

Criminal Code

an apparent connection between the use of pornography and the growing violence against women and children. There is a great deal of concern in society about this link, even though it cannot be statistically established.

The question we need to ask in this House is how effective the law can be in dealing with the problems posed to society by pornography. As I said, the issue of child pornography as outlined by the Badgley Commission is different. The value of law in dealing with a question such as pornography is limited at best. Any legislation must walk a very narrow line, perhaps a non-existent line, between a law that will not destroy the freedom of speech and the freedom of artistic expression, which is so important to society, on the one hand, and a law that will be effective in controlling the most objectionable aspects of pornography on the other. The more effective the law is in dealing with the question of objectionable pornography, the more violence it does to civil liberties.

As we all know, the present obscenity laws are largely ineffective and almost somewhat of a joke. I recall that about 30 years ago, some of my friends and I had the equivalent of a theological wild weekend in Seattle. We decided we would buy some books in Seattle and bring them back across the border, declaring them to be religious, because religious books could be brought into Canada at that time without paying any duty.

We bought four books. I forget what the fourth book was, but the first one was St. Augustine's *The City of God*, and it was to carry the freight for the other books because it was very obviously religious. No one could dispute that. The second was a collection of the writings of Sigmund Freud, and we were able to explain to the customs official that Sigmund Freud was very important in the modern theological world, which of course he is, and that therefore this should be categorized as religious.

Where we got into difficulty was with a collection of stories by Dostoyevsky. These stories were told by a group of travellers on different nights. Unfortunately for us, the chapter headings of these stories were: "The First Night, The Second Night, The Third Night" and so on. When the customs official saw this, he became very upset and agitated. He swore a mild oath and said he could not decide if this book was religious and should be let in duty-free or if it was pornographic and should be banned.

Mr. Bumble in Dickens' *Oliver Twist* said: "the law is a ass". Never more is the law an ass than when it is trying to deal with questions of pornography.

Mr. Keeper: If it's naked, its pornographic.

Mr. Manly: Right.

Anne Cameron is a well-known writer from British Columbia. Her most recent book is called the *Dzelarhons*, and it is a collection of Indian legends from the northwest coast of British Columbia. One of these stories concerns a woman who mated with a bear.

Last summer, a Vancouver bookstore called Little Sisters ordered this book from its U.S. distributors instead of from the Canadian publishers, which it could have done. As the book came through Canada Customs, it was held up at the border because this story of the woman mating with the bear was considered to be bestiality. I would like to read the passage that was so offensive. I do not think it will offend anyone in this House. It reads:

But then all the others went to bed and left her alone with this young bear man who was now her husband. As we all know, or if we do not know we can certainly imagine, animals are not built the same way as people and it was never intended by creation that they mate together. The bear sat with his legs apart, and he grabbed the young woman, and he sat her down, almost, but not quite, on his lap. She wept, again, and she did not like the smell of him, nor the feel of his hairy body, and she certainly did not like the way he handled her. And when the bear finally lay down and went to sleep, the Muddlehead was exhausted and aching from his rough embraces.

That is hardly the sort of material that we need a law to prohibit from coming into Canada. The bookstore that was attempting to import this is called Little Sisters. Perhaps the fact that the bookstore attempting to import this specializes in gay literature and has been a constant target of harassment by customs officials explains the reason for holding up this material. Gay literature is often made a target for censorship.

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In conclusion, is Bill C-54 any different from other obscenity legislation? Unfortunately, the definition of pornography is too broad. It says:

"pornography" means

(a) any visual matter that shows

(iv) a degrading act in a sexual context, including an act by which one person treats that person or any other person as an animal or object,—

We can all agree that it is not desirable to treat another person as an animal or object, but how can we define material like that? The definition talks about bestiality. Leda and the Swan is one of the founding myths of western society. The definition talks about incest. We have the biblical story of Lot sleeping with his two daughters to ensure survival of the race. We have the biblical story of the rape of Tamar.

I would give this Bill my reluctant support if the definition of pornography could be cleaned up and there could be some assurance of continued freedom of expression. Unfortunately, in its present form, I cannot support it.

Mr. Keeper: Madam Speaker, I noted on page six, Clause 159.6(a), the defence that:

(a) the accused took all reasonable steps to ensure that there was no erotica in the thing sold, rented, offered for sale or rental,—

What the legislation is saying is that someone accused of engaging in pornographic activities could use as a defence the fact that there was no erotica involved. It appears on first reading that there is no distinction made between erotica and pornography. Can my colleague comment on the fact that everything that could be described as erotica seems to fall