminal law to be just an agency of social control. I do not consider it to be merely what Herbert Packer called the controlled use of power in society. I consider it to be a set of articulated values by which civilized men tend to regulate their lives and measure their society. That being so, this law will represent part of those articulated values by which we tend to regulate our conduct as free citizens in Canada.

This law is not just a technical body of rules. It tends within the conduct that is prescribed to articulate the values by which we Canadians seek to live. The criminal law is not merely a sanction or control process. It is reflective and declaratory of the moral sense of a community and the total integrity of a community. It seeks not merely to proscribe, but to educate. It seeks to set forth a threshold of tolerance and standards of minimum order and decency.

I echo what many members have said in committee and in this House. One cannot legislate a community to love or even eradicate by legislation the promotion of feelings of hatred. But one can control certain kinds of public hate dissemination and hate activity. One can put this country on record as declaring that the conscience of the Canadian community will not tolerate that kind of activity. One can put the Canadian community on record as subscribing to the international conventions, which other hon. members have referred to, under the auspices of the United Nations.

What this bill hopes and seeks to articulate is that we condemn the social evil of the deliberate, wilful dissemination of racial hatred in this country and elsewhere. We consider it to be a poison in a civilized society. We consider it to be contrary to the collective moral sense and total integrity of the Canadian community. We consider in the global village in which we are living, which is almost claustrophobic, that the exploitation of hostility in man and the skilful promotion of hatred must be combatted. As such, in its ultimate sense the criminal law sanction, and in this context the bill outlawing the dissemination of hate—and I make no prediction as