

that encourages most Canadians to support the free expression of ideas and the free distribution of photographic, audio-visual or other material.

The Criminal Code provides that using the mails to transmit obscene, indecent, immoral or scurrilous material constitutes an offence.

Mr. Speaker, the purpose of the proposed amendment is to broaden the concept of obscenity, but only when the mails are used, since the other sections of the Code dealing with the use of obscene material are not affected by these amendments.

I can well imagine that some people do not appreciate receiving letters or packages in the mail containing pictures or photographs of persons who are nude or whose bodies are not decently covered. Fortunately, the Criminal Code prohibits such practices when the content is indecent or obscene.

However, the scope of this amendment would seem to be far too broad. If it were passed, it would be possible to prosecute, under the Criminal Code, a person who uses, for commercial or other purposes, works of art or nude or semi-nude persons represented therein.

Strictly speaking, the proposed amendment would make it an offence to send by mail photographs of the ceiling of the Sistine Chapel, just because a person of the female sex is not entirely covered. Imagine!

Mr. Bellemare: And of the male sex!

Mr. Jourdenais: And also of the male sex, my colleague is perfectly right! What about Adam?

So, Madam Speaker, considering the tenor of my comments, it is probably unnecessary to stress the problems with interpretation—as you know, the same subject may elicit varying interpretations,—often leading to 20-minute arguments and speeches in the House—as well as the uncertainty the bill would cause if it were passed.

We need only consider how difficult it would be to determine exactly what the word “covered”, used twice in the amendment proposed by the hon. member, is supposed to mean. What happens to the snapshot or that well-known ad where we see a child with part of its buttocks open to view? A baby—and this is supposed to be obscene? Can we reasonably claim that this snapshot

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is obscene? However, Bill C-300 before the House today criminalizes the mailing of such photographs. Does anyone disapprove of this kind of photograph? I think the hon. member is pushing obscenity too far.

There are of course any number of examples, but I am confident that my colleagues here in the House, and we are not supposed to comment on those who are absent, Madam Speaker, they are perfectly right— However, I am sure they would feel the same way I do about the bill before the House today and its lack of precision.

Madam Speaker, Canadians don't want reactionary measures that will make our country the laughing stock of the rest of the world. Canadians have shown, and continue to show, tolerance for the views of others. As far as obscenity is concerned, tolerance is especially important and desirable, considering the wide range of opinions in our society on what should be considered obscene.

This tolerance has been expressed on many occasions, and the government must try to promote tolerance with legislation that is appropriate to the circumstances.

To paraphrase a former Justice of the U.S. Supreme Court, Justice Potter Stewart, it is very difficult to define obscenity. However, Madam Speaker, one thing is certain: We know it when we see it.

Madam Speaker, how can anyone claim to see anything obscene in a photograph of the ceiling of the Sistine Chapel or of Michelangelo's David? Nevertheless, that is the kind of conclusion forced on us by the amendment proposed by the hon. member which gives a definition of obscenity which, I am sure, fails to meet any of the current standards of Canadian society.

Once again, Madam Speaker, I am not saying that all Canadians should be delighted to receive pictures in the mail that may be somewhat offensive. My point is that our legislation already provides that this use of the mails is illegal when our society's standard of tolerance is exceeded.

The question is not necessarily what the individual considers to be in good taste, but how far Canadians are prepared to tolerate certain things and to what extent their tolerance level has been exceeded in each specific case.