

Criminal Code

Mr. Denis: I think I can do that, but before continuing in accordance with your ruling I should like to ask the Minister of Justice whether, when he used the expression "absurd", he was referring to the hon. member for St. Denis or to his own bill?

Mr. Speaker: The hon. member need not take offence at a statement of that kind. I have heard much worse than that in the house without objection.

Mr. Denis: I will continue in French, if I may, because we have this new simultaneous translation and before it gets lost I think I will use it.

(Translation):

Mr. Speaker, the reason why I read clause 11 is that the hon. minister boasts of having added something by including a definition in which he uses but 5, 6 or 7 words, but he has not given a specific definition. For instance, the matter of principle is very important and the minister talks about:

—sex and any one of more of the following subjects, namely, crime, horror, cruelty and violence.

An hon. Member: Order.

Mr. Denis: Mr. Speaker, how could we interpret that section? For instance, what is the definition of cruelty, of violence, of horror? Is it correlative, when it deals with obscene matter?

For instance, Mr. Speaker, if my hon. friend from St. Hyacinthe-Bagot (Mr. Ricard) is not satisfied with me, while on the other hand, I am not satisfied with him, and if a discussion arises between us, and if, after that, I give him a thrashing that looks like horror, does that prove that the assault I make on my hon. friend, even if he deserves it, comes under the act?

In any event, Mr. Speaker, I respectfully submit that the definition mentioned in section 11 is far from being satisfactory. It is vague, imperfect and indefinite. Besides, it includes other words that need to be defined and that the minister does not define.

Furthermore, I will not rely only on my own opinion—

Mr. Bourdages: On the opinion of Mr. Lamontagne?

Mr. Denis: Mr. Speaker, I think I have recognized the voice of my hon. friend from Laval (Mr. Bourdages) and I am sure he will not rise in this house, except to make interruptions, and even at that, he keeps seated when he makes them. Therefore, I would ask him, as a Conservative member, who wishes to help the Minister of Justice, to prepare something on that matter so that we could know if he is satisfied with the

[Mr. Speaker.]

definition of obscene literature, or what improvements he could bring about. Or does he want, on the contrary, to keep that rather vague definition, so that he may benefit by the act as it existed before?

In any event—

An hon. Member: He is not to blame; he is not blue yet.

Mr. Denis: I read in the *Gazette* of June 17, 1959, that the members of the clergy have held an important meeting during which they have stated:

(Text):

Proposed federal legislation defining obscenity in relation to literature was attacked today by three clergymen here for the eleventh annual summer school of religion as indefinite and unnecessary.

This is what they think about the definition of obscenity.

Dr. James T. Cleland of Duke University was further quoted as saying:

Besides, the legislation proposed leaves the matter wide open by its wording. The lawyers will have a field day with it.

(Translation):

Not that I have any grudge against my fellow lawyers but while the minister meant to clarify the act he only succeeded in making it more complicated, especially if I am to believe the statements made by those members of the clergy.

In conclusion, I should say that when the Minister of Justice came to Montreal, he listed all the improvements and all the amendments, four in number, he wished to make to the Criminal Code. Here is the report published in the *Montreal Gazette* of June 18, 1958 and I quote:

(Text):

The first is a "practical" definition of the word obscene for article 150 of the Criminal Code.

(Translation):

Then, as I already mentioned, Mr. Speaker, this definition lends itself to an infinite variety of interpretations, with all due deference to the hon. member for Joliette-L'Assomption-Montcalm (Mr. Pigeon) who instead of making faces should rather look after his tobacco in St. Thomas and see to it that the premier of Quebec let his farmers have the benefit of crop insurance legislation.

(Text):

Mr. Speaker: Order. Our rules of procedure call for a discussion of the bill before the house.

(Translation):

Mr. Denis: Mr. Speaker, you can not imagine how difficult it is to speak in this house when one is the target of a member who is making faces. I do not know if he is grinning on account of the amendment—