

*Criminal Code*

I am prepared to take a new, balanced approach toward the question of censorship of pornography from a perspective which recognizes the freedom of expression on the one hand and the desire to eliminate the negative impact that results from the degrading and violent portrayal of women in sexual activity on the other. It is no longer acceptable to permit anything for the sake of freedom of expression. I believe that the majority of Canadians want to reconsider such a philosophy and take a balanced approach in which we preserve freedom of expression on the one hand while attempting to reduce and, hopefully, eliminate the violent and degrading portrayal of women in a sexual context.

We need legislation that will curtail the pornographic industry while preserving freedom of expression. It is not enough simply to take the approach of ridding the pornographic industry and its products regardless of freedom of expression. I do not believe that reflects the value of ordinary Canadians, and such an approach will simply result in the legislation being challenged in the courts and rendered ineffective. The disturbing aspect of the Government's legislation is that its definition of pornography is so sweeping that it invites a challenge in the courts under the Charter of Rights and Freedoms.

The Government may want to appear that it is taking decisive action on pornography, but unless such action is effective it will be a waste of time. Not only is this legislation a facade with regard to pornography, it is also dangerous with regard to freedom of expression. The lack of definition of pornography leaves such sweeping powers in the hands of the police and courts that much of the literature we want to continue to be available will be threatened. This legislation makes it entirely possible that classic literature and even sacred Scriptures could be threatened. Even the Bible could be brought into court according to this legislation. It is obvious that it does not contain a precise definition of pornography. It does not make a distinction between pornography and erotica.

If the Government is serious about dealing with the problem of pornography, it must begin by making some distinction that will allow for freedom of expression and effective action against pornography in this country.

● (1640)

I wish to point out some specific critiques of the legislation. I wish to make it quite clear that while I feel there is a need for effective legislation regarding pornography in this country, this legislation is not it. This legislation before us falls short and is too broad in its impact.

For example, this legislation places the onus for proving material is not pornographic on the back of the artist. We all know that, from a financial point of view, artists are struggling members of our community. An artist is lucky to make a few dollars and very fortunate to make a living in this country. If thrown on top of the necessity of producing art is not only the making of a living but also the financial burden of taking on

court challenges with regard to the artistic material, then this is an unfair burden to place on the back of our artists. We all know how expensive a day in court can be, certainly a day in Supreme Court can be very expensive. Artists are struggling to survive and to be active members of our community. That is one of the negative aspects of this legislation that I wish to mention.

Another aspect is that the defence of artistic merit for educational, scientific, and medical purposes, does not apply to any depictions of sexual activity in the presence of or involving persons who appear to be under the age of 18 years. That means that fundamental aspects of teaching of human sexuality to young people in books such as *Show Me*, which has a graphic depiction of matters related to sexuality, could be outlawed under this legislation; or the police could step in and the courts could indicate that this type of material, such as that contained in the book *Show Me*, which is intended to educate children in the area of sexuality, would no longer be permissible. Obviously we want our children to receive good education with regard to sexuality. We want them to receive the facts and solid information. We do not want them to be learning about sexuality on the streets. We want them to learn at home and to be able to have solid information.

There are serious problems with this legislation. The fundamental and key problem with this legislation is its lack of a definition of pornography. The impact of this legislation is far too sweeping. It takes into its swath too much, and it will not only hit pornography but educational materials, scientific materials, and artistic materials.

We do need action in the area of pornography. We do need to be able to balance the concern about freedom of expression with the concern about taking effective action against the violent and degrading portrayal of sexual activities and of women, but this legislation is not it. It is far too sweeping in its lack of definition of pornography. It fails to make a distinction between pornography and erotica. We cannot support this legislation. That is why my colleague moved the amendment that:

this House declines to give second reading to Bill C-54 because it fails to clearly define pornography as material that condones violence, coercion, abuse and degradation in its depiction of human beings or portrays or promotes the sexual exploitation of children; and also, because it does not distinguish pornography from material of an artistic, literary, educational or scientific nature in a fashion acceptable to the Canadian public, including artists.

We call for effective legislation that will attack the pornographic industry, and will allow for freedom of expression. This legislation simply does not fill the Bill.

**Mr. Cassidy:** Madam Speaker, I wish to ask a question of my colleague, the Hon. Member for Winnipeg North Centre (Mr. Keeper), who is, among other things, the Post Office critic for the New Democratic Party. I wish to ask him specifically what types of risks I or any other Canadian might be facing because of material which is perhaps passing through the post, or material which I may have in my home, as a consequence of the very broad definitions that are in Bill C-54.