Readers' Forum Introduction

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As readers of *English Studies in Canada* may have already noted, the journal's new editorial team (under the direction of Jo-Ann Wallace at the University of Alberta) has adopted a number of initiatives intended to establish the centrality of *ESC* to the study of literature and culture both in Canada and internationally. The eye-catching issue you hold in your hands is a part of that effort; however, we've also made a number of changes to our editorial procedures, to the scope of our Editorial Advisory Board, and to the format and content of the journal itself. Foremost amongst those innovations is our new "Readers' Forum" section. The mandate of the Readers' Forum is to promote dialogue, in a timely and provocative fashion, around issues of general concern to our readership. The new team's inaugural issue (29.1-2) featured a number of polemical pieces under the heading of "What's Left of English Studies?" and the participating authors produced a body of engaging pieces from a variety of telling perspectives. Response to that forum has been extremely positive, and so we would like to thank those contributors for their time, effort, and creative commitment to the project. Following up on that success, we now turn our attention to the controversies of the former Bill C-20 (now known as Bill C-12), "An

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Act to amend the Criminal Code for the protection of children and other vulnerable persons."

Timely? Indeed. Although dropped from the order paper in November 2003 when Parliament was prorogued by former Prime Minister Jean Chrétien, Bill C-20 has now returned as Bill C-12 under Prime Minister Paul Martin. This follows the government's stated intention, as expressed in the February 2004 Speech From the Throne, to "ensure the safety of children through a strategy to counter sexual exploitation of children on the Internet and by reinstating child protection legislation." These proposed amendments to the criminal code are widely understood to be the federal government's response to the case of John Robin Sharpe, and the Supreme Court of Canada's 2001 ruling that it was not an offence under the law to possess the products of one's own imagination for personal use. That ruling was primarily directed at the legal status of a number of short stories found to be in Sharpe's possession: fictions he had authored that depicted sexual situations involving children. While Sharpe was convicted of possessing other forms of child pornography (photographs of boys engaged in explicit sex acts), and he has served time as a result of that conviction, his otherwise successful defence on the grounds of artistic merit sparked outrage and harsh criticism from various groups across the country. As a result, Bill C-20 was introduced to the Standing Committee on Justice and Human Rights in September 2003. The following month, the committee heard submissions from interested parties, including the Canadian Conference of the Arts and the Writers' Union of Canada (statements from both are included here). Despite condemnation of the proposed amendments from almost all of the groups appearing before the committee, this legislation remains an ongoing concern. As this forum came together, an NDP report stage amendment that would have seen the artistic merit defence remain intact was defeated by a vote of 161 to 65. By the time this issue arrives in the hands of its readers, the legislation will likely have passed third stage reading and will be on its way to the Senate.

Provocative? Absolutely. The legislative amendments of Bill C-12 assume the entirely laudable task of protecting children from sexual exploitation, and proponents of the legislation are deeply committed to that goal. Nonetheless, the bill has also generated fierce opposition on the grounds that it is poorly crafted and so poses a serious threat to freedom of expression for all Canadians. If passed, the legislation will remove the defence of artistic merit—as well as educational, scientific or medical purpose—from the criminal code in those cases in which the artist's work, due to its content or theme, has been identified as "child pornography." Without the

defence of artistic merit, the onus will be on the accused to prove that his or her creative work serves what is understood, however vaguely, to be the "public good" and does not exceed the limits of what is understood to be the "public good" in Canada. The threat of this presumption of guilt extends not just to authors and artists, but to the disseminators of culture as well: museums, libraries, publishers, retailers, teaching institutions. For readers of *ESC*, then, the issue should be provocative not only because the pending legislation evokes the passionate extremes of debate one might expect in such cases, but also because it speaks directly to matters of pressing concern to creators, scholars, and teachers of culture.

From the politics of cultural representation to the legitimization of institutional reading practices, from the interanimations of law and literature to the role of the academic in the public sphere—the question of Bill C-12 invites a multitude of possible answers. In an effort to sketch out some of the areas of concern here, we have invited a half-dozen contributors from a variety of constituencies to voice their opinions in the following pages. Lawyers, journalists, authors, artists, scholars, teachers, and political lobbyists are all represented. The explicit message here is that Bill C-12 should be of real concern to readers of *ESC,* but the implicit message is actually an invitation from the editors of the journal, to its readership, to participate more openly in the cultural politics of the world beyond the academy and to do so by voicing our concerns here, in the pages of this publication. With that in mind, read on, and should you be moved to express your own views on this matter, we welcome short responses to be considered for publication in our upcoming issues.