

both ways. Our goal must be to help society to move toward a good moral environment.

In addition to what the bill recommends specifically, we should urge that governments at all levels closely examine the relationship of pornographic trade to crime; that is, the extent to which crime syndicates are involved in the sex trade and the extent to which crime is influenced by pornography. We should make an attempt to study the issue of pornography in the following terms: the intention of the writers; the use made of their work; the means used to advertise and sell their works; the context created for their work and the actual effects of their works upon consumers; from time to time have a review committee ascertain the moral content and determine whether it does, indeed, offend the morals and ethical sensitivity of a substantial portion of the community, and those which do can be withdrawn voluntarily by the distributor or face the possibility of prosecution in the courts.

To recapture the essence of the bill, I want again to emphasize that it does not attempt to redefine obscenity; it does not attempt to extend the definition of obscenity; it does not intend or attempt to legislate against or to prevent access to any written material except that which is already denied by the Criminal Code to all consenting adults. Those who want to buy it can do so.

Let me register this one personal caveat. Had I my choice, every Canadian would choose not to buy pornography, trash and that which makes normal the abnormal, and moral the immoral. I realize it is not my legislative right to legislate my morality on someone else. Neither is it their right to have access to any material, obscene or otherwise, that has or could have an adverse effect on children in particular.

This bill would, in fact, prevent the sale of restricted material once it was deemed to be restricted by classification boards. It would restrict that material and prevent it from being sold in outlets that are frequented by children. I believe that every member of this House could agree with and support this legislation. We are not in any way setting up censorship or moral standards. We are simply saying that until children become of age, let us not have them bombarded at every store with pornographic literature.

● (1720)

I hope that whoever answers from the government side will not stand in his place and say what the government cannot do or what it will not do. Parents from all parts of this country, from the east, the west, the north and the south, from every province and from every community, are waiting for action. This issue transcends party differences. The government and we members of parliament must act now. We have not the moral right to do otherwise.

Mr. J. Larry Condon (Middlesex-London-Lambton): Mr. Speaker, we have before us a bill which would add a new offence to the Criminal Code. It would make it an offence to expose material to minors which had previously been classified as restricted. Material would be classified as restricted by

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federal classification boards set up in each province. There is not one hon. member who would not applaud the hon. member for Selkirk (Mr. Whiteway) for the intent of this bill. If such a law were passed and later proved effective, we could all put aside at least some of our fears for the future morality of our children.

Let me ignore for the moment any strictly legal objection, because I for one am glad to have an opportunity to discuss the real question which I think is raised by this bill. I am sure most of us would agree that there is a great deal of literature available in magazine outlets, for example, which is not the kind of thing to which children should be exposed. I might say that some of this literature is the kind of thing to which even adults should not be exposed. In my view some of it is obscene, and I think there are hon. members on both sides of the House who feel the same way. However, it becomes more and more difficult every day to prove what is criminally obscene and what is not. Section 159 of the Criminal Code provides:

any publication a dominant characteristic of which is the undue exploitation of sex, or of sex and any one or more of the following subjects, namely, crime, horror, cruelty and violence, shall be deemed to be obscene.

That seems pretty clear to me, and I would be very much surprised if my view of obscenity differs much from the view taken by the hon. member who proposed this bill. Yet, as I said before, criminal obscenity is difficult to prove. Why is that? I submit that Canadians as a whole do not agree about what is obscene and what is not. The Canadian community disagrees on the matter of obscenity, and this lack of strong consensus has great importance to the criminal law. I am concerned about obscenity, and I am equally concerned about the effect of so-called restricted literature on the morality of our youth. Therefore, I am concerned that our criminal law is not held in respect by the community as a whole, and particularly by that segment of our community which has little or no regard for the moral development of our children. It was in this spirit, I think, that the law reform commission said the following:

We recommend that the Code should only prohibit acts generally considered seriously wrong enough to warrant the intervention of the criminal law.

The commission went on to say:

Acts no longer so considered, acts whose wrongfulness is controversial . . . need special consideration.

Will someone object that the commission is recommending that the criminal law should have nothing to say about what most of us regard as moral offences? I do not think so. Quite the contrary. The commission seems to me to be saying, "It is not enough to have a criminal law full of high-sounding, empty words. We need a criminal law that works".

It seems to me that we must always be concerned about the effectiveness of the law, especially the criminal law. Do we want a Criminal Code which can be applied effectively, or do we want a criminal law which gives us some further false assurance that our children will not be subjected to restricted literature, even though the very provision of obscenity itself, a provision the meaning of which is clear to most of us, is contested by many and is very difficult to enforce?