

## For a marriage of culture and industry

As the year draws to a close, Cinema Canada publishes its 80th issue, making it Canada's most prolific English-language film publication to date. Unfortunately, the mood surrounding the event is one of sadness, one of things gone wrong in that small world of Canadian cinema.

With one sweep of the budget, the Minister of Finance dealt a serious — perhaps mortal — blow to the film industry which had been building over the last years. Some applaud the move, suggesting that the industry had done little to earn special support from the public purse. "They brought it on themselves," comment those for whom only "culture" should be fostered. The sum of films exhibited to date did not reassure these critics that the industry was about to contribute importantly to the cultural welfare of the country.

Yet there are many concerned people who feel that the economics of the film industry require the regular production of exploitation films so that the infrastructure can eventually support the more serious, artistic endeavors which involve greater risk. They point to recent films by Carle, Shebib and Thomas, suggesting that the industry was just turning that corner, producing finer films. To them, the financial factors are of the utmost importance.

Unfortunately, those in government who control the public purse reflect these same dichotomies.

The minister brought down his budget for obvious economic reasons; wanting to bring tax shelters under control and move to direct-cost expenditures, film production got the same treatment as apartment building and drilling for oil. No notice was taken of the cultural dimension of cinema.

Far removed from industrial concerns are the arts councils which persist in encouraging filmmaking at the grass-roots level, knowing that the presence of co-ops and experimental filmmakers are a necessary part of film culture in Canada.

Caught between the arts bureaucrats and the economic counsellors are those whose job is to worry about "cultural industries." Neither fish nor fowl, having limited access to those who control public monies, they sit worriedly, trying to imagine a policy which would allow the inevitable marriage of culture and industry, yielding a vital and still artistically important film industry.

Only a firm understanding of the political nature of the dilemma will bring about a resolution of the competing tensions of culture and industry. A decision which is politic is, by definition, "sagacious in promoting a policy." If there was little wisdom in film policy past, which consisted of a fiscal measure with no philosophical context, there is less wisdom today. Political acumen is needed on the part of those who make decisions concerning disbursements for arts, culture and industry.

The bureaucrats need, too, to act in consort. The idea of the Minister of Finance doing away with the tax incentive just as the CRTC has completed hearings on pay-TV boggles the mind. All of the pay-TV applications were predicated on the 100% capital cost allowance, necessary to generate the funds to allow them to fulfill their performance promises. Does the new budget mean that those applications are now invalid, and that we're back to square one?

The government's handling of the film industry over the last few years raises serious questions. Foremost among them is whether it has lost the ability to govern, to make decisions which are politic.

Earlier this year, the federal government began holding public hearings on its Cultural Policy Review Committee. In March, the Cinema Canada Magazine Foundation submitted its brief to that Committee, underlining those aspects of cultural politics which it felt were critical to understanding the situation of the magazine.

Many of the comments made about the magazine are also applicable to the situation surrounding filmmaking in Canada. At the heart of both issues is the will of the government to set aside monies for cultural promotion, and to fix political objectives for that promotion.

It has been several years since Cinema Canada used its own pages to share with its readers comments on publishing on film in Canada. We hope its position paper, submitted in March and reprinted on pages 24-25 of this issue, will further the understanding of those who are interested in that marriage of art and industry in Canada today.

The editors

## Prepare to engage the enemy

Film censorship in Canada will be abolished sooner than you think. Believe it.

During two years of exhaustive research into its history, I rarely came across anyone who spoke as if something could actually be done about this plague upon our national spirit. At some point, it seems that each filmmaker and film-goer had unwittingly accepted the mutilation of the medium as one of the prices one pays for living in this frustrated and frustrating land.

But sooner or later, one way or another, after a fashion (i.e. the *Canadian* fashion), Canadians may have a Charter of Rights (if their political beaux-peres should permit it). It is this aspect of the current constitutional crusades which has been challenged in Parliament and reported in the press least of all, even to the point that few Canadians have heard about it.

Is it not curious that in a country erected as such a fawning monument to middle-class mediocrity, there still exist no real civil rights? Where does the British North-America Act mention freedom of speech or assembly? No, the lofty concerns occupying the minds of our founding fathers were more pedestrian matters, such as pacifying the French, keeping the Protestants and Catholics from each others' throats, and ensuring that the British Empire would retain by legislation what little was left of its North American kingdom, what it could not maintain through genuine community.

But if our amazing new Charter survive the slings and arrows of Canada's outrageous political haberdashery, we may not only have civil rights in Canada, but an end to film censorship as well. For the new Charter does not mention the same freedom of the press for which a rabid minority of our southerly neighbours allegedly rebelled against Britain. No, it goes even further and speaks of a freedom of expression. This is indeed an important point, for so convinced have American courts been of the im-

portance of civil liberties that in a few cases they have refrained from interpreting film as a modern form of the press... i.e. you can say what you like in print (as long as Washington approves), but carrying this freedom into the cinema is carrying things too far.

Now along comes Pierre, our blessed political saviour, who tolerated so little during his earthly stay among us, but offers to dispense so much as he ascends to more abstract realms. In celebration of his transfiguration into a Founding Father, we are to be granted the right to express ourselves. And for the first time, we will have a legal mechanism by which we can take the censors and their political padrones to defeat in the courts.

Remember, when Gerry McNeil decided to fight for his right to see *Last Tango in Paris*, the only battle he won was to establish the right of Canadians to take censors to court in such cases. Until McNeil established this, the provinces were still able to argue that film was their concern only, since it is "a business pure and simple," and trade in business property is a provincial concern.

The Canadian Bill of Rights and various similar provincial acts have been largely ignored by the courts, and are no longer worth the paper upon which they were once so liberally printed. As a result, since McNeil, Canadian film censors have tottered on, willy-nilly, hoping to avoid forever their inevitable doom.

Once we have our new Charter, we will have an opportunity to ask the courts if it really means what it says. But there is a bottom line to the courts' response, this editorial and your civil rights.

It cost McNeil tens of thousands of dollars to fight on your behalf. Who is going to fund the next round?

Malcolm Dean ●

Malcolm Dean is the author of the first fully-documented history of Canadian film censorship, *CENSORED! Only in Canada*.

## LETTERS

### Two cheers for the censor

*Cinema Canada thought our readers would be interested be interested in this exchange of correspondence between our ever-vigilant censors in Nova Scotia and filmmaker Marty Gross.*

Re: *Lovers' Exile*

It is the function of the Amusements Regulation Board to give every film that is to be exhibited in Nova Scotia a rating indicating the Board's opinion as to the suitability of the film for viewing for different age groups.

The Board recommends that this film entitled *Lovers' Exile* has a RESTRICTED classification to limit its exhibition to persons who are eighteen years of age or over.

Where there is only one theatre in town, Nova Scotia regulations require that this film be shown on Saturday evenings and the restricted category be maintained. Should there be a Matinee for children on Saturday morning or afternoon, other more appropriate films must be shown.

D.F.L. Trivett,  
Chairman

Dear Mr Trivett,

Recently I received a copy of your letter to New Cinema dated October 6 regarding *The Lovers' Exile* in which you refer to the "Restricted" classification your board has given that film for exhibition in Nova Scotia.

As producer and director of *The Lovers' Exile* I am writing to enquire as to what aspects of the film were deemed offensive. Complete classification of your procedures and objectives will be greatly appreciated. What precisely are the criteria for "Restricted Films"? Would any cuts in this film make it more acceptable for presentation to young audiences in your province?

Over these last few days I have been pondering this mysterious ruling. I have asked myself what objections the members of your Board might have raised towards this film. Do the various references to unsavoury activities at the Tea House seem unsuitable? Or perhaps the incidents relating to theft of bonded funds or broken contracts cause offense?

Please consider the following. Umegawa, the young entertainer whose life is portrayed in the film, wears numerous layers of kimono (as was the correct custom of the time) throughout the

(cont. on p. 46)

# BOOKS

## Censored! Only in Canada

by Malcolm Dean  
Toronto, Virgo Press, 1981  
ISBN 0-920528-32-5, \$9.95, paper

"Canada is the most over-censored country in the world." It's a phrase that has become quite familiar in the last few years. But the man who first made that observation, back in 1967, was neither a disgruntled producer, an irate distributor, nor an angry critic. His name was Omri J. Silverthorne, for nearly 40 years the chairman of one of the very bodies he was attacking – the Ontario Board of Censors. This is just one of the many fascinating details – some of them funny, many of them disquieting – that can be found in *Censored! Only in Canada*, the first really full-scale investigation of those secretive people who since 1911 have determined what will and what will not be seen on Canadian screens.

Like many others, Malcolm Dean began his project as a protest against the banning, in 1978, of Louis Malle's *Pretty Baby* by the provinces of Ontario and Saskatchewan. He soon found that his task, to place the problem in an historical perspective, was not going to be easy. Documentation, especially for the earlier years, was scattered throughout the country. Fortunately, he discovered a considerable amount of material in the Ontario archives, access to which, he was somewhat surprised to discover, was not restricted. However, he notes that he still encountered difficulties in completing his work and getting it published, as members of both the film and book industries showed themselves singularly reluctant to help him.

Dean says that he had an open mind about censorship when he started his work, but that the evidence soon convinced him that "there is no half-way solution. Canada desperately needs to totally free and controversial adult media ... as long as the Canadian cinema is not free, there will be no awakening of the Canadian spirit."

The historical material which Dean marshals in his book certainly bear that contention out. Ever since the first film regulation acts were passed on March 24, 1911, by the provinces of Ontario, Quebec and Manitoba, film censorship has been characterized by a persistent contempt for motion pictures as an art form. The statements made by "moral reformers" at the turn of the century and "moral majoritarians" in the 1980's on the subject of the pernicious effects of the movies sound remarkably similar. Likewise, the dominance of the Canadian film industry from the beginning, by the marketing (distributors and exhibitors, mostly foreign-owned and controlled) rather than the creative people has meant that the provinces regard cinema from a legal standpoint – as a business operation dispensing a commodity – rather than as an aspect of the performing arts.

Moving into the postwar history of censorship, Dean gives a long list of films, many of which appear on the book's cover, that have been cut or banned in the various provinces. Such distinguished work as *Children of Paradise* and *Woman of the Dunes* are there, as well as Canadian films from *High to A Message From Our Sponsor*. With respect to Al Razutti's film, Dean congratu-

Paul Costabile is a Toronto free-lance writer interested in film and music.

lates his publishers for printing two stills from the picture with his commentary, something of an act of courage since the case is still before the courts. Although the story is largely one of consistent narrow-mindedness on the part of the censor boards, the author gives full credit to those few censors who attempted to liberalize the regimes. Most notable of these was the aforementioned O.J. Silverthorne of Ontario, who introduced the classification system to Canada, and whose comments were always well considered. Also of note was British Columbia's Ray MacDonald, whose sense of humor made him a real rarity among what Dean calls the "Order of the Eliminati." MacDonald was responsible for B.C. Film Classification's distinctive stalking panther logo, and the pithy warnings that are frequently attached to advertisements and posters

of films exhibited in that province.

In his closing chapters, the author deals with the present legal status of film censorship, in a long discussion that centres on Gerard McNeil's challenge to the Nova Scotia Censors. Though the provinces' right to censor had been upheld by the Supreme Court in 1978 – the ban on *Pretty Baby* three months later was no coincidence – Dean comes to the conclusion that the boards and their authority are still vulnerable to challenge in the courts. This liberalism is perhaps heartening, but Dean perhaps does not take enough notice of the deep conservatism of the power elites of Canada, and what Edgar Friedenberg, in his book *Deference to Authority*, has seen as the passivity of the Canadian people.

*Censored! Only in Canada* is an admirable and adventurous book, but un-

fortunately, it is necessary to point out that there are numerous technical flaws. The spelling is more than a little erratic: Michael Snow's *Rameau's Nephew* is called *Ramone's Nephew*, as if it were about a rock group, and a writer identified as Jean-Pierre Tadis is more likely than not the publisher of *Cinema Canada*, Jean-Pierre Tadros. One can argue with Dean's comparison of *Pretty Baby* and *Taxi Driver*, but there is no excuse for confusing *Luna with Dona Flor* and *Her Two Husbands*, except as a case of rushed editing. This should not detract from Malcolm Dean's achievement, however, nor from the service his research has done for Canadian film studies. His impressive bibliographical files have been given to the Ontario Film Institute, where it is hoped other writers will go to build on his pioneering work.

J. Paul Costabile ●

## LETTERS

(cont. from p. 23)

film; she never so much as gestures toward their possible removal. Chubei, while wearing only a single garment remains, so far as we see, entirely chaste. True, the two do embrace passionately on two occasions but, clothed as they are I consider these moments both necessary to the artistic integrity of the film and entirely tasteful.

Further to this question, as you will have seen that the characters Umegawa and Chubei are played by puppets, it is in any case not necessary to be concerned about the degree or type of nudity. Before the filming took place I inspected each and every puppet personally and can assure you that no anxiety is necessary. One must admit, I think, the limitations of puppetry as a medium for deliberate arousal of youthful audiences.

The children's matinees from which you have effectively banned the film in your province were never a major target for release of *The Lovers' Exile*. However, to be so prevented from reaching that audience does leave me a little rankled.

I acknowledge that *The Lovers' Exile* does contain scenes in which nefarious activities occur. Theft, betrayal of parents and friends, breach of contract and pre-marital sex (alluded to but never shown) are all part of the story. Please recall however that the film, though portraying such depravity, ends on a decided note of remorse and an ennobling acknowledgement of past evil deeds. As such I believe that this film is quite well suited for child audiences, even though it may never obtain great popularity among them.

Will your Board reconsider? Is there room for negotiation and compromise? I look forward to your reply,

Sincerely yours,  
Marty Gross

## Telecanada tallies it up

*Cinema Canada's* November issue sets out tables containing performance figures relating to the pay TV applications of eight national applicants. These tables contain a major error concerning Telecanada.

The tables indicate a retail price for the Telecanada service of \$2.75 per subscriber per month reflecting, presumably, the wholesale \$2.50 charge to the cable operator plus a \$0.25 service charge. Nowhere does the Telecanada application state a willingness to permit such a service charge. Indeed, the application argues that the ultimate retail price should in many cases be substantially much less than \$2.50 per month.

Here is how this argument works: assume a cable operator has a 36 channel system, of which 24 channels are being used and on which a 40% rate of return is being earned. The subscribers have therefore built and maintained, with their fees, a system which still has 11 channels available to generate further revenues. Each commercial pay TV service will generate \$4.50-\$6.50 per subscriber for cable operators using those channels for that purpose. A healthy portion of this revenue will be profit.

Telecanada's application to the CRTC was for a non-exclusive license to offer service on a non-profit basis. Telecanada offered the CRTC four options for its unscrambled implementation, unscrambled, on the basic service of cable systems. One option contemplated universal introduction, the other three involved graduated processes. The option most seriously discussed at the hearing had Telecanada only going on cable systems which also offered other commercial pay TV services licensed by the CRTC. Cable operators being asked to pay Telecanada \$2.50 per month per subscriber will thus also be receiving a substantial amount of revenue for distributing commercial pay TV service.

While the CRTC is not formally regulating the rate of return of cable operators, it is apparently not permitting rates above a certain (unpunished) level. When a cable operator is able to profitably offer commercial pay TV on vacant channels on a fully paid for system, its overall rate of return will substantially increase, perhaps beyond the level permitted by the CRTC.

Telecanada's argument to the CRTC was that cable operators should not necessarily be able to charge the full \$2.50 per month to their subscribers. Instead, they should only be able to charge the amount without which they

would be prevented from earning a similar rate of return to that earned prior to the introduction of the Telecanada service. Cable profits would increase because of the increase in business activity as a result of the provision of commercial pay TV services. The rate of profit would, however, remain relatively stable.

The actual cost of Telecanada to subscribers would depend upon three factors: the projected level of new revenue flowing to cable operators as a result of offering commercial pay TV services; the profit resulting from providing those services; and the existing profit level of the individual cable systems involved. The more profitable a cable system already is and the more profitable the offering of commercial pay TV services promises to be, the lower the portion of the Telecanada fee which cable operators should be able to pass on to their subscribers.

Douglas Barrett  
Solicitor for Telecanada

## Omission

In the article "True to the Art" (issue no. 75), *Cinema Canada* neglected to obtain permission for the reproduction of photos of the following William Kurelek paintings: "The High Priest tore his garments" and "Which of the two would you have me release?", which are part of the Niagara Falls Art Gallery "The Passion of Christ" William Kurelek Collection; and the picture on page 28, which belongs to the Kurelek estate. The magazine apologizes for this omission. (For those interested in the work of artist William Kurelek, a film entitled *The Passion of Christ* has just been released and is available from Philip Earnshaw Productions and from the Niagara Falls Art Gallery, Kurelek Collection, R.R. no. 2, Niagara Falls, Canada L2E 6S5.)

Letters to the editors are welcomed by the magazine and should be addressed as follows: The editors, *Cinema Canada*, Box 398, Outremont Station, Montreal H2V 4N3