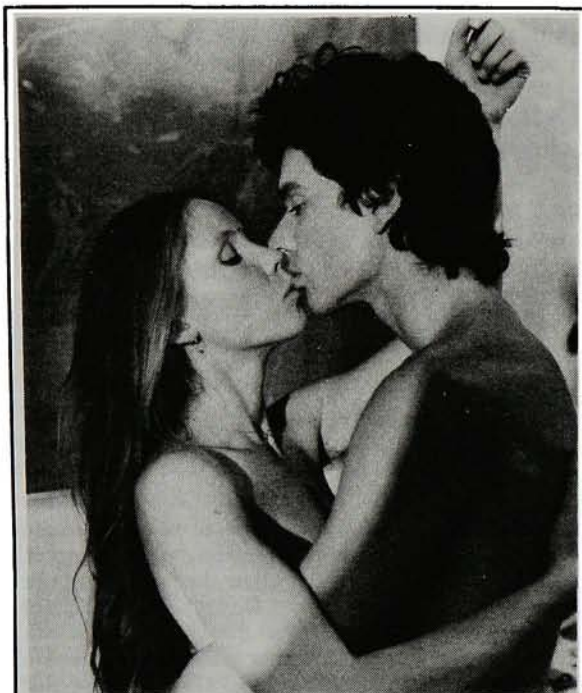


# Inhibition VS. Exhibition

by Alexina Cameron



In good taste? The Ontario Censor Board didn't think so when it requested cuts to this scene (Hollis McLaren and Michael J. Margotta) from *Partners*.

*The year 1980 marks the 50th anniversary of the existence of the Ontario Board of Censors. If the controversy in past months over the award-winning film, **The Tin Drum**, could be cited as a potential threat to the Board's continued existence, this year could well celebrate more than its birthday. Along with the plethora of opinions expressed in the various media by journalists and a concerned public on one side, is the stance of the Censor Board on the other, substantiated almost entirely by the results of opinion polls. And while the most recent poll, conducted in 1979, has received some publicity, no in depth examination of this, and the earlier 1971 poll, has surfaced in the media. What follows here is an examination of the two public opinion polls accompanied by some general observations of the Censor Board's past and present practices and its treatment of some recent films.*

In 1930 the Ontario Theatres and Cinematographs Act was passed in response to a concern about the effects of gangster films imported from the U.S. The Annual Report of the Board of Censors of Motion Pictures for 1930 reported that "The promiscuous use of firearms, not only in gangster films, but in those portraying contemporary domestic life tend to make such films unsuitable for this country where the carrying of weapons is an offense and where confidence in the law is such that the citizen is unarmed."

The Board was and is authorized to classify films, request deletions, and ban films entirely, although classification (motivated by the desire to protect children's

viewing) did not become a regular feature until 1946. While the Board was aware from the beginning that it had an obligation to keep up with current public tastes and standards, it is nevertheless amusing to look back upon the types of themes and scenes that the Board took exception to almost a half-century ago. In 1936, deletions were requested to 415 films among the 2186 film subjects submitted to the Board that year, and included objections to the following:

1. sacred religious ceremonies;
2. ministers of religion in equivocal situations;
3. blasphemous incidents;
4. inciting workers to armed conflicts;
5. objectionable prison scenes;
6. girls and women in state of intoxication;
7. reflections on medical profession;
8. hospital incidents treated flippantly;
9. suggestive and indecorous dancing;
10. nude and semi-nude figures;
11. indecorum of dress and behaviour;
12. themes indicative of habitual immorality;
13. hanging, realistic and comic;
14. methods of crime open to imitation;
15. murderous gang fighting;
16. cruelty to animals;
17. equivocal and suggestive sub-titles and speech;
18. excessive drinking scenes.

More recently, film-goers began to publicly denounce the Censor Board's practices and to question its efficacy.

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This trend seemed to gain momentum with the passing of each year, and with each new film tainted by controversy. In 1976, the Ontario Board of Censors requested cuts to a love scene in the Canadian-made **Partners**, a charming and entertaining film which later made its way onto Ontario's TV screens. To his credit, director Don Owen employed the idea of literally translating the art of one medium onto that of another: the *objectionable* scene involved love-making based on paintings of the same theme by a prominent Canadian artist. The Censors opposed the scene, in part, the media stated, because the female character takes a dominant sexual position. Reported Don Owen, "It's love-making between two partners, man and woman, and isn't your usual male dominated sex scene." Perhaps the Censors were fearful of the consequences this scene would have in Ontarians' bedrooms.

While movie-goers in Ontario may be at the mercy of the Censor Board, the Board too is not without its vulnerabilities. A fracas developed during the 1978 Festival of Festivals in Toronto over the screening of another Canadian-made film, **In Praise of Older Women**. The film's producers stated that the Censors wanted to eliminate two and one-half minutes from **In Praise**, while Censor Board Director Don Sims reported that he had no idea of the origin of the two and one-half minute figure. In the end, only 38 seconds were snipped from the film. This event is important, however, not because Sims and his confrères considered appropriate the censure of the 38 seconds, but rather because the episode was a well-planned manoeuvre on the part of the film's producers to create an atmosphere of controversy surrounding the film even before it reached the Censor's hands. A year later, Robert Lantos, one of the film's producers, admitted to *Globe and Mail* entertainment writer, Jay Scott, that he "couldn't believe how predictably (the Censors) reacted. It was fabulous — like clockwork, every move they made was what we hoped for." Not an original caper, but one guaranteed to make the film money, and if unwittingly, to further promote mistrust among all participants in the censorship debate.

Earlier in the same year Louis Malle's **Pretty Baby** was banned in toto; the film's theme (about a young girl growing up in a brothel in turn-of-the-century New Orleans) was deemed unacceptable for viewing by the Ontario public. At the time the Censor Board made its decision, North America had witnessed much concern regarding the exploitation of children in pornography. This concern undoubtedly influenced the Board's decision, however arbitrary and inconsistent that decision was: the Board had exhibited no such angst two years previously when **Taxi Driver** (a film which involved early teen prostitution) was cleared for screening in Ontario theatres.

The evidence that tipped the scales would seem to be the Emmanuel Jaques murder case (the sex killing of a Yonge Street shoeshine boy) which was in full judicial bloom when **Pretty Baby** had the misfortune to reach Ontario.

The case shocked the public and prompted a very vocal response from the Toronto community and the media in general. A long sought-after clean-up of Toronto's Yonge

Street 'Strip' ensued, and with it reports of both male and female teen prostitution. Presumably the Censor Board felt it would have come under fire from various quarters had it allowed **Pretty Baby** to be shown in Ontario theatres.

However, Malle's **Pretty Baby** probably had less to say about prostitution, and teen prostitution in particular, than it did about child abuse in general. *Globe and Mail's* Robert Martin was astute enough to ask: "What is the difference between Violet in 1917 New Orleans fetching a pipeful of opium for the addicted madame and the little boy in Toronto in 1978 fetching another beer for his alcoholic mother?"

Audiences in 1979 might have been deprived of viewing **Luna** had Bernardo Bertolucci not relented and given his assent to the cutting of scenes the Censor Board found objectionable. And most recently, the Board is demanding cuts to **The Tin Drum**, a film which was given an Academy Award in 1979 — probably the highest accolade available in filmdom.

### What the Polls Say

Although Market Facts' recent *Study of Attitudes in Ontario*, commissioned by the Ministry of Consumer and Commercial Relations, has received some publicity, little has been said about a previous survey conducted in 1971 for the Theatres Branch, then under the jurisdiction of the Ontario Department of Tourism and Information. The result of this study was an imposing and thorough body of work entitled, *Perspectives on Pornography: An Inquiry Into Public and Professional Thinking on the Subject of Celluloid Obscenity*, undertaken by a Toronto firm, Environics Research Group. Since the results of questions asked in the 1971 poll parallel those replicated in the 1979 study, we can be fairly confident that the earlier study is not yet outdated and as such continues to be a useful reading of public opinion.

*Two-thirds support censorship, yet an overwhelming majority favour self-regulation.*

Both of these studies indicate that Ontarians are generally in favour of the censoring of films. In 1971, two-thirds of those surveyed believed that censorship should remain the way it was, or even increased; and in 1979, a similar proportion maintained that censorship had its merits. This opinion held for both movie-goers and non-patrons, and for adults of all ages. In light of such strong support for censorship, it is perplexing to note that the 1971 study found that 84% of respondents — a rather overwhelming majority — believed that with respect to films, "every adult should be allowed to decide for himself." It appears that much of the concerned public supports self-censorship, judging from the profusion of letters submitted to local newspapers demanding the right to self-regulation.

A more careful reading of the polls reveals that Ontarians are very much ambivalent about the role of censorship. What they are effectively saying is that self-regulation is okay for themselves, but not for others.

One can only assume that the group of 'others' includes children — who, it is generally believed, must be protected from viewing material that is of too mature a nature; and



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deviants, whose exposure must be restricted lest celluloid prompt anti-social behaviour. Implicit in this attitude is the kind of paternalism that has plagued the regulation of film from its very beginnings. Movies were initially perceived as family fare — working class at that — and guardians for the upkeep of the social fabric, by self-admission genteel, well-educated and worldly-wise, set out to ensure that film did not encourage the 'ignorant' masses to deviate from the prescribed norms. If class divisions seem to have foundered, paternalism, as evidenced here, most certainly has not.

Also of note was the finding in 1971 that only 46% of the sample agreed that the government should be responsible for the regulation of films; 43% reported disapproval of this system. And when respondents were asked which of the federal government, provincial government or local communities themselves should have the authority to regulate movies, 41% gave preference to the *federal* government and only 11% would authorize the provincial government to do so.

### **Erotica and violence in films**

At the beginning of World War II the Censor Board took the position that prudence must be exercised to discourage propaganda. Consequently, most foreign films were barred in Ontario for the duration of the war. However, sex and violence in films have remained the constant targets of the Censor Board.

Scientific studies tend to find that over-exposure to filmed sexual scenes is relatively harmless, eliciting, initially, mere titillation, and eventually, boredom. The evidence is not so conclusive, however, in the area of violence. The academic community suggests that there may be an inducement to aggressive behaviour after prolonged viewing of violence on the screen. But, if such aggressive behaviour incites anti-social acts, caution should be exercised lest we mistakenly judge that exposure to filmed violence is the sole contributor. *Perspectives on Pornography* points out that "arousal of a deviant response depends upon exposure plus such intervening factors as chronological age, emotional maturity, attitudinal fixedness, personality structure, value system, social context (expectation of rewards and punishment), material context (opportunity for expressing deviance) and the nature of the stimulus."

Since demands from the public to view films that have been cut because of violent content have been virtually non-existent in the media, either the public is uninterested in viewing violence, or their viewing of a particular film which happens to contain violence has not been threatened. Because of the perceived harm of over-exposure to filmed violence, the decision to censor or not to censor violence in movies, on scientific grounds at least, is less clear. With this in mind, movie-goers who would abolish censorship must give serious thought to the subject, and realize that with abolition may come very much more screened violence than they are presently subjected to.

In 1971, Ontarians felt that of sex and violence in films, *violence* was the more serious problem of the two. This opinion is based on an objective assessment. Yet, when the issue gets nearer to home, and Ontarians are asked

which of sex and violence they would allow in a film if it was an integral element of the story, their emotional biases begin to dominate. A significantly higher proportion of respondents (79%) stated they would allow violence in a film if it was an important element of the story — 64% would allow sex that was integral to the plot.

Nearly a decade later, Ontarians are not so anxious about celluloid sex on its own (7% mention sex only as a concern), but remain concerned about sex and violence combined (37%), and violence on its own (31%). It is perhaps unsurprising that Ontarians mention sex and violence together, in that historically the two have often emerged hand in hand (eg. rape and pillage).

The proportion of Ontarians taking offense at something viewed in movies has decreased slightly over the years (38% in 1971 and less than one-third in 1979), which means that films currently produced may contain less offensive material, the public has become more relaxed in its views (or at least inured to various types of material), the Ontario Board of Censors is protecting the public more assiduously now than in 1971, or a combination of these factors.

### Who is the movie-going public?

It is interesting to note that *infrequent* movie-goers comprise most of the group who state that they have been offended by something in a film. In 1971, 93% of respondents over age 55 had seen less than five films or none at all in the past year (indeed, 58% of the Ontario population over the age of 55 had *not* viewed any film in the past year); 79% of those from age 30 to 54 had viewed less than five films, and only 37% of persons 18 to 29 years had attended films so infrequently. The 1979 study also found that offense increases with age. One begins to wonder if those reporting offense have based this on actual or vicarious film-viewing experience.

The most recent poll probed for the reasons for non-attendance. "Too much sex in movies" was among the least mentioned responses, but was given almost exclusively by those over age 35. However, if the older age groups do not attend movies with any degree of regularity, it is highly unlikely that this inattendance is because they take issue with what the movie industry has to offer, but rather that they experience a more sedentary lifestyle than younger persons. The federal government's *Leisure Study* of 1972 also found that participation rates in activities such as live theatre, ballet, music concerts, museums and other cultural events drop as age increases.

Further, the past thirty years have seen a dramatic change in the role of the cinema in society. The introduction of television has probably been the major component effecting this change, along with greater affluence (prosperity generally renders impotent the need to seek out a fantasy world, one that depicts a life better than one's own). The cinema's survival has required that it cater to a younger audience that is interested in action and intellectual stimulation. Besides, 'family films' don't make dollars; if they did, Hollywood would supply more. Most languish in suburban malls for a week or two, then disappear into obscurity.

### The Censor Board's Use of Survey Findings

The Censor Board has often pointed to survey findings to support its decisions to ban or delete portions of films. The 1971 study asked Ontarians what types of sexual scenes they "would personally object to viewing..." Incest, masturbation and oral sex were among several scenes which respondents would object to. Armed with this ammunition, the Board tends to feel fairly confident, at least some of the time, that it is complying with the wishes of the public. The Board demanded that two scenes be cut from *Luna*: the scenes pointed to an incestuous relationship between a mother and her son; in one such scene the mother masturbates her teenage son. *The Tin Drum* also drew much ire from the Censors, who took issue with four sexual scenes: in the case of one of these scenes, the Censors argued that "a young child appeared to be engaged in oral sex with a nude young woman." But it seems that the scene was open to varying interpretations, which prompted many to question its explicitness. Jay Scott, of the *Globe and Mail*, reported that "the actor playing Oskar places his face softly in a woman's nude lap."

Again the Censor Board displayed inconsistency in its decision to allow Quebec director Anne-Claire Poirier's film about rape, *Mourir à tue-tête*, to be shown uncut in Ontario theatres. Since the portrayal of rape and sado-masochism is also high on the list of depictions to which Ontarians would object, it was certainly surprising that the Board left the film untouched. Reported Jay Scott, the "film begins with a brutally humiliating attack during which a rapist urinates on his victim in close-up — no scene like it has ever been viewed legally in Ontario movie screens. The accomplished intent is to horrify, but in a different context the scene could be classified as hard-core, sado-masochistic pornography: its explicitness goes far beyond other films — *Luna*, *Coming Home*, *Pretty Baby* — the Board has previously found unacceptable in whole or in part."

The educational value of the film would seem to merit approval by not only the Censor Board, but also Toronto's Rape Crisis Centre which normally takes a dim view of the portrayal of women as victims. But could not similar claims of educational or critical worth be accorded films like *Pretty Baby*, *Luna* and *The Tin Drum*?

Letters to the editors of Toronto's newspapers no longer exhibit the emotional outbursts of a dissatisfied minority. Among them are intelligent and demanding movie-goers who deplore the very principle of censorship, particularly as it affects *art* films. We see in these letters too a shifting of anger directed from the Censor Board to, in part, the nebulous 'majority' of Ontarians who, the Board boasts, lend support to its policies. This division of opinion even begins to take on geographic delineations — vivacious, urban Ontario versus insular, rural Ontario.

The other direction in which blame for archaic censorship practices is being aimed is towards the Tory government of Premier William Davis. The re-routing of anger towards the head of the provincial government may in fact be a very efficacious tool for the anti-censorship group. Public opinion displayed in the media will doubtless carry

more weight than the results of any number of Ontario-wide public opinion polls. Toronto holds a pivotal position not only in the censorship debate, but also in that it contains vital electoral seats that Davis' government will be wooing in the next provincial election.

Some would contend that the government will very soon negotiate a compromise with the movie-going community, even if it bends to public pressure only enough to allow for the uncensored screening of art films. Although movie-goers would agree that this action would be more suitable than none, the debate would most certainly persist. Just as the Board is given the power, through The Theatres Act, to arbitrarily censor any film "that it does not approve of for exhibition in Ontario," the judgement as to what constitutes an art film would fall under the jurisdiction of that same Board. This is hardly an effective solution to the current debate.

The Board of Censors cannot respond to the desires of the entire population (movie-going or otherwise), and it cannot refrain from committing inconsistent censoring practices (as illustrated in the above cases). It will, however, eventually be forced to recognize that movie houses are drawing a different type of audience, upon whose favour the industry's survival depends. The cinema has become increasingly less public, with many of its patrons long ago lured to home TV sets. The imminence of pay TV places in further jeopardy the future of the cinema.

Finally, there is the question as to whether or not Canadian provinces do, in fact, have the authority to ban or censor films. In 1973, a Nova Scotia journalist, Gerard McNeil, took that province's censors to court in an effort to reverse the decision to ban the movie *Last Tango in Paris*.

McNeil was convinced that since "pornography was covered by federal statutes, a provincial censor body had no constitutional right to interfere." In February of 1976 the Nova Scotia Supreme Court favoured McNeil's suit against the Nova Scotia Amusements Regulation Board with the judgement that the censorship of films does not come under the jurisdiction of provincial law. Nova Scotia's censors, in turn, appealed to the Supreme Court of Canada for their judgement.

One of the eight presiding judges, C.J.C. Laskin, ruled in favour of denying the Province's appeal, stating that: "*The determination of what is decent or indecent or obscene in conduct or in a publication, what is morally fit for public viewing, whether in films, in art or in a live performance is, as such, within the exclusive power of the Parliament of Canada under its enumerated authority to legislate in relation to the criminal law.*"

Another judge, J. Ritchie, was more favourably inclined towards Nova Scotia's censors. He was of the opinion that the legislation under attack

"constitutes nothing more than the exercise of provincial authority over transactions taking place wholly within the province and it applies to the "regulating, exhibition, sale and exchange of films" whether those films have been imported from another country or not."

Four members of the panel of judges concurred with Ritchie, and two with Laskin. And so, McNeil lost his case against the Nova Scotia censors at the federal level. However, as can be observed from this case, there remains some doubt surrounding the validity of provincial jurisdiction over the regulation of films.

Many laud the merit of the classification of films without censorship. Most movie-goers who propose this system do so with the opinion that the monitoring of children's viewing remains a most prudent decision. And through classification, the Board of Censors could cede to Ontario movie-goers the power to exercise their own film-viewing decisions.

Ontario's Censor Board has been abused by a publicity-hungry movie industry; it has illustrated its inability to function with any degree of consistency; the polled public (from which the Board so often likes to quote certain of the survey findings) not only strongly favours self-censorship, but, as we have reported, is largely disapproving of the Province undertaking responsibility for film regulation; and finally, the courts themselves experience a difference of opinion as to who should have jurisdiction over the regulation of film.

Such evidence would lead some of us to believe that censorship in Ontario is probably an inappropriate, if not undesirable, practice. ■

(Note: As reported in the *Toronto Star* on November 26, 1980, the Ontario Censor Board passed *The Tin Drum* with two cuts. It opened in Ontario in December.)

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