

Censorship in Ontario



A Selected Time-Line 1980-88

compacted by Andrew James Paterson

March 1980 — The Ontario Board of Censors (OBC) insists that the Funnel Experimental Film Theatre (507 King Street East, in Toronto) license all its projectors and submit all films to the board for prior classification and possible cuts, in accordance with the Ontario Theatres Act. OBC Chairperson **Donald Sims** was adamant that the same rules should apply to non-profit artist-operated spaces as to commercial movie houses or theatres. The Funnel enlisted the Ontario Arts Council for assistance with necessary shipping expenses, and the OBC was now in position to demand cuts within a majority of artists' films in Canada.

March 1980 — at a dance performance presented at the Art Gallery of Ontario — *petite danse son nom* by **Marie Chouinard**; the dancer urinated into a pail as part of her performance. In reaction, the provincial Minister of Culture and Recreation threatened to review the AGO's annual provincial grant. Metro Council cut off Trinity Square Video, a co-sponsor of this presentation.

July 1980 — **Donald Sims** retired as chair of the OBC. He was succeeded by Vice-Chair **Mary Brown**.

Sept. 1980 — The Funnel submitted a compilation of eleven films (curated by the National Gallery of Canada and distributed by the Canadian Filmmakers Distribution Centre) to the OBC, who demanded three cuts be made to **Al Razutis'** film *And Now A Message From Our Sponsor*. The National Gallery dropped the film from the touring compilation, claiming that it was in no position to defy the Criminal Code of Canada. Artists objected, claiming that the film had already been presented at the National Gallery. **Mary Brown** countered that the National Gallery (being a federal institution) was exempt from the OBC's jurisdiction. **Razutis** refused to make the demanded cuts and the film was not screened.

Mar. 1981 — The OBC demanded cuts in **Michael Snow's** new film *Present*, threatening its world premiere at The Funnel. The Funnel appealed, and the OBC reversed its decision.

Mar. 1981 — Canadian Images Film Festival in Peterborough, Ontario's screening of an uncut version of **Al Razutis'** film *And Now A Message From Our Sponsor* was canceled because OBC demanded scenes with explicit sexual acts be excised. Members of the press were invited by the festival to an "invitation only" screening. At the last minute the screening of film proceeded as originally planned. **Susan Ditta** (festival Director), **David Bierk** (Director of Artspace Gallery), **Al Razutis**, and **Ian McLachlan** (a board member of both Canadian Images and Artspace) were charged with violation of Section 58 of the Theatres Act. These were the first charges under this act since 1911.

Mar. 1981 — FUSE magazine cancels scheduled screening of *Less Medium, More Message* — a twelve hour survey of recent video documentaries, after **Mary Brown** of the OBC informed them that the planned closed-circuit screening was in fact located in a public sphere. The screening was intended to be held at Trinity

Square Video. FUSE decided to take the OBC to court, with the intention of prompting a ruling on what constitutes legitimate exemptions to the Theatres Act and OBC jurisdiction. FUSE was forced to back down under threat of a counter-suit. *Less Medium, More Message* was the fourth such video-art survey presented by the periodical, but the first to be blocked by the OBC.

Mar. 1981 — The OBC rules that **Snow's** *Rameau's Nephew by Diderot* cannot be shown at The Funnel without demanded cuts. **Snow** refuses to make cuts. The film had already been screened in Ontario at various locations including the AGO. The AGO and The Funnel reaffirm intentions not to show censored works and launch a joint appeal. The OBC grants a permit for the film to be shown at the AGO, but AGO declines in a protest against discrimination against The Funnel. The OBC also demanded cuts within **Bruce Elder's** *The Art of Worldly Wisdom*, also to be screened at the Funnel. The filmmaker refuses to make cuts and thus the film is not shown in Ontario.

Apr. 1981 — FUSE defies OBC by screening *Less Medium, More Message* at Trinity Square Video.

Apr. 1981 — The Funnel canceled a screening of *Canadian Filmmakers Series IV* when appeal to reverse decision on *And Now a Message from Our Sponsor* was refused by OBC. The decision was made not to screen any works in the touring compilation if one work could not be seen.

May 1981 — A benefit evening of artists' videotapes in aid of the Right to Privacy committee which was formed to protest Metro's bawdy house laws and in aid of the 286 gay men arrested during the February raids on four bathhouses, is canceled as OBC claims jurisdiction over the public event.

May 1981 — Formation of Film and Video Against Censorship (FAVAC) committee, at a meeting held at Funnel. The Committee recommends that OBC be replaced by a Classification Board without power to either cut or ban material. FAVAC also proposes that screenings of all cultural and non-commercial media works be considered outside the jurisdiction of the Theatres Act within Ontario.

Sept. 1981 — OBC forces Funnel to cancel scheduled monthly members' open screenings because films were not submitted for prior approval.

Apr. 1982 — Two days after the freshly-minted Canadian Constitution and Charter of Rights and Freedoms, OFAVAS (Ontario Film and Video Appreciation Society) announces intentions to hold a series of adult-only public screenings of films that the OBC had previously demanded cuts in. Ontario Theatres Act is still in law, despite apparent contradiction with Charter of Rights. OFAVAS submits films to OBC for approval. The newly-incorporated OFAVAS states its intention to challenge OBC with a constitutional test case as OBC refuses to permit exhibition of uncut films. OBC responds by issuing one-time, one-location permits for *Rameau's Nephew* and *The Art of Worldly Wisdom*, but still demands cuts in **Al Razutis'** *Amerika*. OFAVAS declines the one-time permits and launches a judicial review of the board in the Divisional Court of the Supreme Court of Canada.

Sept. 1982 — With regards to the *Video Video* component of Toronto's Festival of Festivals; since the programmes were now scheduled for the commercial cinema Backstage 2, the tapes could



not be screened publicly without complying with the OBC's "examination by documentation" procedures. (In 1981 *Video Video* had been presented in a lobby of the Park Plaza hotel in a trade-forum format.) Five video artists withdrew their work in protest and rejected a proposed "by invitation only" screening. The particular artists did not wish to create a precedent for video art to be subject to the same regulatory procedures as film had already become subject to in Ontario.

Oct. 1982 — Metro Council member and York mayor **Gayle Christie** recommended denial of funding to A Space, Art's Sake, Trinity Square Video, Art Metropole, and Mercer Union. Grants had already been recommended by Metro's Executive Committee, but Christie persuaded the Committee to reverse their decision regarding A Space, Art's Sake, and TSV. Singled out by Christie as being an example of disgustingly obscene art was **Kim Tomczak's** *Museum of Man* (A Space, Jan. 1982), which deployed human excrement and urine to make a graphic statement about the horrors of war. Metro Toronto Council approved the creation of an Art Advisory Committee to monitor "quality" of art produced with public money. In response, artists formed Citizens for the Arts.

Mar. 1983 — Ontario Supreme Court rules OBC in violation of Charter of Rights and Freedoms.

June 1983 — New Metro Cultural Affairs Director **Irene Turrin** recommends withholding funding from Art's Sake, A Space, and TSV — among ten organizations — pending further review.

Feb. 1984 — Court of Appeal rules Theatres Act allowed complete denial of free expression as well as impinging on federal jurisdiction. Censor Board receives permission from Appeal Court to continue operating until impending federal Supreme Court ruling on Board's constitutional legitimacy.

May 1984 — First reading of Bill 82 (Act to amend Theatres Act). These amendments would permit the Censor Board to censor videos sold or distributed for home viewing. OBC proposes to change name to Ontario Film Review Board.

May 1984 — At A Space gallery, representatives of the Ontario Ministry of Consumer and Commercial Relations Theatres Branch seized tapes and equipment after screening of *British/Canadian Video Exchange '84*. No charges were laid and no motives provided, except that the exhibition contravened Section 38 of the Theatres Act. Ontario art galleries had been presenting video exhibitions without government interference since 1970. Equipment was returned but the British videotapes were declared forfeit to the Crown. A Space filed appeal with County Court judge in Toronto for return of tapes. The County Court judge declared the seizure of tapes to be unconstitutional in lieu of the Charter of Rights and Freedoms.

June 1984 — At the Attculture Resources Centre in Toronto (ARC), with the sponsorship of 114 organizations or individuals, a broad coalition of artists, dealers, and arts-organizations defies the OBC by screening **Paul Wong's** documentary, *Confused: Sexual Views*. A Theatres Branch inspector was informed that the tapes had not been submitted nor the equipment licensed. The screening took place without incident. (Wong's tape had been scheduled to play at the Vancouver Art Gallery in February 1984

when it was suddenly canceled shortly prior to its opening. VAG Director **Luke Rombout** defended this cancellation by declaring Wong's videotape to be "not art".)

June 1984 — Proclamation of "Summer Against Censorship" by ad hoc coalition of artists, arts organizations, and others advocating free speech and particularly concerned about the ramifications of Bill 82. "Summer Against Censorship" banners displayed in galleries throughout province, also in tandem with anti-censorship events.

Oct. 1984 — *Forbidden Film Festival: The Filmmaker and Human Rights*. In aid of Amnesty International, 100 films from 25 countries are screened in this eleven-day festival. Also, there were ten public panels and discussions on censorship issues. The films were originally censored or outright banned in their birth countries. The Festival submitted all films to the Censor Board and several films were thus "banned", since the festival refused to show films with demanded eliminations.

Feb. 1985 — Bill 82 passed, giving Film Review Board power to accept or reject every media work to be screened in the province of Ontario, to license all screening venues and projectionists, confiscate equipment (even when no charges laid), also the power to view any work and then demand cuts or complete bans.

April 1985 — *Six Days Against Censorship* held throughout Ontario. Stretched over fifteen days, a network of centres screened 120 uncensored films and videos. At screenings, organizers would demand that members of the censor board leave the premises as they were employees of an unconstitutional and repressive organization.

Aug. 1988 — Ontario's Minister of Consumer and Commercial Relations announces amendments to Ontario's Theatres Act. The Ontario Film and Video Review Board can no longer censor films and videos screened at film festivals, art galleries, public libraries or schools, on condition the intended audience be over 18. All movies previously banned would remain banned, and everything screened for audiences under 18 would still require written documentation. The artistic alibi or exception, as well as the age parameters, remain problematic. Not all festivals can afford to showcase themselves in high-profile "official" cinemas, and both LCBO-licensed and all-ages venues remain vulnerable. Borders or boundaries between art, activism, and even commercial are never always clear-cut. And the age restriction not only prevents children who might well enjoy particular films or tapes from being in attendance at particular venues, it also denies visibility for youth exploring and negotiating sexuality.

Sources:

Brenda Cossman, ed., *Censorship and The Arts: Law, Controversy, Debate, Facts*, pub. Ontario Association of Art Galleries (OAG), 1995

Judith Doyle, *A Chronology of Censorship In Ontario*, *Impulse* Fall 1981 (Vol. 9, No. 2), pp. 26-31

Cyndra MacDowall, *A Recent Chronology of the Struggle for Freedom of Expression in Canada*, pub. in *Issues of Censorship*, A Space, 1985 pp. 67-76



Censorious Practices



Trinity Square Video and the "Art Community"

Andrew James Paterson

Trinity Square Video, from its inception in 1971 through until at least the mid nineteen-eighties, proudly considered itself to be a dual artistic and activist co-operative. This activist mandate was consistent with the usurpation by artists and political-activists of the camcorder and other video equipment in order to document both their bodies and body politics. When critical situations manifested among Toronto's independent art networks and political activists, Trinity was always on deck to function as a proactive resources centre, sponsor, and screening venue.

The increased activity of the Ontario Board of Censors (OBC) in the late 1970s and early half of the 1980s must be considered in the context of accelerated attempts by the state to strictly define boundaries of private and public space. Indeed, the Funnel Experimental Film Theatre came to the OBC's attention partially as a result of an 1976 extension of the Ontario Theatres' Act's parameters to include 8mm and videotape, expressly to deal with the sex industry on Yonge Street. This need to define and then control public space led to the hysteria surrounding the murder of shoeshine boy Emmanuel Jacques (1977), the arrest of the Body Politic collective for publishing Gerald Hannon's article *Men Loving Boys Loving Men* (1978), and the raid against the Barracks bathhouse in 1978 followed by the massive bathhouse raids of February, 1981.

Parallel to a limited relaxation of laws regarding same-sex pleasure and activities, the state and its agents moved to enforce its demarcations of what could be performed or exhibited within "public space". Queers, sex-positive feminists, pro-choice advocates and anti-censorship activists all countered these attacks by claiming many de facto public spaces as being in reality private because the activities occurring involved consent and intention. Meeting places for gay men seeking out sexual pleasure were theoretically socially and legally parallel to theatres and access centres screening experimental and activist work to audiences already knowledgeable about the nature of the works to be screened. In theory, nobody opposed to the particular pleasurable (or educational) activities would be attending the site. However, the state and its enforcement agencies begged to differ.

At the top of the nineteen-eighties, The Ontario Board of Censors decided that the non-profit sector of experimental film centres, parallel galleries, film and video co-operatives, public art galleries, and community-based centres and/or facilities warranted the same degree of surveillance and subsequent regulation as did commercial theatres. This panic also occurred concurrently to an increasing public presence for both video art and experimental film. Filmmakers and video artists were achieving a fairly high profile in museums and mainstream as well as in "alternative" festivals. As the state and its regulatory-agencies set about enforcing strict parameters between what are private and public spaces, media-artists wished to have their works visible to fresh audiences in publicly-accessible spaces. The tension between arguing that only those already interested in and supportive of works in question and many artists' desire to see their works disseminated to broader audiences was (and continues to be) an unsatisfactorily resolved conundrum among media-artists and anti-censorship activists.



In April of 1985, a province-wide coalition of centres, distributors, and galleries organized a civil disobedience titled *Six Days Against Censorship*, in which 120 uncensored films and tapes were screened.

At each presentation, any individual or individuals affiliated with the freshly-christened Ontario Film and Video Review Board (still the same old censor board) was requested to vacate the premises as their presence and their very organization was in violation of free speech as guaranteed by the Bill of Rights. Trinity Square Video was not only an activist sponsor, the organization produced a documentary called *Citizens Against Censorship* in conjunction with the disobedience.

The 180-minute tape provides a forum for many artists (artists-as-citizens, feminists-as-artists, and plain old non-hyphenated artists) to address their problems around the pervasive issue of censorship. Those testifying (including myself) insisted that artistic free speech is a cornerstone of a free society, and that censorship supposedly intended to protect vulnerable constituencies and citizens in fact only makes matters much worse. Many of the artists on camera make sharp demarcations between artistic activities and industrial modes of production, arguing that the commercial sector already enforces its own censorship rules and codes and thus state censorship is redundant. The censorious procedures arguably inherent in the grant-funding system are also detailed — "quality" can and has indeed been synonymous with "apolitical". But the documentary is very much a monument of the early 1980s. Not only pro-sex feminists but straight and gay men take pains to distance themselves from misogynist slasher-movies and from generic (not only straight) pornography. While some talking heads do advocate replacing the censor board with classification systems, only one individual opines that "artistic exemption" from censorious activities is elitist and problematic. Inexplicably for even 1985, all of the participants (volunteers) are Caucasian.

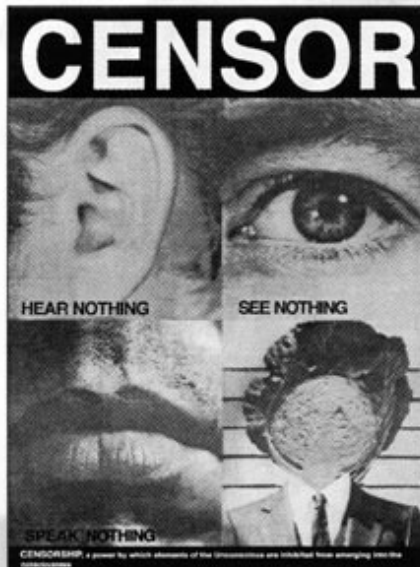
The contestation of the Ontario Theatres Act and its amendments as outlined in Bill 82 also took place against a background of feminist anti-porn activism and the strategic invocation of "free speech" by lawyers defending hate progenitors and Holocaust deniers such as Ernst Zundel and James Keegstra. OFAVAS and anti-censorship activists stressed their opposition to violence against women and minorities, while pointing out that hate laws were already in place to deal with hate propaganda (although the mechanics of using the courts to combat bigotry are not exactly accessible to all who might consider the option). The deployment of free speech rhetoric by racists and anti-Semites is not dissimilar to the quasi-libertarian belief that artists are by definition inspired individuals who are thus beyond any criticism. For many, the artistic exemption remains problematic — not everybody whose creative activities come to the attention of the censor board or the obscenity squad can claim artistic immunity.

The private/public dichotomy or conflict is also inherent to disputes involving government or "public" funding. Many events outlined in time-lines chronicling the history of censorship in Ontario (as well as nationally) involve either problemization or violation of arms-length codes between government and their funding bodies. While the repressive rhetoric of self-appointed taxpayer spokespersons is highly transparent, the deployment of vanguard justifications for artistic "transgressions" often falls flat in the context of public money and expected accountability. Recessive economies and class-based resentments against artistic privilege were already hitting nerves in the early 1980s and they became even more pronounced in the early 1990s. By this point in time, access-centres such as TSV had become more removed from the artist-run alliances (which themselves were under siege for both ineffectiveness and perceived elitism) that had initiated common fronts against censorship and other threats to free-speech. Binaries such as individual or collective and artistic or commercial no longer meant a great deal to many of the media-practitioners who now comprised the organization's active membership. Battles around arts-funding and, for that matter, free-speech within fine-arts practices, were not a great priority for many individuals and organizations who felt alienated from the arts-

bureaucracies and who wished for their work to be disseminated as widely as possible.

While it is a truism that anti-censorship activism occurs in lieu of acts of censorship (by the state, its agents such as the police and customs, and self-appointed protectors of "the public interest"), it has also been true that the issue of censorship has varied markedly in its public profile as well as its perceived degree of urgency. Anti-censorship activism has been, not without accuracy, accused of only being relevant to those who have already enjoyed access to free speech, which is far too often synonymous with free market. In this era of civil and uncivil disobedience, of anti-

corporate interventions and even strategic incidences of creative vandalism, censorship might seem like a quaint or "liberal" issue. But when artists or activists experience arrest and/or seizure of their work, at least some individuals and organizations who have become blasé about censorship issues can be expected to shake off their complacency. The broad-based coalitions of the early 1980s, while agreeing to disagree about specifics within the larger issue of determined anti-censorship, at best formed a model that may all too well need to be rejuvenated. It is still all too possible for ambitious cops or politicians, misguided art-critics, or self-appointed guardians of "community standards" to air their dirty laundry and consequently provoke acts of censorship.



Suggested Reading:

The Production of Free Speech is the Production of Consent in the Management of Culture, Dionne Brand and Krisantha Sri Bhaggiyadatta (pp. 15-19); *Porn! Censor Wars and the Battlefields of Sex*, Gary Kinsman (pp. 31-39); *Ontario Open Screenings, Six Days of Resistance Against the Censor Board*, April 21-27, 1985, Kerri Kwinter (pp. 47-52) [all published in *Issues of Censorship, A Space*, Toronto, 1985]

Community Standards, Artistic and the Censorship of the Arts, Brenda Cossman (pp. 85-98); *Uncompromising Positions: Anti-censorship, Anti-racism, and the Visual Arts*, Richard Fung (pp.137-150) [both published in *Suggestive Poses: Artists and Critics Respond to Censorship*, a co-publication of Toronto Photographers Workshop and The Riverbank Press, Toronto, 1997]