

Obscene Literature

There is hardly any limit to the definitions we could write into the Criminal Code. Only recently a lady in my constituency wrote to me to complain about what she called "some of the suggestive articles in *Homemaker* magazine." *Homemaker's* magazine, as I think it is more properly called, is delivered free and unsolicited to many suburban households. My correspondent took exception to an article in the October, 1976, issue of this magazine which extolled the virtues of adultery. I hope my constituent will forgive me for calling her "my correspondent". In any event, there was a great deal for the housewife to learn from reading the article in question.

According to a critical review in the *Catholic Register* written by Larry Henderson, the article declares that "affairs make you feel very feminine". I admit that it never before occurred to me in exactly that light, and I suppose there would be more than a few disgruntled but otherwise faithful housewives who might be swayed by the conclusion that "adultery benefits the husband." It seems that a little fling is just the thing, after the kids have gone to school, to inspire a good wife to prepare a good meal.

Some hon. Members: Order.

Mr. Condon: There can be no doubt, according to the article, that the husband "benefits in the long run". We are told—or, rather, the housewife is told—that there is nothing morally wrong in having an affair just so long as the good wife and mistress does not seek her fun with some malicious intent to destroy another marriage. What could be more malicious than to call one's lover at home, says the article, knowing that his wife will answer, and then burst into tears? Bad taste, to make such a scene. Morally wrong, without a doubt, goes the message. But if we believe what we read in *Homemaker's* magazine there can be nothing wrong with adultery itself. How, then, can we avoid the obvious conclusions which Mr. Henderson draws with tongue in cheek: the wife's lover must be the husband's best friend, and what every marriage needs is a little infidelity? According to my constituent, nevertheless, this sort of seductive trash is really pornography.

There can be no doubt that literature of this type is calculated to have an unsettling effect on the stability of countless shaky homes. Is there anyone here who would deny that anything which is designed to upset or undermine the basic family unit is deplorable? Not only, I suspect, would housewives be better off without such advice, but there is a strong argument to be made in favour of prohibiting the distribution of this kind of vicious nonsense. And we must remember that not only is this magazine available but it is delivered free of charge, and without subscription. Surely then the potential for harm is even greater and more widespread than with literature of any kind which is merely available. But what should we call this sort of thing in order to get rid of it? Can we call it pornography and wipe it away by writing it into the Criminal Code as a moral offence to distribute literature which has an undesirable effect upon the stability of the family unit?

[Mr. Condon.]

● (1730)

I confess that, with all my sympathy for the feelings of my constituent, I would not have called it pornography. Yet as we all know from hard experience, the constituent is always right; and in cases of doubt like this one I turn to my trusty dictionary. Right there in my dictionary I find that the work pornography comes from a Greek word, *porne*, meaning harlot. And what is more, pornography can be defined as the description of the manners of a harlot.

Are we not talking about harlots when we speak of adultery? Is pornography, then, after all, such a far-fetched term for literature which encourages infidelity in a Christian society? Should we then not also add pornography to the Criminal Code?

Surely, Mr. Speaker, anyone who thinks that the addition of yet another refinement of obscenity would spare the helpless housewife from exposure to this "Housewrecker's Magazine"—as I would prefer to call it—surely anyone who thinks so is mistaken and naive.

What then, Mr. Speaker, do we have before us? We have a bill which is designed to add to the moral offences presently in the Criminal Code. We have a bill which is going to expand upon the definition of obscenity, a definition with which many well-meaning, but misguided, Canadians already take exception. It will not work, Mr. Speaker. It will not do what it is proposed to do. That is why we look for alternative means of accomplishing the same purposes.

Criminal law is not the only means by which we can attempt to remove the worst elements of moral decay. There are other weapons we can use. Among these other weapons I might mention the customs tariff which prohibits the importation of literature that is indecent or immoral. And I am sure that others will raise the very important legal objections to this bill.

How can we create classification boards, for instance, while the Supreme Court of Canada is ruling upon the jurisdiction of the provinces in a matter of morality? How can we accept a bill which does not at least provide for proper representation from all parties to alleged offences? These, Mr. Speaker, are objections deserving the most serious consideration. They are by no means frivolous. But it is my opinion that they are not the only objections which should carry weight in this debate.

We have before us, as I said at the outset, a bill which would increase the scope of the Criminal Code. But we need to be concerned, Mr. Speaker, with increasing the strength of that code. If the effect of this bill would be to weaken our criminal law—and I believe it would—we should reject it because we are convinced that it would not be effective.

We should not be unduly concerned that someone will misconstrue our purpose. We do not condone the kind of thing which this bill is intended to prohibit. We condemn it. But we must be determined to find a solution which promises to work and which promises to win the respect of the Canadian community as a whole.