

EDITORIAL

Legal system should not be the way to control pornography

In a suburban grade 10 class, students are studying about the forbidden love of two teenagers, Romeo and Juliet, and their struggle to be with one another. In the heart of the same city inside a dilapidated building, a 15-year-old boy and girl strip down for a small camera crew and get ready for the next scene in yet another child pornography film. The vast difference between these two acts is readily apparent, but the effort to make a legal definition in order to condemn one and condone another is exceedingly difficult. And this is the semantic trap which the federal government has created for itself with its recent anti-porn legislation, Bill C-54.

The bill, while proscribing socially harmful pornographic material such as child pornography, sexual violence, and degradation of women, also manages to threaten the survivability of many acclaimed works of art. The problem with Bill C-54, as with all obscenity laws, is the inherent vagueness. According to the legislation, censored pornography includes matter that displays minors engaging in sexual acts, mutilations of any kind, sexually violent content, degrading acts in a sexual context, bestiality, incest, and necrophilia.

Providing a precise legal definition for degrading acts is an obviously elusive task. For the sake of legal consistency, shouldn't the degrading advertisement depicting a bikini-clad woman draped over the hood of a car be treated on par with a gang-rape scene in a pornographic film?

In addition, C-54 intends to prosecute "any matter or commercial communication that incites, promotes, encourages, or advocates any conduct" defined as pornographic. This clause widens the bill's scope considerably.

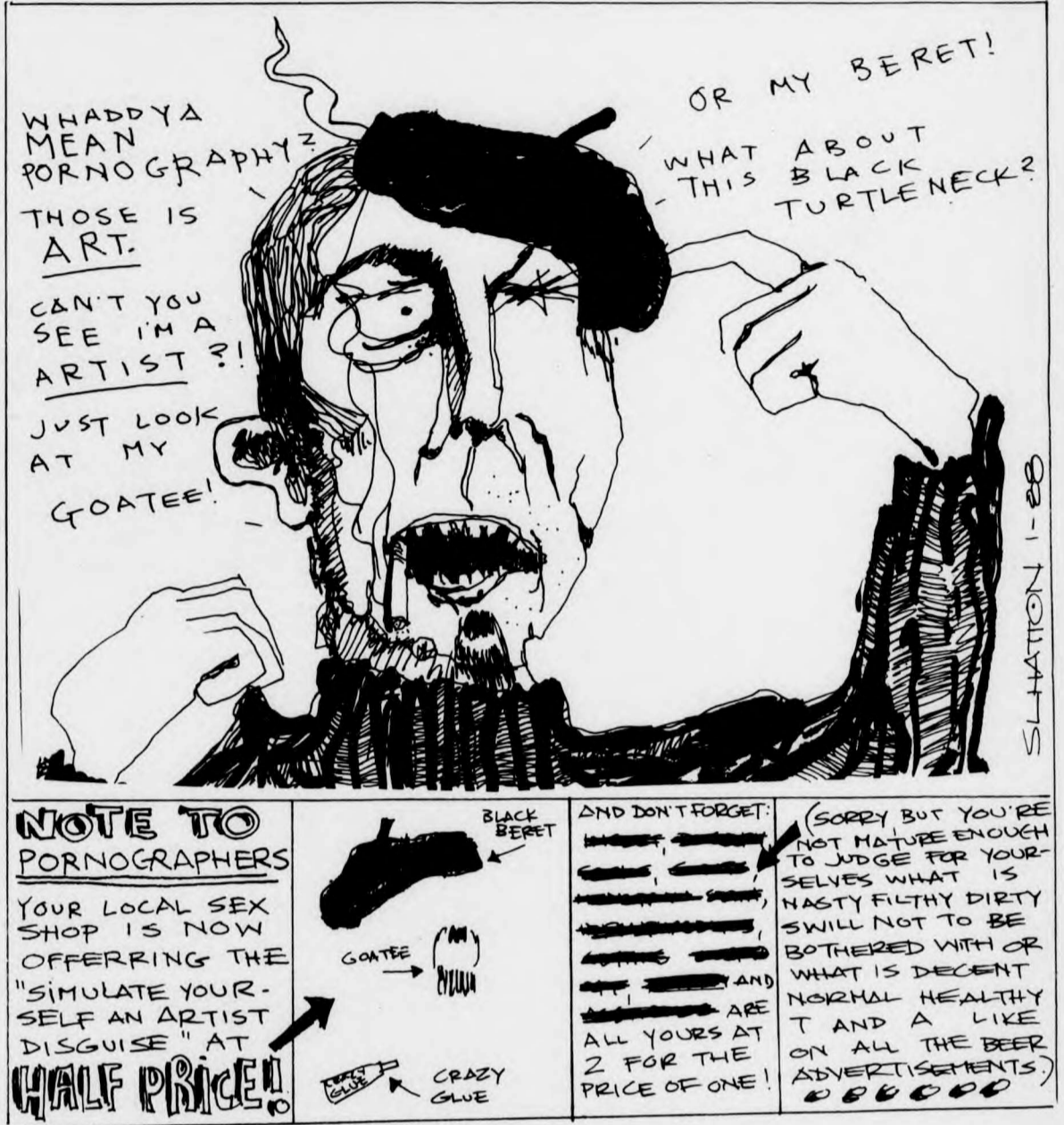
Augmenting the bill's powers of censorship is the clause that reverses the onus of criminal process. That is, people charged under the provisions of Bill C-54 will be presumed guilty until proven innocent. Unfortunately, this undermines a possible lever preventing the police from flagrantly violating the spirit of the bill. What artist or writer could afford the legal defense of defending their work and proving its artistic merit? Potentially, art galleries, bookstores, publishers, authors, and artists will be forced to exercise self-censorship to avoid the law's wide scope. Ultimately, the vibrancy of our culture will suffer.

Reverse onus also adds the demands of artistic criticism to the burdens of the nation's judges. People charged under the bill will be forced to demonstrate the artistic merit of their work. Thus the bill's enforcement will be reduced to a question of taste, that will be highly sensitive to the whims of individual judges. Vladimir Nabokov's classic novel *Lolita*, a black comedy about a pedophile's obsession with—and abduction of—a young girl, can be interpreted as literature containing pornographic material. It could, despite its recognized artistic merit, fall prey to the malice of a particular judge. Should a judge have the right to make such a subjective decision?

The all-encompassing powers of the bill may make some classic works of literature illicit: William Golding's *Lord of the Flies*, Thomas Mann's *Death in Venice*, Marie Renault's *Persian Bay*, just to mention a few. Even Sigmund Freud's *Modern Sexual Morality*, and many of Margaret Mead's writings, including *Male and Female* and *Coming of Age in Samoa*, could potentially fall victim to the wide-sweeping blade of this legislation. In addition, a great deal of feminist literature, such as Deborah Cameron and Elizabeth Fraser's *Lust To Kill: Feminist Investigation of Sexual Murder*, will easily fall under the bill's pornographic categorization.

It's ironic that while the bill attempts to stop the acts which feminists most deplore, it also muzzles their power to bring these acts to light and show the massive exploitation of women in the pornographic industry.

Despite our opposition to Bill C-54, we empathize with the concerns of groups who protest pornographic material. On balance, however, society does not gain from eliminating the harmful consequences of pornography at the expense of endangering artistic freedom of expression.



LETTERS

We will publish, space permitting, letters under 250 words. They must be typed, triple-spaced, accompanied by writer's name and phone number. We may edit for length. Libellous material will be rejected. Deliver to 111 Central Square during business hours.

No Smoking signs ineffective

Editor:
I am pleased that York has finally stepped into the 1980s with the display of no smoking signs in the complex one and complex two cafeterias. These signs, however, seem to be having little effect. If these areas are in fact non-smoking, then why are cafeteria ashtrays supplied at each table? The no smoking signs are small in size and few in number. For these reasons the majority of smokers who light up are probably unaware that these areas are now designated as non-smoking. Some smokers show arrogant disregard for the signs. The signs warn of heavy fines for offenders, but I would be surprised if York Security would ever apprehend violators. The responsibility lies with the non-smokers to assert their right to breathe clean air.

With the health effects of second-hand smoke now documented it is time for York to ban smoking in ALL buildings and corridors. Many corporations have taken this step with positive feedback from most smokers and non-smokers. A good place for York to start would be Central Square, which is so polluted from 11:00 a.m. to 2 p.m. that I cannot go there.

David Koehler

Money isn't everything

Re: David Pengelly's letter of Jan. 7.
Your argument, Mr. Pengelly, is based on a definition of success that I find narrow and oppressive. You assume, from the outset, that the capital justification of financial inequality is acceptable or even desirable. This reasoning allows society to praise those who make

money in the system (a system dependent on profit margins and exploitation), and blame those who cannot achieve this "success" for their own "failure."

"Socialism reinforces failure and punishes success"? No, sir, capitalism rewards white, upper middle class men (and those who are allowed to participate in capitalist exploitation) and punishes, in general, minorities, women, the handicapped, the working poor and the homeless. As a society we have a responsibility to support all our fellow human beings, and our government should be given a greater mandate to use our tax money in support of social programmes. (Unless you'd prefer a revolution, that is.)

Nina Thompson

Student defends Winters art show

To the Editor,
I am appalled at the shallow and biased review of the Winters College multi-media exhibit that appeared in the January 7 issue of the *Excalibur*. York Fine Arts students are the *crème de la crème*, chosen from hundreds of applicants to carry on York's liberal philosophy of presenting new, radical and bold creations to society.

The writer busied himself in formulating one highly negative remark about each of the four medias presented in the show. For example, when discussing the drawing exhibits, Evans, writes, "the works incorporated a wide range of added media... (that) at times seemed to overshadow the actual drawing." What he does not realize is that it is the "added media" that makes the work exciting.

In addition, he writes that "compared to the drawing show... pieces in the multi-media exhibit were clear, even considering the diversity of style and media."

His summary of the painting exhibit points out that "techniques of sophisticated layering and thickly applied paint "dominated his perceptions of the showing. One does not need to point out to Evans that thickly applied paint can be found on the side of one's house and is not deserving as a comment about art.

His condemnation of the sculpting exhibit reads as follows: "Most of the sculptors in the show presented soundly crafted and thematically engaging works—and it was perhaps the best of the four exhibits."

I cannot believe that someone who is so obviously inept can be so judgmental.

His favouritism is evident in the glowingly melodramatic descriptions of six handpicked artists, whereas the rest of the exhibitors are lumped together under such terms as "soundly crafted" and "thematically engaging."

Perhaps Blake Evans would be better employed in improving his rudimentary writing skills than in hacking the art of York's fine arts students.

Marnie Endrin

Zamboni on rye

Dear Editor,
At last I can see the ultimate advantage of our glorious Ice "Palace" over Varsity stadium: you don't have to be from York to buy refreshments! No, I am not scraping the barrel of athletics promotions to attract more fans to Yeomen games, I am serious. A trip down to Varsity to see the Yeomen kill the Blues was always enhanced by a cool brew at the intermission, but alas, in their struggle to score some kind of victory, ANY kind of victory against the awesome Yeomen, U of T has resorted to banning away fans from

EXCALIBUR

Editor	James "Robojournalist" Flagal
Production Manager	Kevin "Robodesigner" Connolly
Arts Editors	Adam Kardash, Jennifer Parsons
News Editors	David Dollard, Deborah Dundas, Jeff Shinder
Sports Editors	James Hogggett, Garry Marr
Features Editor	Zena Kamocki
Photo Editor	Babak Amirfeiz
Gary Coleman	Ryan McBride
Staff	David Ackerman, Darren Alexander, Pat Anderson, Dave Baas, Stacey Beauchamp, Sujata Berry, Christine "The Fugitive" Bouchard, Lidia Miranda Cabral, Angela Catallo, Michelle Cheung, Len Cler-Cunningham, Paul Conroy, Blair E. Cosgrove, Jennifer Crane, Peter B. Cronsberry, Hasnain Dattu, Mark Eklove, Dr. Lorne Foster, Rina Guglietti, Anna Garibotti, Dave "You Can Call Me" Gershkovitch, Karen Golightly, Christine Gomes, Karim Hajee, Stephanie Hatton, Russ Hoffman, Clark Hoskin, Ron "And" Howe, Mark Hunter, Pierre Imlay, Farah Jamal, Janina Jurciewicz, E.A. "A.E." Johnston, Howard Kaman, Mike Kennedy, Ken "Kabuki" Keobke, Otav Lombardo, Lennie Long, Lorne "Spymaster of Willowdale" Manly, Amy Menon, Oded Orgil, Tim "If It's Velcro They Want..." O'Riordan, Joanne Oud, Pete Peng, Lisa Penn, Nancy Phillips, Mario "Stranglehold" Pietrangelo, Rupert Pupkin, Michael "What Me, Hemingway?" Redhill, Tracey Reid, Heather "The Terminator" Sangster, Lee Schnaiberg, Daryl Shadrack, Elizabeth Silva, Lisa Snoddon, Steve Somer, Andrew Sun, Vince Torreiri, Gary Verrinder, Annette Vieira, Susan Wengle, Norman Wilner, Steve Wise, Meiyin Yap, Kaan Yigit

(... and Liz Flagal as Mallory Keaton)

Board of Publications Chairperson	Brigitta Schmid
Advertising Assistant	Patty Milton-Feasby
Johnny Typesetting	Stuart Ross
Typesetting Assistant	Linda Fogazzi
Advertising Manager	Merle Menzies

EDITORIAL: 736-5239
TYPESETTING: 736-5240
ADVERTISING: 736-5238

MAILING ADDRESS:
Room 111, Central Square
York University
4700 Keele Street
Downsview M3J 1P3