

The Constitution

Some hon. Members: Hear, hear!

Mr. Patterson: There is another matter which is of great concern, Mr. Speaker, and that is the potential harmful imbalance between individual and collective rights. This has to include religion and rights. In a brief sent by telegram to the Prime Minister, the Roman Catholic bishops of British Columbia and the Yukon said that while Section 2 of this charter guarantees the religious rights of the individual, it says nothing about the rights of the church.

● (2100)

If individuals are to have the opportunity of functioning and participating in the activities of the church, then some responsibilities are attached.

I shall just give one illustration in passing. For instance, when a church-related school or college are looking for teachers, it is necessary for the institution to advertise in Canada. No one from abroad can be accepted if there is someone in Canada who is qualified to fulfil that responsibility. This does not take into account that many church organizations and related organizations have a certain declared statement of faith and belief. There is no protection and no recognition as far as the law is concerned at the present time. The problem can be expressed in this way. If there is a position open and the institution wishes to engage a professor or someone from another church-related organization, they must advertise in Canada. No provision is made whatever for the particular doctrinal positions of the organization or their statement of faith.

I am very glad to say that as far as I am concerned, my representations to the Minister of Employment and Immigration (Mr. Axworthy) and to his officials have been very cordial. They have been very co-operative. They recognize that some attention must be paid to this facet if the doctrinal integrity of the church is to be maintained. I have had a good response from the officials in this connection. However, situations change, ministers and officials change and there is no guarantee this state of affairs will continue. This places church organizations in a very difficult position.

I want to speak now about property rights. One of the most astounding omissions from this charter is the omission of property rights. It has been a basic premise of social philosophy that all human beings have a fundamental right to property. Some theorists have put property rights in the category of "natural rights", those rights that accrue to man by virtue of his humanity. Indeed, the existence of a human being is contingent on his ability to claim things as his own. In the most primitive sense, this is food and shelter. I think that is reasonable. If you ask a farmer whether he appreciates land ownership, what do you think he would say? What about asking a fisherman whether he believes in the ownership of property? I am sure we will hear say yes, I want my boat. And so it goes. Property covers a wide range of issues.

Some hon. Members: Hear, hear!

Mr. Patterson: Therefore, to limit this provision is narrow thinking because it can cover anything a certain individual or a certain administration will want to read into it.

Property covers a multitude of rights, set out in "Social Principles and the Democratic State," at page 156, written by Benn and Peters. There is no way that I could possibly list all the property rights that we should have guaranteed. If certain ones are guaranteed, it means others are not accepted or not recognized. As a result, we can see the problems we are facing in all these different areas. The point is that the exercise of property rights is an integral part of the existence of all human beings. I believe property rights should be incorporated and not traded off for support from some other individuals and groups which have perhaps a rather twisted idea of what property rights involve and what they actually mean.

Another reason given by the Liberals for not including property rights is that some of the provinces were against it.

Mr. McCauley: All of them.

Mr. Patterson: This is nothing short of being hypocritical. Eight of the provinces are against this whole measure and yet the Prime Minister is proceeding with it. The measure is totally abhorrent to the concept of federalism. Yet the Prime Minister uses the excuse that he will not include property rights because a couple of the provinces are against the measure. I think this is inconsistent and dishonest. Property rights should be included in the resolution. As far as I am concerned, the whole thing is a mess. We are, however, trying to do something to improve it because it may eventually become the law of the country. We are trying to make the best of a very bad and sorry mess.

The latest representation I had concerning this issue came in the form of a telegram from the mayor of one of the districts in my constituency. I will not take the time to read it into the record. He was representing a great many who believe that property rights should be included in this resolution.

Reference has been made to the supremacy of God. I am very happy to see that the Liberals have consented, yielded and decided to include a reference to the supremacy of God. They have done it in a very casual way, sort of just tilting their hat to God and saying, "we are just mentioning your name". This is not worthy of the situation. It is far less than what is included in the Bill of Rights, now the law of Canada, proposed by the late Prime Minister of Canada, the Right Hon. John Diefenbaker. It reads, in part:

The Parliament of Canada, affirming that the Canadian nation is founded upon principles that acknowledge the supremacy of God, the dignity and worth of the human person and the position of the family in a society of free men and free institutions;

affirming also that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law;

I want to deal briefly now with the matter of federalism. The Liberals, especially the Prime Minister and the Minister of Justice are fond of saying that this Parliament is the place that speaks for all of Canada.

An hon. Member: Right on.