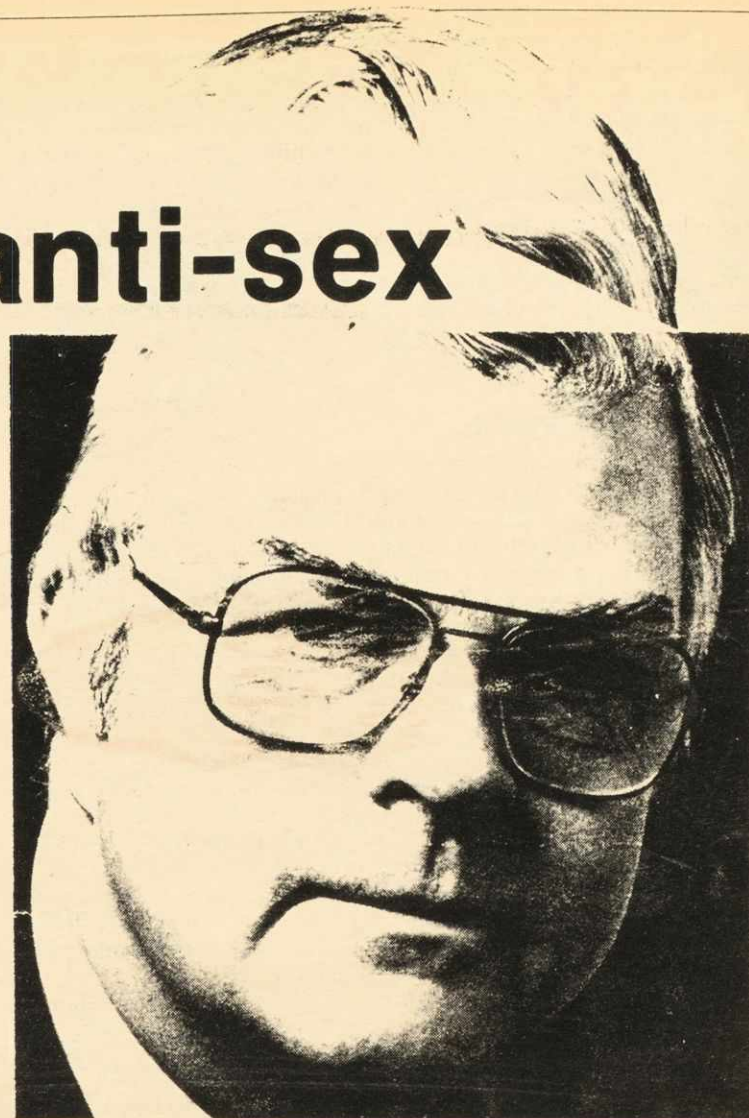


Anti-porn means anti-sex

June and July saw major new attacks launched on individual freedoms in both Canada and the United States. A U.S. Supreme Court decision upheld the right of state legislatures to ban sodomy (ie. oral or anal sex), undoubtedly a first step in building the case for quarantining AIDS victims. Then a U.S. Justice Department ruling allowed businesses to fire employees who have aids or are suspected to be in a high-risk group, in order to "protect" the other workers.

By
Suzette
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In Canada, meanwhile, a prostitute was being hunted down by police for fear she would spread the disease. Her own health was not an issue.

On June 10, John Crosbie (then Canada's Justice Minister) introduced two bills in Parliament, one dealing primarily with the sexual abuse of children (although Crosbie managed to sneak in a clause having to do with the sale of sexual aids and with buggery between adults), the other with pornography.

Both bills reflect a spreading conservative backlash against the liberalism of the '60s and '70s. The Canadian Right blames the breakup of the nuclear family, rampant sexual disease and a general weakening of moral values on these liberal attitudes. AIDS is an obvious scapegoat for the new conservatism on sexual matters, but taking away AIDS will not solve the problems defined by the Right. The election of the Mulroney government two years ago paved the way for people's fears of herpes, incest, child abuse, and rape to be projected in public legislation.

The Crosbie proposals could become the telecreens that monitor Canadians' sexual behaviour and social attitudes, if the Tories get their way.

But so far, bills C-113 and C-114 have prompted a general outcry from all sides of the political spectrum in Canada. As Christine Bearchell writes in an editorial in the August issue of the *Body Politic*, "the anti-porn proposals have been almost universally assailed as anti-sex." Co-worker at the *Body Politic* Andrew Lesk agrees: "The bills tell us that what goes on between two, loving and caring individuals — be they heterosexual or homosexual — is sick and somehow unnatural."

The two bills, which, among other things, recommend a maximum ten-year jail sentence for "touching, directly or indirectly, with a part of the body or an object, any part of the body of a person under the age of 14," and define "degrading pornography" as pornography (the depiction of sexual activity, according to Crosbie) which shows defecation, urination, ejaculation, or excretion by one person onto

another, lactation, menstruation, penetration of a bodily orifice with an object, or any act in which one person attempts to degrade him or herself or another, are scheduled for committee hearings later this year, most likely in the fall.

Lesk is afraid much of the bill will become law. "We're resting on the hope that it doesn't," he says, "but, let's face it, there's a conservative majority at the moment." Lesk sees the creation of the committee to look at the bills in the fall as a "token gesture," aimed at assuring the average Canadian "that we live in a democracy."

"The committee is already stacked," says Lesk, pointing to the appointment of Jim Jepson, MP for London east, to the five-person committee. "Jepson is anti-sex, period," says Lesk. "for him, it's not even a matter of homophobia — he just thinks sex in itself, no matter who it's between, is 'dirty'."

If Crosbie's bills, or parts of them, do become law, says Lesk, "there will be continuing fights on our behalf to have them repealed."

The fight has already begun.

Edmonton lawyer Michael Ritter formed the Citizen's Committee for Freedom of Sexual Choice with Regard to Sexual Morality after reading Crosbie's bills. A report circulated by the committee calls the proposals "a puritanical approach to sexual morality by the government, and an attempt to enforce conservative, restrictive, and right-wing values on the Canadian population through the force of criminal legislation."

Even though the Tories' major election platform was to minimize government intervention," says Ritter, "they have been out of power so long they're overpowered by the power of the law. They've thought they could right every wrong through legislation."

Ritter contends that the bills ignore the common law and betray public expectations. "Canada has long had a tradition of liberal governments that protect rights," he explains. "We are used to a paternal kind of govern-

ment; we trust the government to do the right thing. We never expect the government to be extreme."

The Mulroney government, Ritter suggests, has proven it is not only paternal but also condescending. The proposals were tabled without prior briefs, secretly without consultation. Crosbie ignored the proposals of the Fraser commission on pornography and prostitution, a Trudeau government creation that travelled across Canada hearing briefs from citizens.

A close reading of the bills belies Crosbie's claim that they affect only visual matter that is pornographic. One section restricts the sale of sexual aids to persons under the age of 18 —

portray any gay relationships on film," she predicts, noting that Crosbie's bills closely follow the American legislation on sodomy.

Morrow fears that legislation that presumes to define what the public can look at is not an unlikely forerunner to censorship of ideas. "We just went through a controversy when we showed the Godard film *Hail Mary*, which had a religious theme, there was some nudity in it, so it was easy to

has children in it, but it passed in Alberta. Morrow believes the violent scenes in *Mixed Blood* have a point to make, and wonders whose standard of "artistic merit" will determine the validity of certain films if Crosbie's bills become law.

In live theatre, everyone from the owner of a theatre to the stagehands would be liable to prosecution if involved in a performance deemed pornographic. Under

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even though the age of consent to marry is 16. In another, the depiction of menstruation is listed under "degrading pornography." To be exempt from prosecution after goods are seized, an accused person must prove that the "degrading pornography" has a "genuine educational or scientific purpose," or "is a work of artistic merit." The accuser does not have to prove that the work is "degrading" or is "pornography". The law takes care of that. And, says Ritter, this cheats Canadians out of the right to due process of the law; you are guilty until you prove you are innocent. Moreover, the fact that judges will be precluded from considering community standards, as is traditional in common law, "would backtrack on hundreds of years of legal tradition."

Susan Morrow, director of the Princess Theatre, a repertory cinema in Edmonton expects the new laws, if passed, to make it easy for police to lay charges against the theatre — "Pretty Baby would be banned outright" — and is concerned with ramifications on a larger scale. "It would make it very difficult to

make a connection (between nudity and what protestors called the blasphemy of the film). But where do you draw the line? Will they soon say I shouldn't show films that deal with philosophical issues while other theatres can show films of solid violence?"

The Princess imposes a kind of "self-censorship" with the interests of the community in mind, Morrow says. "When I first started here, the precedent was for showing Russ Meyer films." But Morrow discontinued the screenings of T&A movies. "I don't show sexist films, films like *Rambo*, and I turned down *Caligula*. But I wouldn't have that element of choice if the law were to be enacted."

Morrow says the *Hail Mary* controversy and Crosbie's proposals are not enough to steer her away from showing films people want to see, films that she believes are important to the community. She will be interested to see what happens in October when the Princess screens *Mixed Blood*, a bloody satire involving street kids. The Ontario censor board (famous for taking clippers to *The Tin Drum*) has already banned it, essentially because it

section 163 of Bill C-114, "we would step back 20 years," says Jane Buss, executive director of the Playwrights Union of Canada.

Buss recalls the controversy over the performance of the musical *Hair* in Toronto, when the morality squad showed up at the theatre every other night because of scenes simulating group sex in a tent. At the time, however, community standards applied. Crosbie's law would have theatres closed until they prove a performance is not "pornographic."

"One is not presumed innocent," says Buss. "What we're talking about is censorship."

These people would have arrested God," comments Mike Ritter. "God made the fruit available to Adam and Eve. He would have been arrested as the distributor, owner and manager of a property that promoted actual or simulated acts of vaginal anal or oral intercourse, masturbation or group sex!"

Ritter, Buss, and Morrow believe that the right of the individual to choose is being compromised by the wish of the government to arbitrate. Ritter suggests the proposed laws would