

Criminal Code

the people of Canada but parliament has decided. The bill was voted on in the house, and it may be said that the people through their parliamentary representatives have spoken. Now let us move on to other things."

An hon. Member: How do you know it will pass?

Mr. Turner (Ottawa-Carleton): I am in no way anticipating.

Some hon. Members: Oh, oh.

Mr. Turner (Ottawa-Carleton): I am in no way anticipating the results of this debate. But since this is the last time I shall have the opportunity under the rules to speak in this debate I say to the hon. member that I hope the results of this debate will heal whatever divisions there are in the country and in parliament with relation to the subject matter now before us.

Many hon. members were disturbed because this was a government bill. We said on second reading that we took the position, and we still do, that the government should take the responsibility before the people of Canada and before parliament for the reform measures being recommended in this bill. We want to make perfectly clear to the people of Canada that we accept responsibility for the bill, both before the people who do not like it and before those who approve of it. I am under no illusion, if we look at the full panoply of the omnibus bill, in thinking that all in this country approve of everything in the bill. In fact, there are few people in the country and probably very few in this house who approve equally strongly of every one of the items included in this bill. Unfortunately we have only one woman in the house. May I say to her through you, Mr. Speaker, that I commend her for the vigorous and convincing speech she made on behalf of the feminine point of view in this house. The feminine point of view has been inadequately represented here.

Some hon. Members: Hear, hear.

Mr. Turner (Ottawa-Carleton): We took the responsibility for this measure of criminal law reform. We are identified with it. We will take whatever credit there is in it and bear whatever blame there is in it as well. At the same time, I repeat that I do not think there is one member of this house—and I hope there is not one member of the party I represent—who can accuse me or accuse the government of trespassing one whit on the

[Mr. Turner (Ottawa-Carleton).]

private rights of any hon. member. No matter whether he disagreed or agreed with any of the clauses of the bill, we did not trespass on his rights to take an independent or contrary position. We said we were not going to trespass on the conscience of any individual member of the House of Commons and we were not going to trample on the private morality of any member of the house where such hon. member expressed either his own view of the bill or the view of his constituents.

I think that we can well point to the vigorous debate promoted by the hon. member for Notre-Dame-de-Grâce (Mr. Allmand), who disagreed with the wording of clause 18 relating to abortion. I think we can also point to the amendment submitted by the hon. member for Gatineau (Mr. Clermont). It is clear that the government did not carry all its own members on all amendments. That does not reflect upon individual hon. members in any way whatsoever. I understand and respect their convictions and do not think one whit less of them. Situations like this force a member to weigh his responsibility as a member of the government party and his own private conscience and convictions. It is the most difficult decision any member of parliament has to make.

● (3:50 p.m.)

Finally, I want to speak on the question of law and morals. I will reserve reviewing the whole relationship for another time. The matter of law and morals has been mentioned. I want to emphasize that anything I have said should not be taken as a belief on my part or on the part of the government, that there is no relationship between morality and the criminal law. It is self-evident that historically the principles of morality have significantly influenced the development of our criminal law. No doubt they will continue to affect the nature and scope of those laws.

On the other hand, I want to repeat what I said on second reading: all that is immoral has not been and is not now criminal. I agree with and support the view that in the field of sexual behaviour the basic function of the criminal law is to preserve public order and decency. It is to protect the citizen from what is offensive and injurious and to provide sufficient safeguards against the exploitation and corruption of others, particularly those who are especially vulnerable because they are young, weak in body or mind, inexperienced or in a state of special physical, official or economic dependence. Where poten-