

Criminal Code

As I suggested the other day, as I understand it, for example, a copy of the *Arabian Nights*, which I have had in my book shelves for many years without apparent ill effect, would in fact be illegal to be possessed by me and in my house because of the fact that certain of the pictures might be deemed to be erotic pictures and involving persons apparently under the age of 18, and as a consequence no defence on the basis of artistic merit would be admissible.

In fact, the thought police from the Conservative Party could come into my study in my home and start picking through the books which I happen to have in my library, and in their view decide which books were pornographic. They could then take me into court and deny me any defence, simply because I bought a book 25 years ago. Having that book could render me liable to being put in jail, or to some other type of conviction.

If I were to be sent material in the post, or received material in the post, or ordered a book from a legitimate American or British bookseller in New York City or London without knowing exactly what was in the book, but ordered it because it was of interest to me, and the book was a work by a famous novelist and it was found addressed to me and having been chosen by me to come to me in the post, there again I could be jailed for having that material.

For example, if I happened to communicate with a bookseller of used books and asked for a copy of Vladimir Nabokov's novel *Lolita*, which, among other things, is a profound criticism of the nature of American life and society as it developed in the 1950s and 1960s, I believe that I am correct in stating that the possession of that book would be an offence for which I would be liable to penalties which are not much different from those meted out to someone who burgles, breaks into a shop, or in some other way commits a violent act such as an assault.

I wish to know from the Hon. Member if that is the case, and if he considers it is reasonable to put people in such jeopardy? Should we allow conservative thought police or people who are prurient in their interests and their views to the point of being ridiculous to be able to go into every public library across the country and to leaf through every book until they find the so-called "dirty" bits, and then, having found those, to salivate at the look of them, and then to rush off to the local police station in order to have the police come in to have book burnings, and those types of things because, in their view, those books happen not to fall within this permissible expression under Bill C-54? Are these the types of nightmares into which this country is liable to fall? Is almost any form of written expression liable to be put under those types of restrictions?

Are we going to see the situation where Canada will be the laughing stock of the western world in terms of what is permitted? Are we going to get into a situation, where under *glasnost* in the Soviet Union, books permitted in the Soviet

Union will be banned in Canada because of the conservative thought police? Is this what we are getting into?

Mr. Keeper: Madam Speaker, I want to refer my colleague to the legislation, which is Bill C-54, and thank him for raising the alarm, because I think that people should be concerned about this legislation.

• (1650)

Let me point out that Bill C-54 is an amendment to the Criminal Code so that anyone who contravenes the legislation will be subject to a criminal sanction. It is not civil legislation. It is not a slap on the wrist. It will be a criminal sanction. The broad sweep of the legislation has real implications for people, not only in terms of what is in their libraries, but also what is in their homes, as my hon. colleague pointed out. The legislation makes no distinction and fails to recognize the British notion of a man's home being his castle. However, I would like to refer to Clause 159.6 on page 6 of the Bill which deals with defences. For example, if someone goes into a person's home, finds the Bible and does not like the rape scenes in it, and therefore confiscates the book and charges the person with possession of pornographic material, the person will have to get a lawyer and seek to defend himself. One permissible defence is listed under subclause 159.6(a), which reads:

—the accused took all reasonable steps to ensure that there was no erotica in the thing sold,—

It goes on and on. The person must be able to prove that there was nothing erotic in anything he possessed in his home.

The Bill does not adequately define what erotica means, but the caution I have heard is that we must make a distinction between what is pornographic, what is dirty and degrading, and what is a healthy portrayal of human sexuality, which would therefore fall under what I would consider to be erotica.

Under this piece of legislation, I say to my colleague, he would have to demonstrate to the police, sent to his home under authority given to them by a massive Conservative majority, that there was no erotica in whatever literature he had in his home, including the Holy Scripture.

Mr. Hawkes: Madam Speaker, I should like to make a short comment. We have now listened to close to eight hours of debate on this amendment, and I believe there has been an attempt to deceive Canadians about the import of voting for the amendment. It must be crystal clear to every Member of the Chamber that support for the amendment would kill this legislation for the term of this Parliament. It would create a situation where it would very easily take us into the 1990s before we could bring forward a piece of legislation to deal with what Hon. Members keep saying they want to deal with.

They keep trying to stand on two sides of a picket fence, and the lower they sink, the more uncomfortable it gets. They talk about book burning. They talk about Conservative "thought police".