

world news

Canada takes a stand: Obscenity defined as what subordinates or degrades women

The Supreme Court of Canada in March, upheld the obscenity provision of the criminal code, ruling that although the antipornography law infringes on the freedom of expression, it is legitimate to suppress materials that harm women.

The unanimous decision—in the case of *Butler vs. Her Majesty the Queen*—also redefines obscenity based on what subordinates or degrades women.

"This makes Canada the first place in the world that says what is obscene is what harms women, not what offends our values," said Catharine A. MacKinnon, a University of Michigan law professor who helped write the brief. "In the United States the obscenity laws are all about not liking to see naked bodies or homosexual activity in public. Our laws don't consider the harm to women. But in Canada it will be materials that subordinate, degrade or dehumanize women that are obscene."

The case involved the owner of a Manitoba shop that sold and rented out hard-core videotapes and magazines. The owner, Donald Victor Butler, was prosecuted under laws prohibiting the manufacture, sale or distribution of obscene material, possession of obscene material for distribution or sale, or public display of obscene material.

The Canadian criminal law provides that any publication that has as a "dominant characteristic" the "undue exploitation of sex" is obscene. Offenders are usually fined rather than jailed, and the law does not cover those who privately possess the material.

Butler challenged the charges on the ground that the material was protected by the guarantee of freedom of expression in the Canadian Charter of Rights and Freedoms, which was passed in 1982 and is similar to the U.S. Constitution.

"This case is the first test of the obscenity laws under the charter's provision on freedom of expression" said Kathleen Mahoney, the lawyer who argued the case for the Women's Legal Education and Action Fund. "But the charter also has a strong equality section. The court said that while the obscenity law does limit the charter's freedom of expression guarantee, it's justifiable because this type of expression harms women personally, harms their right to be equal, affects their security and changes attitudes toward them so they become more subject to violence."

The court said the harm caused by "the proliferation of materials which seriously offend the values fundamental to our society is a substantial concern which justifies restricting the otherwise full exercise of freedom of expression."

Indeed, the court recognized a growing concern that the sexual exploitation of women and children can lead to abject and servile victimization.

The Oregonian

AUSTRALIA

After receiving nasty letters, the Ulverstone, Tasmania, City Council retracted a resolution that stated, "The Council denies it has a duty to the gay and lesbian constituents in this Municipality."

A replacement resolution states, "The Council denies it has a duty to the gay and lesbian constituents in the Municipality any more than it has to any other member of the community."

The Tasmanian Gay and Lesbian Rights Group said, "In a town noted for its virulent homophobia, victories such as this are important."

The Defunct Queer Nation/San Francisco's Suburban Homosexual Outreach Project (SHOP) concept has spread to Melbourne, where QN

members hit Northcote Shopping Plaza, other malls and outlying shopping areas. They distributed thousands of leaflets while carrying signs reading: "Promote Queerness," "Hey Kids, Why Not Be Queer," and "The International Homosexual Conspiracy—We Recruit."

Gayzette

CANADA

Police say the Ku Klux Klan paint-bombed an anti-homophobia billboard in Winnipeg, Manitoba.

The poster shows one man hugging another man's hairy chest above the slogan, "Homophobia is killing us," and the phone number to the Winnipeg Coalition Against Homophobic Violence hotline.

A copy of Alyson Publications' new "how-to" manual, *Gay Sex*, was nabbed by Customs en route to the Halifax, Nova Scotia, newspaper *Gazette*.

This is the same tame book that 18 U.S. printers refused to print because of drawings of common gay sexual activities.

ENGLAND

Shirley MacLaine stormed out of the British Film Awards Jan. 27 and joined gays on the sidewalk who were protesting the antigay and anti-persons-with-AIDS editorial stance of *The London Evening Standard*, which sponsors the awards.

"They could do with some support, and I was very glad I could be there," MacLaine told reporters at the swank Savoy Hotel.

Earlier, MacLaine greeted "my lesbian friends, my gay friends, my protesting friends" from the stage.

MacLaine's move came after she had learned *Standard* owner Lord Rothermere's wife barred costume designer Sandy Powell from the winners' party to punish her for criticizing the newspaper from the stage.

Powell called the newspaper "homophobic and AIDSphobic" and spoke of filmmaker Derek Jarman's decision to turn down an award because he has been attacked by the *Standard*. Jarman is gay and has AIDS. His newest film is *Edward the Second*.

The Court of Appeal last month upheld convictions against five gay men found guilty of causing mild bodily harm during consenting sadomasochistic sex, stating that "the question of consent was immaterial," reported *Capital Gay*.

More than 20 men were originally charged after police confiscated homemade SM videos from their homes. The men were targeted after ordering commercial tapes from other countries by mail.

Demonstrators from the direct-action group OutRage ousted four military heroes last month in protest against the military ban on homosexuals, reported *Capital Gay*.

Later the group laid a wreath at the door to the Ministry of Defense to remember lesbian and gay victims of military harassment.

"Four of Britain's most famous military commanders have been either homosexual or bisexual," said OutRage's Nick Cave. "If it's good enough for the top brass, ordinary lesbians and gays should not be penalized."

The four alleged queers are General Haig, Lord Kitchener, Lord Mountbatten and Field Marshall Montgomery.

HUNGARY

Last year was "the year of homosexuals' rise to self-consciousness," according to the daily newspaper *Magyar Narancs*. Among the news:

•Budapest gays took to the streets for the first time to plant a tree outside the city's AIDS ward.

•World AIDS Day saw gays parade through downtown Budapest waving the rainbow flag and handing condoms to surprised shoppers. The flag

was a gift from the Los Angeles Gay Men's Chorus, which staged an emotional and successful concert in Budapest during the summer.

•The federal government granted 1 million forints (\$125,000) to the gay movement, most of which is being used to publish the newspaper *MASUK*.

•Transvestite Terry Black returned from the West and formed the Homosexual Party, arousing great interest from the media.

•The gay group Homeros Lambda and several members of Parliament authored a gay rights bill and, more shocking, a bill to allow gay and lesbian registered partnerships.

•The first gay love story was published. *Hibiscus Prince* chronicles the lives of an aging intellectual and his Gypsy prostitute lover.

•And Hungary's first jack-off party was held in a resort village on the Danube River.

IRELAND

The Gay and Lesbian Equality Network March 9 called for a boycott of Guinness beer over its commercial sponsorship of New York City's St. Patrick's Day Parade.

ISREAL

The Knesset has banned antigay discrimination in the workplace by a 34-5 vote.

The law took effect Jan. 3. Discriminators face a fine and up to six months in jail.

Israeli activists say they will now turn their attention to military discrimination.

Other countries with lesbian and gay rights laws include France, Denmark, Norway, Sweden, the Netherlands, and some states and provinces of Australia, Canada and the United States.

NORWAY

British lesbian Anna Reeder was granted residency to live with her Norwegian lover, Wenche Larsen, following a two-year battle.

The case was appealed all the way to the Justice Ministry, which determined a lesbian relationship is adequate "family connection" to stay in Norway.

RUSSIA

Andrei Plotnikov, a Moscow gay man, has begun an eight-year prison term for allegedly infecting his lover with HIV, a violation of Penal Code Article 115.

According to the International Gay and Lesbian Human Rights Commission, Plotnikov's lover knew of the risk and provided a letter stating he did not wish to press charges.

SOUTH AFRICA

British Sgxbai, chair of the kwaThema Township chapter of the Gay and Lesbian Organization of Witwatersrand, was murdered late last year by a homophobic relative, according to *The Weekly Mail*.

Sgxbai was attacked with a pitchfork and later died of head wounds, the newspaper said.

There have, however, been no arrests, and Sgxbai's family claims he was mugged by a stranger.

The Weekly Mail, said "Sgxbai's death serves as a critical galvanizing point for gays and lesbians, who see the constant physical danger of assault as their most pressing issue."

SWEDEN

Members of the Parliamentary commission studying the concept of legal partnerships for gay couples visited Copenhagen last month to meet with married gay and lesbian couples, announcing afterward they are much more supportive of following Denmark's unique example.

"This was a fantastic evening," said Liberal MP Barbro Westerholm. "It is completely different after so much discussion to meet human beings who can explain what partnership has meant for them."

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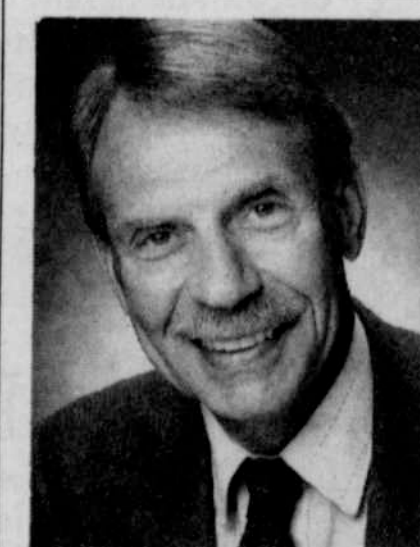
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