

film censorship in ontario

Having examined censorship in British Columbia, Manitoba and Nova Scotia, *Cinema Canada* turns to Ontario. Garth Jowett traces the history of the Ontario Censorship Board, the contributions of O.J. Silverthorn who headed it for forty years, and analyzes the challenges facing its new chairman, Don L. Sims,

by Garth S. Jowett

The History of the Board

The Province of Ontario first enacted film censorship legislation in 1911, when on March 24, "The Theatres and Cinematographs Act" was passed. (While Ontario's claim to have enacted the first statute to provide specifically for film censorship is historically correct, both Manitoba and Quebec passed similar, if less tidy, legislation on exactly the same day. Quebec's 1911 "Act respecting exhibitions of moving pictures" had an antecedent in earlier legislation governing "all public exhibitions of monsters, idiots or other imbecile or deformed persons, tending to endanger public safety..." which had been enacted in 1887.)

The Ontario statute does, however, represent the first major attempt to implement social control of the cinema, and was a direct outcome of the increasing clamor for such legislation by reformist organizations such as the Social and Moral Reform Association. The Premier of Ontario, the Hon. Sir James P. Whitney, noted during the debate on the proposed legislation that these pro-censorship groups

were genuine in their expression of fear of the evils inherent in motion pictures and the possible influence on the young. This was a common sentiment at the time, and similar concerns were currently being expressed throughout the United States and Britain. (The State of Pennsylvania enacted censorship legislation in 1911, while the British Board of Film Censors was created in 1913.)

The Ontario 1911 Act was deliberately broad, and gave the Lieutenant-Governor the power to make regulations "for prohibiting films to be exchanged (distributed) or exhibited," and also provided for the creation of a Board of Censors "composed of three persons who shall have the power to permit the exhibition or absolutely to prohibit or reject all films which it is proposed to use... and to suspend for cause the licence of any operator (projectionist)."

The Act also allowed for an appeal process, and provision was made for films to be stamped by the Board of Censors after they had been approved; such stamps had to be visible on the screen when the films were shown. There was also an interesting, but unfortunately short-lived clause providing that "no exhibition of such stamped film shall be prohibited by any police officer, or constable or other person, on account of anything contained in such film." This section was abolished in 1914, presumably because local authorities' opinions tended to conflict with the opinions of the Board of Censors based in Toronto. (This is an important problem; which is examined later.)

On June 27, 1911, the first Ontario Censorship Board was formed under the chairmanship of George G. Armstrong,

Garth S. Jowett has a Ph.D. in history-communications from the University of Pennsylvania. Formerly director of social research and program development with the Department of Communications in Ottawa, he is currently a professor of communication studies at the University of Windsor. His book Film: The Democratic Art has been called "the definitive social history" of the American film, and has just been published by Little, Brown and Company (Canada) Limited.

and reported to the Provincial Treasurer. The evaluative criteria provided to the Board merely noted that "No picture of an immoral or obscene nature or depicting a crime or reproducing a prizefight shall be exhibited." In 1915, the composition of the Board was changed from three to "such number of persons as may be deemed necessary," and additional assistants were added to the one existing inspector. Obviously, the increase in the number of exhibition sites throughout the province necessitated this move.

By 1919, the increasing demand for women's rights led to newspaper criticism of the Censor Board's reluctance to appoint a female Board member on a permanent basis. The result of this outcry was that the Board found itself deluged with applications from women all over Ontario; by the end of the year one woman was appointed as a permanent member. In 1921, when the Board was once again reconstituted under the chairmanship of Major A. S. Hamilton, two of the five permanent members were women. Undoubtedly this was in recognition not only of the key role that women played as patrons of the movie-houses, but was also cognizant of the increasing importance of women's groups in the fight to place the movies under more stringent regulation.

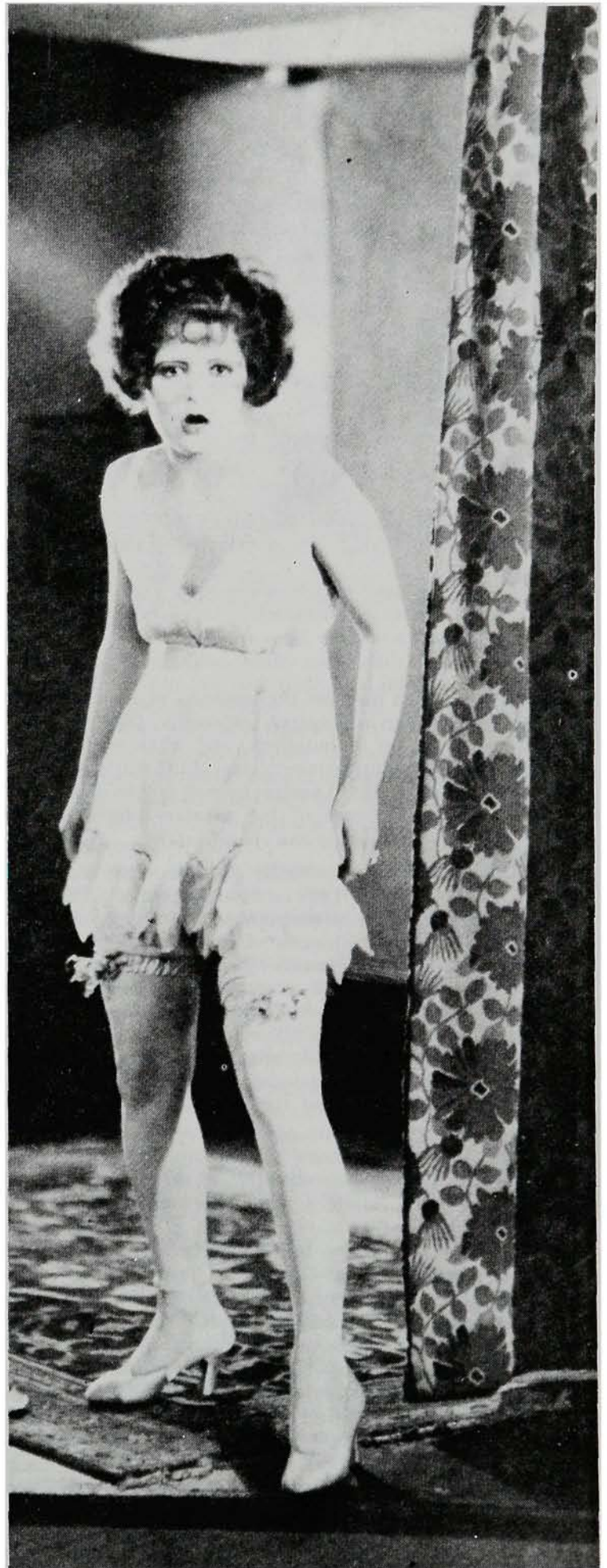
In 1921, Major Hamilton and his fellow censors attempted to articulate the criteria upon which they based their evaluations of the films submitted to them. The resultant pamphlet, *Standards of the Ontario Board of Censors of Motion Pictures and its Field of Work*, is a fascinating historical document, which clearly illustrates the primary concern of reformers about the supposed "power" of the movies. The "general policy" noted that the Board "realizes the educational and recreational value of Moving Pictures, and will endeavor to save all pictures possible." The problem of regional variations in tastes and values was also recognized in that "it will try to make its judgments from the standpoint of a normal Ontario audience."

The pamphlet then detailed a series of situations such as "display of flags, cruelty to animals, firearms, crime and arson, insanity and death, costumes and nudity, sex, advertising and drugs," with suggestions as to how these should be handled to avoid censorship. The last paragraph, "The Future" noted that "if the above standards are adhered to... (then it will)... bring the Moving Pictures to a higher level in the Province of Ontario." These standards were sent to all distributors with instructions to censor films before submission, but this apparently had little effect because the Board still found it necessary to reject 67 films in 1921.

There was very little change in the wording of the Act between 1927 and 1953, when a new "Theatres Act" was entirely recast and brought up to date. This new Act extended the power of the Board of Censors, and made provision for the establishment of licensing fees, and the formal approval of building and alteration plans for movie theatres. The Theatres Act was amended in 1963, and again in 1975, when the proliferation of small storefront theatres exhibiting "sex" films (mainly on Toronto's Yonge Street "Strip"), caused the extension of control over all methods of reproducing moving pictures for financial gain or public viewing. Essentially this was aimed at 8 mm and videotape exhibition, and has had the desired effect by further diluting the "sexploitation" films used to lure customers into these establishments.

The Current Operation of the Board

Officially the Ontario Board of Censors is part of the Theatres Branch of the Ministry of Consumer and Commercial Relations, and operates out of an unassuming building in the Toronto suburb of Leaside. The Theatres Branch has two main functions; the first is the work of the Inspec-



Clara Bow wouldn't have gone much further with the original Ontario Censorship Board, formed in 1911



Jean Harlow in a photo which didn't get into the movies in the 1930s

tions Branch, which oversees the licensing of projectionists, the facilities in movie theatres, especially the projection booths, the condition of buildings, and when possible the adherence to censorship requirements. Quite obviously, this important aspect of the Theatre Branch's activities tends to be overlooked because of the greater interest in its second function – censorship and classification.

The Board of Censors currently consists of six members, chaired by the director, Don L. Sims, a former CBC radio personality, with the vice-chairman's post going to George Belcher (the assistant-director of the Branch), who has been with the Theatres Branch since the late 1920s. There are four other members, one of whom is a woman, and these are appointed by the Lieutenant-Governor for indefinite terms. At the moment one of these appointees has been with the Board for 12 years, while another has been a member for 7 years. Their backgrounds range from librarian to movie theatre manager, and their top salary is \$14,000 a year. In Quebec, Mr. Sims pointed out, members of the Provincial Censorship Board can earn up to \$19,000.) Don Sims gave up his 32-year career at the CBC to assume his present position in 1974, and his salary is currently in the \$23-25,000 range.

Sims' predecessor, Mr. O.J. Silverthorn, had become Chairman of the Board of Censors in 1934, and was therefore responsible for guiding the direction of motion picture censorship in the province for a period of over 40 years. It was largely under Silverthorn's aegis that the Board moved away from the written standards of 1921, and attempted to develop a more flexible standard of evaluation in which each film was judged on its own merits. Before Silverthorn's tenure, films were essentially judged by the maxim that they should be suitable for all patrons, although two certificates were issued; one for "Universal" exhibition, and the second as "Suitable for Adult Audiences." As in most other jurisdictions in Canada and the United States, these proved to be unworkable, and finally in 1946-47, a more stringent "Adult Entertainment" classification was introduced, requiring also that classification signs be prominently displayed at the theatre and in all related advertising. In 1953, the "Restrict-

ed" classification was added, barring all those under 18 years of age.

Silverthorn is an interesting man, whose role in the shaping of the history of moviegoing in Ontario, and even in Canada, has been sadly overlooked. Now retired, and spending much of his well-deserved rest in Florida, he presided over the most important years of Ontario movie history. Unlike the immutable views of many of his counterparts in the United States and Britain, one is clearly able to discern a genuine sense of growth in Silverthorn's understanding of the necessity to "change with the times," and towards the end of his tenure the decisions of the Board were clearly becoming more broadminded. This is not to say that Ontario was totally permissive; on the contrary, the Board is still one of the strictest in Canada, but the judgments rendered did indicate a move toward a more liberal attitude in the depiction of sex, language and even violence. Silverthorn took great delight in pointing out that in the late 1960s, the Board "banned" very few films, which he perceived as a sign of its flexibility. This of course begs the question as to how many distributors, aware of the Board's stance against sexually explicit films, did not bother to submit any of this type for classification. Nevertheless, some overall move toward a more "open" cinema in the province is quite obvious.

The real problem the Board faces in the mid-1970s is the increasing reliance placed by movie-makers on explicit sex and even more explicit, and often gratuitous, violence as staple ingredients for attracting patrons. Quite clearly, hard-core, essentially pornographic films of the type found in specialty "art houses" in the United States are not allowed to be publicly exhibited in the province, such exhibitions falling under the obscenity sections of the Criminal Code of Canada. If films of this type are submitted to the Board, they are usually subjected to severe cutting, which, if their narrative continuity is of the usual skimpy quality, leaves very little for the exhibitor but the provocative title; surprisingly, in most cases this is usually sufficient to attract the required audience. It is interesting to note that, despite the wide availability of hard-core product from the United States and elsewhere, in the year ending March



Interviewing in a film entitled **Pussy Talk**: this is the sort of film which provides work for our modern-day censors

31, 1975, only eight films (out of 930 submissions) were not approved for exhibition. (Two of these were 16 mm prints.) Of the 824 feature films (35 mm) submitted, 165 were classified as "general exhibition"; 321 as "Adult Entertainment"; and 332 as "Restricted." In all there were 134 requests for eliminations.

Reflecting the ethnic diversity in Ontario, the Board examined films from 26 countries. The United States, quite obviously, had the largest entry with 290, but Chinese films (mainly from Hong Kong and Taiwan) accounted for 173 submissions. These were followed by Italy with 98, Great Britain with 58, Greece with 54, Germany with 40, France with 28, and Canada with 21. Interestingly, of the 21 Canadian films examined in 1974-75, three were approved for general exhibition, eight for Adult Entertainment, and 10 released as Restricted. One problem is that each of these films has to be examined within its own cultural context – how much violence should be allowed in a Chinese martial arts movie that might be shown only in Toronto, or how much sex in a major Hollywood production that will be seen widely across the province? This has always been a large problem for censors – how can one centrally located decision-making body take into account a wide diversity of norms and values such as those found in Ontario? Mr. Sims was quite clear that while he was sympathetic to this problem, each film was examined and cut under the assumption that it will be seen everywhere in the province.

There is a new mood apparent within the Theatres Branch, which now attempts to work within the spirit of co-operation with film distributors. Sims and Belcher were both adamant that this cooperative effort was working, for "the distributors feel that the Board has a finger on the pulse of the people." Certainly, there have been few public complaints about the activities of the Board in Ontario newspapers, except for occasional embarrassments such as the Stratford Film Festival fiasco which saw several important entries "cut" to satisfy the requirements for legal exhibition in the province.*

The whole question of the public's attitude toward film censorship in this province is a difficult one. Expectedly, filmmakers and the real film "buffs" would prefer to see censorship eliminated entirely; however, by far the bulk of the mail received at the Theatres Branch are complaints from irate filmgoers objecting to scenes of sex or brutality in films. In particular, the single major complaint seems

to be that prospective moviehouse customers were not properly informed about the content of the film they were about to see.

The Board is well aware of the "information gap" that exists, and is currently attempting to create greater awareness of the classifications used, and to expand the public's perception of what they really mean. In the last few months the Board has required that additional information be posted when movies contain scenes of "brutal violence" which are essential to the plot, and therefore have not been cut, and also where films contain either language or sexual activity which is likely to offend certain segments of the population. Thus films like **Jaws** and **One Flew Over the Cuckoo's Nest** have both necessitated additional warning signs in the foyers of moviehouses in Ontario.

This plan to provide additional "information" has hit some snags. For one thing, the Board has not been too successful in getting newspapers to run "free" boxes explaining in clear language the meaning of the various classification designations. While some smaller papers are willing to assist, the larger ones have yet to agree. In particular, the *Toronto Star*, a newspaper which crusaded actively against violence in the media last year, has not yet seen fit to run such information for free.

As with film censorship boards in all the other provinces, the Ontario Board is awaiting the outcome of the Nova Scotia case now before the Supreme Court. Donald Sims and George Belcher do not seem worried for, whatever the outcome, they feel that they are currently performing a vital service for the people of this province. Having been privileged to see some of the cuts made in recent submissions, I realize that their job is not an easy one. While I continue to have my doubts about the wisdom of censoring purely sexual material, there is no doubt in my own mind that much of the gratuitous violence that finds its way onto the screen in cheap exploitation films is not necessary.

Clearly, the content of films has changed in the last 10 years, and the Ontario Board of Censors has been forced to go along with these changes. Now, despite the well-meaning attempt to become more lenient within the framework of the laws of obscenity, the Board is being pushed to the wall by the public "backlash" against the increasing amounts of sex, violence and profanity in current films, and the opposing forces of liberalism demanding greater freedom for the cinema. Once again the rights of the artist have clashed with the innate conservatism of the public. We are all awaiting the Supreme Court's decision on the legality of film censorship in Canada with great interest. □

* See *Cinema Canada*, no.23, "Sour Grapes at Stratford."