

The *performative* power of naming: the use of “Gay-Straight Alliance” in
debate over Ontario’s Accepting School Act (Bill 13)

by

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Abstract:

The introduction of Ontario's Accepting School Act (Bill 13) was followed by an intense public debate over the use of the name "Gay-Straight Alliance" (GSA) for student organizations. Using the concept of *performativity*, this study explores how the discourse over Bill 13 reflects the proponents' expectations of and the oppositions' ambivalence towards the potential effects of naming GSA clubs. This study contends that the discourse over the naming of GSAs becomes a site of resistance and agency, where different movements, through challenging and maintaining performative effects, attempt to open up "unknowable context" in order to advance certain political or social projects.

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1. Introduction

On October 4, 2011, 15-year old Jamie Hubley of Ottawa, Ontario committed suicide. Jamie had spent his last remaining months writing openly about depression, bullying and self-harm on his blog until he took his own life. In his final note posted on his Tumblr account the night before he took his life, Jamie wrote, "I'm a casualty of love...I hit rock f***** bottom, fell through a crack, now I'm stuck."¹

Jamie's suicide struck the consciousness of Ontarians, and indeed the rest of the country, for localizing what had, up until this moment, been represented as a uniquely American phenomenon. Indeed, up until Jamie's death, the bulk of the media and public attention focused on the suicides of five American teenagers in the fall of 2010, which prompted a series of high profile campaigns by public figures about bullying, tolerance, and safety in American schools.² Like these American teenagers, the media mainly attributed Jamie's suicide to his painful experiences of anti-gay bullying at his high school. His ongoing battle with depression, while also recognized, was largely overshadowed by the bullying narrative, which had been developing since the series of high profile suicides in the US the year prior.³ The timing of Jamie's suicide fueled the concerns of Ontario residents, particularly parents, over school safety, and to some degree, shattered some of the widely held illusions of tolerance in Ontario, specifically with regards to sexual orientation.

¹ Boyle, Louise. "I Just Want to Feel Special to Someone': Gay 15-year-old Kills Himself after Chronicling His Unhappiness Online." *Daily Mail*. N.p., 18 Oct. 2011. Web. 11 Mar. 2013.

² The names and ages of these teenagers are: Asher Brown, 13, Billy Lucas, 15, Raymond Chase, 19, Seth Walsh, 13 and Tyler Clemeti, 18.

³ Bindley, Katherine. "Bullying And Suicide: The Dangerous Mistake We Make." *The Huffington Post*. The Huffington Post, 08 Aug. 2012. Web. 18 Nov. 2012. <http://www.huffingtonpost.com/2012/02/08/bullying-suicide-teens-depression_n_1247875.html>. It is important to acknowledge here that the causal connection between bullying and suicide is itself fraught with contestation and dispute. Some believe that the connection oversimplifies and overshadows issues of mental health, the implications of which will be discussed at length in the following chapters.

On the heels of Jamie Hubley's suicide, the newly elected Liberal minority government introduced the Accepting School Act (Bill 13) in December of 2011, which was passed by the House with the support of the New Democratic Party (NDP) in June of 2012.⁴ Bill 13, beyond expanding on previous anti-bullying legislation, mandates that neither the board nor the principal of a publicly funded school can refuse to allow a student to use the name "gay and straight alliance" (GSA) for a student organization. Initially, all parties, with support of numerous stakeholders, agreed on a comprehensive bill that would address some of the systemic bullying-related problems inherent in Ontario schools. Throughout the course of the legislative period, however, the decision of the Minister of Education, Laura Broten, to include a clause requiring schools to allow GSA clubs to be established caused a wedge between the parties and their approaches to the issue.⁵ This was followed by an intense debate over the *naming* of such student organizations in Ontario schools.

The main goal of this thesis is to explore this controversy. Using J.L Austin's concept of *performative utterance*, this paper will answer the following main questions:

1. What is the significance of "naming" in the context of student organizations?
How is bullying defined, imagined, or constructed through the articulation of the naming's significance?

⁴ Ontario. Legislative Assembly. "Accepting School Act." Bill 13, 40th Legislature, 1st Session, 2012. [Toronto]: The Assembly, 1997. (Assent June 12, 2012).

⁵ While a significant part of the debate over Bill 13 concerns the clause on GSA, this study will not conflate the two, acknowledging that Bill 13 also touches upon various bullying-related issues, including cyber-bullying, some budgetary aspects, as well as staff-training, which are not discussed in this paper. The use of "GSA" refers to the actual student organization/club, but I am cognizant that it can be used as a concept as well. For the purpose of this paper, GSA will refer to the actual organization, which I argue, embodies this concept.

2. What are the performative effects of uttering “gay-straight alliance” and how are these effects anticipated, interpreted or perceived by students, teachers, parents, and other stakeholders in Ontario?
3. What does the discourse over Bill 13 reveal about the proponents’ expectations of, and the oppositions’ ambivalence towards, the performative effects of naming student groups “gay-straight alliance”?

1.1 Language and the Power of Naming

In his 1955 lecture series delivered at Harvard University, J.L. Austin explores our ability, as speakers, whether consciously or not, to *act* through *speech* – to do things with words.⁶ In conceptualizing *performative utterances*, Austin contends that, meeting certain conditions, some utterances can be found to not only “say things” but also “do things”, often with very physical and material effects. To say “I do” in the course of a wedding ceremony, for example, “is not to *describe* my doing...it is to do it.”⁷ Many of Austin’s contemporaries, and indeed Austin himself in the course of the lectures, would later modify the concept, with variations of rules to identify or disqualify performative words or sentences, but the core premise of “acting through speech” remains largely unaltered and has laid the foundation for what would later be known as speech act theories.

One of Austin’s main areas of exploration is the question of what makes an utterance a performative one as opposed to a mere statement or description.⁸ John Searle in *How Performatives Work*, for instance, contends that to explore the effects of

⁶ Austin, J. L. *How to Do Things with Words*. Cambridge: Harvard UP, 1962.

⁷ *Ibid.*, p. 5-6.

⁸ He makes various distinctions between constative and performative; within performatives, he categorizes locutionary, illocutionary, and prelocutionary; pure and explicit performative; phonetic and phatic acts.

performative utterances would require, first, the need to identify which utterances are performative, which itself requires formulating certain criteria for identifying linguistic structures.⁹ Savas Tsohatzidis, in his introduction to *Foundation of Speech Act Theory*, similarly points to the importance of first theorizing linguistic features to better understand the effects of speech acts.¹⁰ In this study, I leave the discussion of performatives' structural features to linguists, and instead focus on the implications of performative utterance to speakers, listeners, and the surrounding discourse. The emphasis on the material effects of performative utterances can better answer the questions of *how* and *why* certain legal and political discourses *act*.

The applicability of Austin's concept to the *naming* of Gay-Straight Alliance clubs is significant because of what the speakers anticipate the effects of GSA clubs will be. That is, the naming of the GSA alone is viewed as a productive process, capable of producing material effects that will have potential implications on the relationships of students to one another, the way teachers address bullying, gender expressions, sexual identity. The applicability of Austin's concept is also important in making the distinction between the *naming* of the GSA and uttering the words "gay-straight alliance." Both are performatives in this case, but one is more performative than the other. The biblical example of Adam naming God's creations in the Genesis exemplifies this point.¹¹ When Adam names the "birds of the air and all the beast of the field..." he is performing an act. However, in this case, the *naming* of birds has a more powerful performative effect than just *uttering* the word "birds." Through naming, Adam is made master of God's

⁹ Searle, John R. "How Performatives Work" *Linguistics and Philosophy* 12.5 (1989): 535-58.

¹⁰ "Ways of Doing Things with Words: An Introduction." Introduction. *Foundations of Speech Act Theory*. Ed. Savas L. Tsohatzidis. New York: Routledge, 1994. 1-25.

¹¹ Genesis 2:20 "So the man gave names to all the livestock, the birds of the air and all the beasts of the field." "Bible Gateway." *BibleGateway.com: A Searchable Online Bible in over 100 Versions and 50 Languages*. N.p., n.d. Web. 04 Apr. 2013.

creations; the creatures are recognized, yet subordinate to him. He can keep them as company, eat them, or protect them. The naming, therefore, produces relationships and dynamics between Adam and the creatures (and God) that would not have existed without the performative power of naming.

I contend in this study that the naming of GSA clubs is comparable to Adam's naming of animals, which has the potential to produce different relationships and dynamics within the Catholic school setting and beyond. I argue in this study that the discourse over Bill 13 reflects the proponents' expectations of and oppositions' ambivalence towards the potential effects of the naming performative. Additionally I argue that the discourse over the naming of GSAs becomes a site of resistance and agency, where different movements, through challenging and maintaining performative effects, attempt to open up "unknowable context" in order to advance certain political or social projects.

1.2 Literature Review

Austin's 1955 lectures, later published as *How to Do Things with Words*, laid the foundation for what would develop into speech act theories. Austin's theory was developed in an attempt to distinguish utterances that merely describe, what Austin calls *constative*, from utterances that act, what Austin calls *performative*.¹² To Austin, a performative utterance at its very basic form, has two characteristics: first, it has no truth value – that is, it is neither true or false, as is often the case with statements or descriptions; and second, the sentence, given the appropriate circumstances, performs a

¹² Austin, p. 3.

certain kind of act.¹³ As in the case of a wedding ceremony discussed above, Austin contends that when a speaker utters “I do” in front of the officiant and witnesses, the speaker is not merely describing what he/she is doing, but is in fact *doing it* at the moment of utterance.¹⁴ It is important to note here that a performative utterance is only successful in its function if the sentence is uttered in the right circumstance. For the bride’s maid to say, “I do” as opposed to the bride, or for the speaker to utter the words without an officiant or witnesses, for example, is what Austin refers to as *infelicities* – the things that can go wrong on the occasion of utterance.¹⁵ Alternatively, think of saying, “I do” in a context of a same-sex wedding. In jurisdictions where same-sex marriage is not legally sanctioned, or in religious institutions where marriage is exclusive to a man and a woman, such a performative utterance will, applying Austin’s concept, fail to produce the intended effects. There is a certain act being performed in saying “I do” but the “procedure” of marriage is not “executed by all participants both correctly and completely.”¹⁶ The utterance, therefore, has no performative effect.¹⁷ In the course of the lectures, Austin has difficulty outlining certain conditions for when a performative is infelicitous, or *unhappy*, which has led to many of his contemporaries to fill in the gaps left by his concept.¹⁸

There are two streams of speech act theories that emerge from Austin’s initial conceptualization. Only the second stream is important for this study’s inquiry, but I will discuss the first stream briefly to provide an important contrast. The first of these streams

¹³ Ibid., p. 5.

¹⁴ Ibid.

¹⁵ Ibid., p. 14. Sarcasm can likewise be considered as an infelicity.

¹⁶ Ibid., p. 15.

¹⁷ It is not that the performative speech does not produce effects, but the effects it produces are not what the speaker intended.

¹⁸ *Unhappy* is used by Austin to refer to infelicities or utterances that do not perform the intended act because the conditions or circumstances to perform are not present.

is what Eve Sedgwick refers to as “the hypostatized grammatical taxonomies”, characterized by the works of John Searle and others, which has as their basis Austin’s distinction between performative and descriptive utterances.¹⁹ This stream is characterized mainly by the preoccupation with the rules of speech acts. Searle, for example, ponders the inconsistencies of Austin’s performative utterance, particularly with regards to the features that distinguish performative from constative acts.²⁰ To Searle, every utterance is indeed a *performance*, but only a restricted class could be considered performatives. The task he undertakes, therefore, is a categorization of performatives that accounts for, among other things, the role of performative verbs, the explicit and intentional nature of speech acts, and the possibility of truth values, where under Austin’s conceptualization, such a possibility does not exist. Émile Benveniste similarly focuses on the technical nature of speech acts, by outlining the levels on which speech acts operate: *enounced and enunciation*.²¹ These two levels, “what is said” and “how things are said”, determine whether the speech is performative or not. Like Searle, Benveniste emphasizes the intent of the speaker and the directness or explicitness of the speech act to the listener. Important in this stream is the focus on the first person voice and the criteria that determines if the utterance is performative or descriptive. This includes the intent of the speaker, the successful reception of the speech act by the intended listener, and the appropriate context.

Understandably, the focus on the linguistic features and rules of performative utterance was insufficient for many scholars that do not attribute the effects of the speech

¹⁹ Sedgwick, Eve Kosofsky and Adam Frank. *Touching Feeling: Affect, Pedagogy, Performativity*. Durham: Duke UP, 2003. p. 6.

²⁰ Searle, John R. "How Performatives Work." *Linguistics and Philosophy* 12.5 (1989): 535-58.

²¹ Benveniste, Émile. *Problems in General Linguistics*. Coral Gables, FL: University of Miami, 1971.

acts to the individual sentences or the context alone. The second stream, therefore, shifts from this technical and localized understanding of performatives as characterized by Searle and his contemporaries, to one that focuses on the ways in which performative utterances are intertwined with external factors, such as power structures, which produce or shape the performative effects.

Jacques Derrida's approach to performative utterance is important to outline here, as his reading of Austin challenges the importance of two features emphasized by the first stream: the rules/conditions of performatives and the context that allows the speech act to succeed. In his *Signature Event Context*, Derrida contends that the conditions that determine the success or failure of performative utterance are "quite insufficient or derivative", as it has specific effects in different situations in which it is performed.²² Consider the utterance of "I do" in a wedding as outlined in the previous page. To Derrida, it is not an unsuccessful performative when a same-sex couple say "I do" in a jurisdiction that does not legally sanction same-sex marriage. Rather, the marriage performative produces different effects shaped by the particular situation. The speech act in this case, "carries with it a force of breaking with its context", which has the capacity to be repeatable in any situation.²³ The need to determine the appropriate context in order for the performative utterance to be successful is, therefore, difficult given that context is "never absolutely determinable, or rather in what ways its determination is never certain or saturated."²⁴ Since context is never certain, no linguistic rules can ever fully determine whether an utterance is a speech act or not.

²² Derrida, Jacques. "Signature Event Context." Trans. Alan Bass. *Margins of Philosophy*. Chicago: University of Chicago, 1982. p. 324.

²³ *Ibid.*, p. 317.

²⁴ *Ibid.*, p. 320.

To Derrida, what gives speech acts its force is the structure of its iteration.²⁵ To illustrate, think of the words “I do” being uttered repeatedly. To Derrida, when an utterance is repeated, another instance of that utterance comes into existence. This new instance of utterance may appear or be heard quite differently from the first instance; it might be uttered with different pronunciation, different intent, in a different situation, etc. He refers to these consequences of speech acts’ iterability as “breaking force” with the initial context in which it was uttered. This simple scenario illustrates another example of breaking force: person A sends a cryptic letter to person B, but the mailman makes a mistake and instead delivers the letter to person C. In this case, person C reads the cryptic letter and interprets it differently from what person A had intended to communicate. Or, if person B did receive the letter, B ascribes to it another meaning. Thus, the letter, depending on who receives it or how it is read, breaks away from the intended message of the sender. What remains of the first utterance and what changed in the utterance’s iteration are factors that give speech acts their effects. Because of the logic of “breaking force”, Sedgwick concludes that to Derrida, “the only really interesting part of it [performatives] is how all language is performative.”²⁶

Pierre Bourdieu also considers what gives a performative utterance its force. However, Bourdieu focuses less on the linguistic attributes of speech acts and provides a heavy emphasis on structural conditions. Bourdieu praises Austin and his contemporaries for exploring the social conditions that allow for speech to function in various ways, but criticizes them for not fully addressing the implication of such conditions to the way

²⁵ Ibid. Derrida’s asserts that, “no meaning can be determined out of context, but no context permits saturation. What I am referring to here is not richness of substance, semantic fertility, but rather structure, the structure of the remnant or of iteration”

²⁶ Sedgwick, *Touching Feeling*. p. 6.

speech acts are performed. Recall, for instance, Austin's notion of "convention" as the force that gives speech its effects. To Bourdieu, this implies that the "efficacy of performative utterance is inseparable from the existence of an *institution*, which defines the conditions (such as the place, the time, the agent) that must be fulfilled in order for the utterance to be effective."²⁷ Here, institution is not used by Bourdieu to indicate a specific entity, like a school or government, but is rather used in a general sense to refer to any social relations that provide individuals with power, status and resources of various kinds.²⁸ It is an institution, therefore, that gives the speaker *authority* to carry out a speech act. Thus, in using the example of saying, "I do", Bourdieu's perspective suggests that the speaker must have been *authorized* to stand there, and be *recognized* by the audience, both of which are dictated by a set of social relations already in place. Add to this the various symbolic devices – the wedding attire, the rings, the ceremony etc. – that serve as "mechanisms through which those who speak attest to the authority of the institutions which endows them the power to speak..."²⁹

Given the central role institutions play in providing force to performatives, Bourdieu, like Austin and others, recognizes the possibility that speech acts can fail, hence making the distinction between legitimate and impostor speech acts.³⁰ The latter in this case is performed ineffectively due to the lack of prior authorization given to the speaker by the institution to utter, and therefore, perform the act. Bourdieu's view of speech acts is largely imbued with his own formulization of the habitus and various

²⁷ Bourdieu, Pierre, and John B. Thompson. *Language and Symbolic Power*. Cambridge: Polity, 1991., p. 8-9.

²⁸ The author in this cases uses *endow* as a word to refer to this attribute of institutions.

²⁹ *Ibid.*

³⁰ *Ibid.*, p. 75-76.

capitals possessed by different actors, which determine their position, and in turn give them authority to utter certain performatives, in any given *field*.³¹

If, to Derrida, all language is performative, to Judith Butler, “it is most performative when its performativity is least explicit...arguably when it isn’t even embodied in actual words.”³² Like Derrida and Bourdieu, Butler attributes the effects of performative utterance not on the rules and conventions outlined by Austin and his contemporaries, but rather on factors external to the speaker and the speech itself. Butler uses *context*, which was central to the first wave of speech act theories articulated above in a creative way to locate where the effects of performative utterances are produced.³³ Whereas the first stream suggests that performative can only succeed in the appropriate context, Butler argues that context produces the subject, which in turn shape the effect of the performative.³⁴

If we continue to take “I do” as an example, Searle would argue that it is only successful if you are designated to say the words, if you are the bride or groom, for example, if you intended to say, and if you say the words in the context of a wedding ceremony. The effects of performative are only produced given these conditions. To

³¹ Bourdieu, Pierre, and Loïc J. D. Wacquant. *An Invitation to Reflexive Sociology*. Chicago: University of Chicago, 1992. In *An Invitation to Reflexive Sociology*, Bourdieu defines a field as a “network, or a configuration, of objective relations between positions.” He notes that social fields are not products of any deliberate act of creation; its regularities, or if the analogy of a game is used, its rules, are not explicit or codified. A field has specific defining features worth noting here. First, a field is a site of constant struggle for “stakes” or particular types of *capital*. The second feature of the field is the structured positions of the actors within it, based on the different resources and disposition they possess. These resources and dispositions have been brought from outside the field, as a form of generic capital holding, which then determines the positions of actors within the field. Certain type of resources or disposition determines the class, and the location of the person within that field in relation to others. Each field must be understood as possessing a habitus, a patterned way of doing or understanding things, which arise from the actors membership in one or several fields. Habitus allows for the actors within a field to know itself “as a group” distinct from other groups or actors from other fields. The consistency in practices and values of capital in any given field, as well as the stability of these practices and values, are facilitated by the habitus, which acts as a strong agent of the actors’ own self-recognition and self-reproduction.

³² Sedgwick, *Touching Feeling*. p. 6.

³³ Context, particularly to Derrida, is problematic because it can never be fully determined, and therefore cannot be the criteria to determine whether an utterance is a performative.

³⁴ Butler, *Excitable Speech*. p. 13-15.

Butler, however, it is the context that allows the speaker to be in that situation to perform; it is the context – wedding ceremony – that gives the speaker the ability to utter “I do” or any other possibilities of speech that are predetermined by it. Butler argues that the context is itself not predetermined or static.³⁵

Butler’s *Excitable Speech*, and indeed much of her work on performativity, adds the element of agency to speech act theory. If performative utterances are shaped by context, what does that say about the speaker’s agency, and indeed, the power of the performative? To Butler, agency is possible when discourse, which is a central element of context, is either interrupted, or its boundaries demarcated.³⁶ Drawing on Derrida’s concept of “breaking force”, Butler argues that agency arises from the re-iteration of speech acts, which produce new instances – new contexts – which in turn opens the potential for change and subversion. Performative utterances’ capacity to be repeatable in any situation allows the speaker, and indeed the listener, to break the performative from its initial context, to create a new one or ascribe a different meaning to it. In *Bodies that Matter*, Butler argues that, “performativity must be understood not as a singular or deliberate ‘act’, but rather, as the reiterative and citational practice by which discourse produces the effects that it names.”³⁷ Iteration and with it, “breaking force” should therefore be understood as a productive process that allows for the materialization and rematerialization of performativity.

³⁵ Failler, Angela. "Excitable Speech: Judith Butler, Mae West, and Sexual Innuendo." *International Journal of Sexuality and Gender Studies* 2nd ser. 6.1 (2001): 49-62. p. 2.

³⁶ Butler, *Excitable Speech*. p. 77-82. Drawing from Derrida and Bourdieu, Butler's point is that agency arises from social iterability and the fact that every re-iteration opens the potential for change and subversion. Such iteration, however, is part of the structure of signification broadly conceived (not simply language) and is not the conscious effort of an individual agent. Thus, Butler points to the effect of the body and how bodies are implicated in acts of speech and iteration.

³⁷ Butler, Judith. *Bodies That Matter: On the Discursive Limits of "sex"*. New York: Routledge, 1993. p. 2.

Let us refer back to our example of uttering “I do” in a wedding ceremony to illustrate, only this time, the speakers are same-sex couples having a marriage being performed by a religious figure, who later pronounce the speakers as “wife and wife”, in a jurisdiction that does not allow same-sex couples. Butler would see this as a disruption of the performativity of marriage because a different type of speech act is being performed when uttering “I do.” In addition, this type of marriage performative also gives rise to speaker’s agency, enabling him/her to say “I do” in a context that did not initially allow for such utterance. When the same-sex couple utters “I do” in this scenario, they are exercising agency, creating context, and performing a different marriage performative.

Given that Butler tackles the performative in the context of gender and sexuality, and not purely on a linguistic level, it is difficult to separate it from politics – an element that was not fully considered in early theorizations of speech acts. Indeed, Austin recognizes, for instance, that many speech acts are performed in the capacity of authority, referring to law, as an example. Thus, when a judge says, “I sentence you” or when a politician utters, “I hereby declare that...” these act are being performed in the context of law and politics respectively, or in both, thus providing the speaker with already predetermined performative utterances. Given that speech acts are not only determined by context, but are also marked by the capacity to break force with context, to say, “I am gay” in a gay rights rally for example, would be to perform acts determined by the political context. In doing so, however, I also have the potential to break with this context, and perform a non-predetermined act.

In the context of the political sphere, using the example of hate speech, Butler argues that context is never fully determined, and thus speech acts can “take on non-ordinary meaning, to function in context where it has not belonged and work in counter-hegemonic ways.”³⁸ This is in many ways a critique of Bourdieu’s structural approach to performative speech, particularly for, in what Butler points out, its assumption that *authority* is already established, and that new forms of legitimate speech acts “will not come to transform or supplant the old.”³⁹ Social institutions, to Butler, are not static. Resonating with Derrida’s logic of iteration outlined above, Butler argues that there is always the possibility of social transformation. She uses Rosa Park’s defiance as an example. Recall that in 1950, buses in many U.S. southern states were segregated; when the white section of the bus was filled, Parks was asked by the bus driver to give up her seat in the colored section for a white passenger. She refused. She was subsequently arrested, which resulted in the now famous Montgomery Bus Boycott. Rosa Parks had no prior right to occupy that space. According to Butler, by sitting down, “she endowed a certain authority on the act, and began the insurrectionary process of overthrowing those established codes of legitimacy.”⁴⁰ The opening up of unknown context through performatives, as Rosa Parks demonstrated, is fraught with risks, both politically and socially. However, according to Butler, these risks also lend themselves to innovative political and social projects.

1.3 Case Study: Ontario’s Accepting School Act

³⁸ Ibid., p. 160.

³⁹ Ibid., p.147.

⁴⁰ Ibid.

Ontario's Bill 13 was selected as the case study for this thesis because of various unique elements that separate it from other recent anti-bullying legislation. It is true that numerous American states have passed anti-bullying legislation, particularly following the suicides of five gay youth in a span of a few weeks in October of 2010. Much of this anti-bullying legislation has very similar features to Bill 13, which has led some to conclude that Ontario's Accepting School Act was modeled after these American legislation. Some also perceive Ontario's Bill 13 as relatively modest by comparison to the anti-bullying measures passed by many American states. New Jersey's P.L. 2010, for example, is considered by many to be the anti-bullying bill of rights, particularly for its systematic and punitive approach to eradicating bullying in the state's public high schools.⁴¹ Many of these American legislations also focus on issues considered peripheral in Ontario, particularly when addressing budgetary constraints, faculty training, and parental rights.

The debate over the naming of a student organization is not a new debate, and one that is certainly not limited to the recent anti-bullying initiatives. While anti-bullying measures in American states have received considerable amount of attention from the media, none of this attention stems from GSA-related provisions. While the general premise of the debates in American states can be traced back to the issues of religious rights and school safety, the concerns by opposition groups mainly centered on curriculum changes and the addition of sexual orientation in the list of groups considered to be high risk and protected by the anti-bullying measures. The difficulty of the naming issue to gain traction in the debate over anti-bullying measures in the US can largely be

⁴¹ New Jersey, Assembly, No. 3466. 214th Legislature, Reported on November 15, 2010 □ With Amendments. Anti-Bullying Bill of Rights Act. Retrieved December 28, 2010 □ http://www.njleg.state.nj.us/2010/Bills/A3500/3466_R1.HTM.

attributed to past victories of gay student organizations in the courts. American courts have consistently sided with gay and lesbian students and their allies as they invoke the Equal Access Act and the First Amendment in their struggle for inclusion in the school setting.⁴² As such, American courts have rendered the debate over GSA clubs in these anti-bullying measures rather moot, with opposition groups opting for alternative strategies to halt the measures' implementations.⁴³ This dynamic is not present in Canada, at least, not yet.⁴⁴

Ontario, and indeed Canada in general, presents us with a unique context for analysis particularly when we examine the legal and political dynamics involved. It is important to acknowledge here the high importance placed by the province on religious-denominational schools. Catholic schools, in particular, due to their place in the constitution as a remnant of the *British North American Act* (1867), not only enjoy a considerable amount of autonomy over their administration of education, but also continue to receive funding from the provincial government that cannot be restricted unless the 1982 Constitution is also amended. In addition, *The Canadian Charter of Rights and Freedoms* (1982) guarantees equality rights based on religion, under Section 2, and the Supreme Court of Canada has determined that sexual orientation is an analogously protected ground based on its 1995 ruling in *R. v. Egan*.⁴⁵ What we have,

⁴² Mercier, Matthew. "Fighting to Fit In: Gay-straight Alliances in Schools under United States Jurisprudence." *The International Journal of Human Rights* 13.2 (2009): 177-91.

⁴³ These cases include: *White County High School Peers Rising in Diverse Education v. White County School District* (2006) and *Caudillo v. Lubbock Independent School District* (2004)

⁴⁴ Interestingly enough, however, opposition to anti-bullying measures in American states have pursued protection of religious rights, specifically by lobbying legislators to include exemptions to the law for *religiously motivated harassment*, as was the case in the state of Michigan; a topic that is beyond the scope of this study. Conn, J. "Michigan's Anti-Bullying Law Will Not Include Religious Exemption." *Opposing Views*. Americans United, 16 Nov. 2011. Web. 30 Nov. 2011. <<http://www.opposingviews.com/i/society/crime/michigans-anti-bullying-law-will-not-include-religious-exemption>>.

⁴⁵ *R. v. Egan* (1995) established that sexual orientation constitutes a prohibited basis of discrimination under S. 15 of the *Canadian Charter of Rights and Freedoms*. This is cited in various cases that deal with LGBT-related legal issues including *Vriend v. Alberta* (1998) and *Little Sisters Book Store v. Canada* (2000).

therefore, are constitutional protections for Catholic schools and the enshrinement of sexual orientation as a protected ground in the *Charter* jurisprudence. Both of these legal features create a perfect condition for different stakeholders to focus their efforts on a single clause in legislation. This is not to diminish the importance of the clause, but it does reflect the many competing rights and guarantees of the Canadian Constitution and its jurisprudence.

1.4 Methodology

To answer the questions posed in this study, I am using Judith Butler's conceptualization of speech act as the basis of my analysis. In so doing, I locate my work in the second stream of speech act theories, which seek to deemphasize the importance of linguistic features in determining the efficacy of performative utterance. That is, I will not dwell on the question of whether saying "gay and straight alliance" is performative, but rather accept Derrida's assertion that *everything* is performative, with the caveat that utterances will vary in their performative power. Central to my methodology therefore is the applicability of Butler's conceptualization of performative utterance to the naming of GSA clubs.

In following Butler's approach, this study acknowledges the debate over the use of name GSA as a site of both agency and resistance. Historically, the LGBTQ community has experienced victimization and stigmatization at the hands of the law. Only recently has the community's relationship with the law shifted, with expansions of rights and inclusions of the community in greater societal projects, including participation

in the military, family, etc.⁴⁶ Subsequent chapters of this study will trace how language has consistently played a crucial role in framing the gay rights movements in a way that is palatable to those who were either apathetic or opposed to it. The same can be said about other movements' strategies in framing their opposition to the expansion of gay rights. In this regard, the gay rights movement, and indeed any social movement, is a struggle for producing, advocating, challenging, or altering certain performative effects. The debate over the naming of GSA clubs is therefore a site on which various actors, through speech acts, respond to the potential effects of performative utterances that may or may not be favorable to the different social projects and movements involved. Both the LGBTQ community and the religious groups in this case, through their statements, respond to the performative power of naming GSA clubs by expressing their expectations and fears of its effects.⁴⁷

The discussion of the performative power of naming in the context of a struggle between the LGBTQ and religious communities will require an exploration of the historical relationship between the two movements. In these discussions, I draw on the works of William Eskridge, Eve Sedgwick, and Fred Fejes, among others, to demonstrate how the effects of performative utterances are used to create, advance, or challenge existing beliefs/values, practices, and assumptions about the respective movements. If we accept Butler's assertion that through speech acts, we can open "unknowable context", then drawing on the historical relationship between the two

⁴⁶ I consider here *R. v. Egan* (1995) and *Vriend v. Alberta* (1998) to be turning points in Canadian jurisprudence with regards to the status of the LGBT community and its relationship with the law.

⁴⁷ I acknowledge here that the categorizing of the LGBT community as proponents of Bill 13 and the religious groups as opponents is a very rigid categorization, which assumes that to belong to one would determine your stance on the matter, or that non-affiliation is indicative of a person's neutral stance. There are, in fact, religious groups that are in favor of Bill 13, and the reverse, where members of the LGBT community are against it. However, for the sake of coherence, the use of the words "proponents" and "opponents" will largely correspond to these groups.

movements should allow us to see how both have continuously engaged in opening up new context. That is, the iteration of the word “gay”, for example, has led to the different articulations of each movements’ goals. For example, the framing of gay rights as a universal value by the LGBTQ community, and the promotion of traditional family values in opposition to “gay” lifestyle by religious groups, demonstrates how each movement capitalizes on the performative effects of the word “gay” to advance a cause, and therefore, open up new context

The iterability of performative utterances, as conceptualized by Butler, is also helpful in discussing the way bullying, specifically anti-gay bullying, is imagined, constructed or defined. This in turn allows us to investigate who gets bullied and who bullies in the context of the debate over the naming of student organizations, which can shed light on the significance of “gay-straight alliance” not just to the students, but also to the community at large.

As a final note to the theoretical framework of this study, it is important to emphasize here the relational aspect of speech acts. That is, regardless of whether the speech act is successful or not, these acts are performed by the speaker in relation to others. The effects of speech act are, therefore, not solely produced by the speaker, but rather by the speaker in relation to the listeners. For a same-sex couple to utter “I do” in a jurisdiction where it is not legal for same-sex couples to marry, the performativity of (traditional) marriage might not be successful, but the fact that it is performed in front of an audience, of others who react or ascribe different meanings to the speech act, does not mean that act was not performed. This study is therefore mindful of this ambivalent

dynamic in speech acts, which is more apparent in cases such as Bill 13 where there is contestation or resistance to certain performative utterances.

The approach I take in this study is one that employs a discourse inquiry and analysis of the debate over the use of GSA as a name for student organizations. Discourse consists of messages we infer when hearing or seeing things around us.⁴⁸ Through language, discourse can influence our views, and in reverse, through our discourse we can influence others.⁴⁹ Consider, for instance, the interchangeability of the labels “terrorist” or “freedom fighter” to describe a group seeking to challenge an existing power structure. Not only does the choice of the labels reflect a particular political orientation, but the labels also carry different connotations that shape the way we perceive the group. Discourse analysis was chosen for this study mainly for its ability to reveal, through language, the underlying assumptions, links, structures, and meanings, which inform the speakers’ statements and the messages they want to convey. Through discourse analysis, we can see themes develop, rather than establish predetermined categories that then dictate which data to use.⁵⁰

In this thesis, I focus specifically on two discursive arenas: the parliamentary debates and the public/committee hearing. In the former, I explore the ways in which politicians respond to the perceived performative effects of naming student organizations “gay-straight alliance.” Through the examination of Bill 13, parliamentary debate transcripts, and official party or member statements, I explore how the effects of the naming performative of gay-straight alliance is produced, iterated, maintained or

⁴⁸ Wetherell, Margaret, Simeon Yates, and Stephanie Taylor. *Discourse Theory and Practice: A Reader*. London: SAGE, 2001.

⁴⁹ Gee, James Paul. *An Introduction to Discourse Analysis*. London: Routledge, 2010.

⁵⁰ This is the case in content analysis for instance, where we have categories determined before the data is collected. In content analysis, the researcher lets the data dictate the themes (i.e., sexuality, bullying, etc.), whereas in discourse (?) analysis, the researcher asks what the data says about sexuality, bullying, and so on.

challenged. By analyzing how parliamentarians employ words, convey imagery, and invoke emotion in their statements using semiotic tools, we can better understand how three words can be a site of intense contestation.

Helpful in exploring parliamentarians' statements from this discursive arena is Bourdieu's notion of institutions and symbolic devices discussed in the literature review. Through the use of symbolic devices, such as their Ministry titles, or their roles as legislators, parliamentarians are able to challenge or advance certain performative effects from the naming of GSA that a regular citizen might not be able to do without such symbolic devices. That is, how the Education Minister articulates her expectations of GSAs' effects is going to be perceived or interpreted differently by listeners, compared to the way a regular Ontarian articulates his/her expectations of GSAs' effects. Alternatively, symbolic devices as outlined by Bourdieu can also constrain the ability of parliamentarians to challenge or advocate for the performative effects of naming, where such constraints might not hinder a regular citizen. This would explain, perhaps, the differences in the type of rhetoric employed in each discursive arena.

The second discursive arena is the public or committee hearings of Bill 13, which will mainly draw on the committee transcripts. Understandably, different segments of Ontario have different understandings of, and attach various degrees of significance to, the naming of student organizations. As such, their responses to the performative utterance of the name GSA vary considerably. This is the case, for example, in the way different religious groups articulate their oppositions to the Bill compared to proponents. Crucial also in this discursive arena is the exploration of youth voices, which are often overlooked by both the media and the general public despite being affected most by

bullying and the legislation. In exploring student voices, my discursive analysis of the debates over the naming of student organizations will place equal significance on the knowledge produced by youth as with the knowledge produced by adults, specifically parents, activists, and the political class who often purport to speak on behalf of youth.

Since there is overlapping rhetoric between the two discursive arenas, this study will be divided into four main chapters, corresponding to four different rhetorical themes. The decision to structure the analysis according to these four themes as opposed to the two discursive arenas is informed by similarities in content yet differences in the dynamics inherent in each one. That is, both the parliamentary debates and the public hearings yield very similar results with regards to the content of the rhetoric. Both arenas, for example, discuss extensively the different understandings of protection needed by students, both also discuss sexual identities and acts, and so on. Where they differ is in the dynamics involved.

The rhetoric, for instance, is much more heightened in public hearings. This could be attributed to various factors including the non-identification of the participants with any political parties, which perhaps means that they can speak their mind independently. Where there are manifestations of political ideologies, they are much less constrained than those of the parliamentarians. In parliament, politicians are cognizant of the implications of any contentious comments, especially considering the increasing role of social media in politics. In public hearings, such considerations are almost non-existent for stakeholders, whose main concerns are for their groups' ideology, more than their political reputations or aspirations.

The chapter following the introduction will outline the history of Gay-Straight Alliance clubs and the origins of the name. In this chapter, I discuss the thought process behind the naming of the organization as recalled by the founders of the club. In this chapter I also discuss the significance of the words “gay”, “straight” and “alliance” both on their own, and taken together.

In Chapter 3, I discuss the theme of “protection and attack.” While these are two of the most commonly used words in the debates, their use in the articulation of support for and opposition to the naming of GSA clubs vary significantly. This stems from the speakers’ inability to establish the different forms of bullying, who gets bullied, who bullies, and why. In Chapter 4, I examine the discourse’s articulation of the connection between sexual identities and sexual acts. The way the speakers make the connections between the two in relation to GSA’s effects is significant particularly for justifying their positions. In Chapter 5, I explore the distinctions between traditional family values (TFV) and the ‘gay lifestyle’. Crucial in this chapter is the proponent’s promotion of GSAs’ effects as a vehicle for family values, while opponents seek to distance the two. Lastly, in Chapter 6, I comment on how different speakers blur the boundaries between history and myth in order to highlight their expectations of and ambivalence towards GSAs’ performative effects. Important here is the invocation of Christian and Canadian values, which emphasize “imagined communities” to justify both the opposition of and support for the use of the name GSA.

The concluding chapter outlines the implication of the study not just on an understanding of speech act theory, but also on our understanding of language’s role in

social movements. I suggest in this chapter research avenues to pursue, particularly in expanding the study on Bill 13's effects on Catholic student's experiences of bullying.

2. Gay and Straight Alliance: words and social movements

In order to understand the significance of the GSA's naming performative and the response it solicits from opponents and proponents of the Bill, it is first important to briefly outline the initial uses of the name and determine what acts, if any, it was intended to perform.

Prior to the creation of the first GSA clubs in the United States, collegiate level student organizations in the 1970s engaged in activities with goals and objectives that mirror that of GSA clubs in the late 1980s and 1990s. Many early organizations, like the National Gay Student Center, sought to shift the focus away from issues of mental health, which at the time dominated the discussions on homosexuality.⁵¹ It was not until 1973 that the American Psychiatric Association declassified homosexuality as a mental disorder, and even then, many mental health organizations were slow to follow suit.⁵² The context of the period is also worth noting, as it parallels the context of the debate over Bill 13. Melinda Miceli, in *Standing Out, Standing Together*, notes that many news reports on the "gay happenings" on campuses across the United States at the time cite incidences of official harassment, personal harassment, and indifference encountered by gay and lesbian students.⁵³ The media also reported the rate of suicide among gay students in the 1970s as "unusually high".⁵⁴ Indeed, some academics argue that the "young, gay and suicidal" narrative – a narrative that is still commonly invoked in contemporary discussions about queer youth – began with the early reports on the struggles of gay youth, which also facilitated the proliferation of LGBTQ student

⁵¹ Miceli, Melinda. *Standing Out, Standing Together: The Social and Political Impact of Gay-straight Alliances*. New York: Routledge, 2005. p. 17.

⁵² *Ibid.*

⁵³ *Ibid.*, p. 18.

⁵⁴ *Ibid.*

organizations on American college campuses.⁵⁵ The initial objectives of collegiate-level LGBTQ student organizations, therefore, were to increase the visibility of gay and lesbian students on campus, “to form support groups or more politically-minded clubs to educate the campus community and advocate for gay rights on campus through out the nation.”⁵⁶

While gay and lesbian student clubs were proliferating on American campuses, the creation of similar clubs at the high school level did not gain traction until the early 1990s. This is attributed mainly to the lack of independence high school students enjoyed from parental and teacher supervisions.⁵⁷ In addition, it was not until the 1980s that the “at risk” gay youth population was beginning to garner public recognition through a complex combination of academic and governmental research, and grassroots experiences of community organizations and agencies. Miceli notes that, before institutional advocacy or social activism by LGBTQ youth could take place, it first had to be established and acknowledged that they exist.⁵⁸ This recognition and establishment of the issue is particularly important in later discussions of how the performative powers of “naming” elevate the significance the status, or at least visibility, of an issue or a group. Thus, studies conducted by the United States Department of Health and Human Services (USDHHS) to better understand the high suicide rate among the nation’s adolescent, for instance, was referred to extensively by social workers and councilors in communities and high schools to get approval to start support groups for youth struggling with issues

⁵⁵ Waidzunas, Tom. "Young, Gay, and Suicidal: Dynamic Nominalism and the Process of Defining a Social Problem with Statistics." *Science, Technology, & Human Values* 37.2 (2012). p. 200.

⁵⁶ Miceli, p. 18.

⁵⁷ *Ibid.*, p. 17.

⁵⁸ *Ibid.*, p. 19.

of sexual orientation.⁵⁹ Organizations like Project 10 and Hetrick-Martin Institute (HMI) were established in Los Angeles and New York area respectively to serve the purpose of support groups to address concerns of depression and suicide among LGBTQ youth.

The creation of Gay-Straight Alliance clubs in 1988 in two private boarding schools in Massachusetts marked a departure from the “support group” model characterized by organizations like Project 10 and HMI.⁶⁰ These pre-GSA organizations were created mainly to serve the purpose of counseling of, and support for, LGBTQ youth struggling emotionally with their sexual orientation particularly in a homophobic setting, like a school. Thus, many of these organizations were composed solely of LGBTQ youth, with a focus on the personal as opposed to the political. Miceli notes that while these organizations remain important, particularly in providing emotional support to LGBTQ youth struggling with social stigmatization, isolation, and harassment, “these groups were not geared towards organizing and working to change the social conditions in the school that perpetuates their suffering.”⁶¹ The desire for a more visible cultural and structural change that might help improve their struggles with bullying, to combat fear, intolerance, and discrimination, in the school-setting prompted the creation of GSAs.

The name of the club is significant, not just for conveying the departure from the support-group model, but also for communicating the intent of the organization. In Concord Academy, the club was created when a straight student with lesbian parents approached a gay teacher for help with addressing LGBTQ issues at the school.⁶² The

⁵⁹ Ibid. pg. 26

⁶⁰ There is an interesting discussion in the book on whether or not private or public schools are better equipped or can better cultivate the creation of a club like GSA given that the club was first established in what would many consider to be an elite, and by extension, “conservative” school.

⁶¹ Ibid., p. 27.

⁶² Ibid. The teacher, Kevin Jennings, later became the founder and national director of GLSEN (gay, lesbian, straight education network).

name, while accidental in its conception, was chosen to symbolize the purpose and direction of a new social movement, embodied by the alliance between a straight student and a gay teacher. At the same time that Concord Academy was establishing its GSA club, a reverse pairing of a lesbian student and a heterosexual teacher in Phillips Academy was also deciding what to name its student club. In Phillips Academy, the choice to use “gay-straight alliance” was more conscious and strategic. Particular consideration was given to the potential reaction to an “all-gay” club, citing that, “it would be too threatening to just have a gay organization.”⁶³

The name has its appeal for obvious reasons. To some, the use of the name “gay-straight alliance” communicates, “by their existence that lesbian and gay issues should be of interest to everyone, because they affect everyone.”⁶⁴ Issues of depression, tolerance, and bullying were not just issues that affect LGBTQ students, but also their straight counterparts. To many, the alliance is simply just that: an alliance between straight and gay students to advance LGBTQ rights, just as non-racialized people ally with racialized people to challenge white supremacy. The latter is seen as more political, hence the perception that there has been shift from personal support to political causes.

The alliance also gave the student organizations greater legitimacy, influence, and publicity, not only at their respective schools, but also in the community at large. This allowed the organizations to reach a bigger audience who might be sympathetic to its goals. Of course, the visibility of the groups, particularly with the use of the word “gay” was and continues to be a source of tension. The groups’ desire to educate and involve its members with more political issues, particularly under the banner of gay-straight alliance

⁶³ Ibid., p. 28.

⁶⁴ Ibid.

made the groups significantly more controversial and less acceptable than the support groups that had previously existed.

2.1 “Gay”, “straight”, and “alliance”

Why does the use of the name GSA produce effects? What is in these words, alone or combined, that solicit the kind of expectations or ambivalence displayed in the debates over Bill 13? It is interesting to ponder whether a variation of the name, like “homosexual-heterosexual alliance”, for instance, would produce the same response as the GSA. In this section, I outline briefly how the words have evolved from its initial uses to one that if put together, signify the solidarity of LGBTQ and straight students.

Out of the three, the word “gay” is one that is associated with homosexuality, and perhaps most contentious. However, it has not always been the case that to refer to someone as gay would be to mean that the person is attracted to the same sex. For a significant period of its history, the word gay was used to refer to someone who was joyous or *carefree*; the latter is important to note as the word soon became associated with immorality and social pleasures.⁶⁵ By 17th century, the word became slang for prostitution.⁶⁶ Both men and women who slept with multiple partners were referred to as gay, attaching the connotation of sexual immorality to the word. Another common usage of the word, which remained in use until the 20th century, was to refer to someone as *free*; to call someone a gay man would be to refer to a middle-aged bachelor, for example. This also came to be applied to women with carefree lifestyle and no permanent partner.⁶⁷ Of course, the connotations of sexual immorality and middle-aged bachelor started to

⁶⁵ Lalor, Therese, and Johanna Rendle-Short. "That's So Gay': A Contemporary Use of Gay in Australian English." *Australian Journal of Linguistics* 27.2 (2007): 147-73.

⁶⁶ *Ibid.*, p. 148-149.

⁶⁷ *Ibid.*

converge. By the 1950's, the word gay acquired a new added definition: homosexual males.

A distinction between the words “gay” and “homosexual” to refer to a person who is attracted to the same sex is important to discuss here. The word homosexuality has its own history, which can be traced back to Richard von Krafft-Ebing’s principal work titled *Sexual Psychopathy: A Clinical-Forensic Study*.⁶⁸ Here, he cites the case of Mr. von Z, who is “interested in women only mentally, not physically.”⁶⁹ Health professionals, primarily psychologists, would later use the term, to refer to the sexual behaviors of those attracted to the same sex.⁷⁰ With the criminalization of sodomy, the word would take on new meaning in the fields of criminology and law, which added elements of deviancy or criminality to the word. The use of the word “homosexual” has never quite escaped its clinical history.⁷¹ Many gay rights groups, particularly in the early stages of the gay rights movement, made a conscious effort to limit the uses of the word, preferring instead the word gay. In popular culture, the word “gay” was used as a response to the common film narrative of the “tragic homosexual”, which can be found in genres of crime, melodrama and horror.⁷² In activism, conscious use of the word by “The Gay Liberation Front” after the Stonewall Riots in 1969, for instance, reinforced the importance of the word gay in the fight for equal rights.⁷³ Organizations like Gay and Lesbian Alliance Against Defamation (GLAAD) similarly considers “homosexual” as a derogatory term

⁶⁸ Krafft-Ebing, R. Von. *Psychopathia Sexualis: Eine Klinisch-forensische Studie*. Stuttgart: Enke, 1886.

⁶⁹ This comes from: *The Invention of Heterosexuality* by Jonathan Katz

⁷⁰ Others attribute the word to German Karl Heinrich Ulrichs published *Researches on the Riddle of Male-Male Love*, which attempted to explain “scientifically” the tendencies of sexual attraction between men. Ulrichs, Karl Heinrich. *The Riddle of "Man-Manly" Love: The Pioneering Work on Male Homosexuality*. N.p.: Prometheus, 1994.

⁷¹ Hiskey, Daven. "How 'Gay' Came to Mean 'Homosexual'." Web log post. Today I Found Out. N.p., 25 Feb. 2010.

⁷² I will discuss this more in the later chapters, particularly in influencing the themes that develop in the debate over Bill 13: <http://www.glbtc.com/arts/film,2.html>

⁷³ Ibid.

particularly because it has been used by anti-gay extremists to “suggests that somehow gay people are somehow diseased or psychologically/emotionally disordered.”⁷⁴

The words “straight” and “alliance” are much less contentious, but still carry important connotations, particularly in relation to the word “gay.” The word “straight” has not always been juxtaposed to the word “gay”, however, the widespread use of the word gay has in effect also changed how the word “straight” is used. Jonathan Katz, in the *Invention of Heterosexuality* notes that the word “straight” has its roots in the gay community, where members used it to label non-homosexuals. “To go straight”, for example, meant to stop engaging in homosexual practices, and instead indulge in heterosexuality.⁷⁵

Binary opposition in semiotics is an important concept to consider here as it emphasizes the *differences* between signs as opposed to their similarities.⁷⁶ Binary oppositions are important to the generation of meaning. The meaning of “dark”, for instance, is relative to the meaning of “light.” Binary oppositions take two forms: 1) *oppositions* or logical contradictories, which are mutually exclusive terms (dead/alive); 2) *antonyms* or logical contraries, terms that are comparatively graded (not good is not necessarily bad).⁷⁷

The gay-straight binary often falls in the former of the two types of oppositions. For example, the gay-straight binary attributes characteristics that are often exclusive to each word. Straight, for instance, connotes frankness and honesty. To give a “straight

⁷⁴ “GLAAD Media Reference Guide - Offensive Terms To Avoid.” GLAAD (Gay & Lesbian Alliance Against Defamation). N.p., n.d. Web. 28 Dec. 2012.

⁷⁵ Katz, Jonathan. *The Invention of Heterosexuality*. New York: Dutton, 1995. The glossary from which Katz derived his definition and example of the uses of the words “straight” came from George Henry’s 1941 book, titled, “Sex Variants: A Study of Homosexual Patterns.”

⁷⁶ Chandler, Daniel. *Semiotics for Beginners*. N.p.: n.p., 2006. p. 72.

⁷⁷ *Ibid.*

answer” is to be honest; the opposite is to be evasive or indirect, which in many ways have fueled the “deceptive” or “secretive” gay narrative. Similarly, to “play it straight” connotes seriousness that is set up as the opposite of the word *gay* when used outside the context of sexuality. More recently, there have been challenges to the binary, with straight allies, for example, wearing “straight but not narrow” shirts – a play on the phrase “straight and narrow”, which itself denotes a moral path of behavior.⁷⁸

In Chapter 3, I consider the effects of the binary to the discourse of Bill 13, but I want to suggest here that the use of binary words to suggest an alliance is, in many ways, combining opposing connotations, images, and assumptions that are often difficult to reconcile. When taken as performative utterances, uttered on their own, the words “*gay*” and “*straight*” produce distinct performatives. When uttered together in a form of a name, the effects of the performative produced also inevitably change. The debates over the use of the name GSA, therefore, are very much about the speakers’ reactions to the power of these utterances as manifested in the discourse over bullying.

⁷⁸ The shirt is part of a bigger campaign to mobilize straight allies for gay-rights: <http://www.straightbutnotnarrow.org/>

3. Attack and Protection: Who Bullies Whom?

The goal of this chapter is to discuss the theme of “protection and attack.” These words are among the most commonly used in both the parliamentary debates and public hearings when discussing the intent and the effects of using the name GSA for a student organization. What I want to highlight in this chapter is not only the use of these words to articulate the proponents’ expectations of and the opponents’ ambivalence towards the name GSA, but also the contestation and resistance among stakeholders of GSAs’ purpose.

Central to this chapter’s discussions is the role of the state, and by extension, those who partook in the debates, in constituting its subject. Les Back and John Solomos contend that, “power is exercised epistemologically in the dual practice of naming and evaluating.”⁷⁹ To name or to refuse to name *things* is to recognize or refuse the thing’s existence, to elevate or render the *thing* invisible.⁸⁰ They assert that, “once defined, order has to be maintained, extended, operationalized.”⁸¹ The recognition and then subjugation through the naming of the subject at the various levels of the debate presents stakeholders with challenges. On the one hand, the performative power of using the name GSA can allow for LGBTQ students to be recognized, their existence and their experiences to become intelligible. On the other hand, the recognition of these students through the performative power of using the name GSA places these same students as subject to those whose recognition they are made visible, where their autonomy can no longer be guaranteed, and their claims can be contested. Butler similarly expresses the same

⁷⁹ Back, Les, and John Solomos. *Theories of Race and Racism: A Reader*. London: Routledge, 2000. p. 155.

⁸⁰ Ibid.: “Power is exercised epistemologically in the dual practices of naming and evaluating. In naming or refusing to name things in the order of thought, existence is recognized or refused, significance is assigned or ignored, beings elevated or rendered invisible. Once defined, order has to be maintained services, extended, operationalized. Naming the racial Other for all intents and purposes, is the Other.”

⁸¹ Ibid.

wariness with state intervention – in hate speech, for example – for its potential to inadvertently reduce or limit the rights and the expressions of those the state intends to recognize and protect through law.⁸² Such recognition and protection has potential to be detrimental to social and political movements. In uttering GSA, the act of naming can lead to the recognition of LGBTQ students' existence and plight; it can also lead to their protection. However, by recognizing their existence, the LGBTQ students are also made vulnerable to attacks; their claims marginalized or trivialized, their identities and expressions re-imagined, and their independence challenged.

In order to better explore the reactions to the performative power of naming GSA clubs, it is important to consider William Eskridge's three kinds of politics as represented in his discussions of gay-legal history: the politics of *protection*, the politics of *recognition*, and the politics of *preservation*.⁸³ The first of these politics is the initial struggle of minority groups to protect themselves from law's intrusions. The resistance to the witch hunt of gay people, the censorship of gay materials, and the police harassment of gay bars, are markers of the politics of protection, where the *Charter* in the case of Canada, is employed to protect members of the LGBTQ community from state penalties and harassments. Eskridge points to the Stonewall riots as a reflection of the formation of a group identity, which triggered a more confrontational approach to the persecution of gays and lesbians.⁸⁴

The debates over the naming of student organizations can be characterized not so much as the politics of protection, but rather the politics of recognition and preservation.

⁸² Butler, *Excitable Speech*. p. 39-41.

⁸³ Eskridge, William N., Jr. "No Promo Homo: The Sedimentation of Antigay Discourse and the Channeling Effect of Judicial Review." *New York University Law Review* 75 (2000): 1329-411.

⁸⁴ *Ibid.*,

The former goes beyond the repeal of antigay penalties, it also seeks to repeal discrimination in private as well as public arenas. The politics of recognition is therefore marked by the aspiration of minority groups to “change social and legal norms privileging majority status and devaluing the minority.”⁸⁵ In Canada, we see this in the employment of Section 15 of the *Canadian Charter of Rights and Freedoms* in anti-discrimination cases, whereas in the US, the *Equal Protection Clause* became a source of litigation.

The last of Eskridge’s politics is, to a greater extent, reactionary. The politics of preservation is a response to the politics of protection and recognition. Eskridge contends that opposition to gay rights has become integrated into the politics of many religious groups “who fear progay changes in public law as corrosive to their republican visions of America.”⁸⁶ Common in this politics is the view that recognition of LGBTQ groups and rights infringe on traditional family values, and their identities as Christian parents, teachers, landlords, etc. The emphasis on positive family values of traditional groups is inevitably seen as fundamentally irreconcilable with gay rights in the politics of recognition. The “no promo homo” argument is often advanced in the politics of preservation, where “such arguments recognize that pro-gay shifts in the law redistribute rights away from straight people.”⁸⁷ Recognition, as an effect produced by the naming performative, is significant, therefore, because of the implications it has not only on Catholic school students, but also on the greater debates about gay and religious rights.⁸⁸

⁸⁵ Ibid., p. 1337

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Eskridge notes that the “no promo homo arguments must be understood as rhetoric justifying traditionally degraded social and legal status of GLBT people. p. 1338

3.1 Recognition: To name or not to name...

Why is recognition, as a product of the naming performative, significant to the stakeholders? What is it about recognition that is anticipated by proponents, and feared by opponents? After all, the inclusion of sexual orientation as a protected group under Section 15 of the *Canadian Charter of Rights and Freedoms* through case law has already recognized the existence of gay individuals.⁸⁹ What I want to suggest here is that GSAs' performative power has the effect of recognizing the specific struggles of LGBTQ youth in Catholic schools despite the generalizing "everyone gets bullied" narrative being advanced by both sides. For example, the Education Minister, Laura Broten, argues that Bill 13 "demonstrates our commitment to acceptance, inclusion and student safety...to help ensure *everyone* [emphasis added] feels welcome, safe, included and respected in our schools."⁹⁰ What this statement suggests is that *everyone* – gay or straight – can be bullied and, therefore, we should pursue a policy that provides a blanket protection for students in Catholic Schools. The same narrative is being advanced by Education Critic, Lisa Macleod, where she argues that, "This is not a gender issue. This is not a sexuality issue...this is not a political issue."⁹¹ She continues by criticizing the drafters of the bill for "being preoccupied with the reason for bullying, whether it's gender, religion, or race, and does not place enough emphasis on the form or outcome of bullying."⁹² An extensive discussion of reasons for bullying will be provided in Chapter 5, but what should be

⁸⁹ *Egan v. Canada* (1995); case law recognized sexual orientation as grounds for protection.

⁹⁰ Broten, Laura. "Accepting School Act, 2012." In Ontario. Legislative Assembly. *Legislative Debates (Hansard)*. 40th Parl., 1st Session (May 22, 2012) (Online) Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013].

⁹¹ Lisa MacLeod. "Accepting School Act, 2012." In Ontario. Legislative Assembly. *Legislative Debates (Hansard)*. 40th Parl., 1st Session (Dec, 11 2011) (Online) Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013].

⁹² *Ibid.*, March, 26, 2012.

emphasized here is the Education Critic's assumption that we all experience bullying, and thus, the reasons for bullying are unimportant.

The narrative of "everyone-gets-bullied" is advanced in the public hearings as well. MPP of Parkdale-High Park, Cheri DiNovo, for example, points out the significance of different students partaking in the committee hearings: "We had Trevor James, who is a straight youth from Peterborough...flanked "by Leanne Iskander, 17, who self-identified as queer, and Christopher McKerracher, 16, a bisexual man, both from Mississauga's St. Joseph Secondary School."⁹³ The identification of these students as straight, queer, and bisexual shows that "gay" and "straight" students are not in opposition with one another, as the gay-straight binary may suggest, but rather united in their experiences of bullying. Indeed, all parties agree that bullying is experienced not just by gay students, but also by straight students who might behave in a way that is not expected of his/her gender

This is reminiscent of the debates over Canada's hate crime laws after the murder of Alain Brousseau in Ottawa, Ontario. In this particular case, Brousseau – a straight man – was killed because he was perceived to be gay by the perpetrators. Dawn Moore and Angus Reenie argue that proponents of Bill C-41 (which later became s. 718.2 of the *Canadian Criminal Code*) at the time deployed the reasoning that everyone must support the Bill because "you too could be mistaken for gay."⁹⁴ The same reasoning is being deployed in support for and in opposition of Bill 13; arguing that its passage provides a

⁹³ DiNovo, Cheri. "Accepting School Act, 2012." In Ontario. Legislative Assembly. *Legislative Debates (Hansard)*. 40th Parl., 1st Session (March 26, 2012) (Online) Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013].

⁹⁴ Moore, Dawn, and Angus MacLean Rennie. "Hated Identities: Queers and Canadian Anti-hate Legislation." *Canadian Journal of Criminology and Criminal Justice* 48.5 (2006). p. 828.

“blanket” protection for both gay and straight students.⁹⁵ The inclusion of other factors for bullying, specifically gender expression and identities, in addition to sexual orientation challenges the notion that only gay students get bullied, and advances a narrative that everyone has experienced or has the potential to experience bullying.

Admittedly, individuals experience different forms of bullying at some point in their lives. However, in choosing to argue that bullying is experienced by everyone in the way the MPPs and participants of the public hearing did, the connection between the suicide and victimization of gay students and their sexual identity is severed. That is, in order to pass a Bill that recognizes the sexual identities and gender expressions of LGBTQ youth as well as their struggles, proponents are compelled first to disavow such connections. By claiming that we all experience bullying, that we all suffer from it, the narrative glosses over the fact that the suicides were that of gay young men, whose *gayness* made them targets of bullying. The empirical research that finds that 9 out of 10 queer youth are constantly subjected to bullying compared to their heterosexual counterparts (1 out of 5) is lost in the generality of the discourse.⁹⁶ The status of *gay* victim is denied to these students by suggesting that anyone can be bullied. By dispersing the status of victim to all members of society, as opposed to just queer students, the politicians and deputations made by members of the public recognize the plight of LGBTQ youth but understate the specificity of it, particularly with regards to how it affects LGBTQ youth.

⁹⁵ Ibid.

⁹⁶ Rochman, B. "Cyberbullying? Homophobia? Tyler Clementi's Death Highlights Online Lawlessness | TIME Healthland." Time.com. TIME, with CNN, 1 Oct. 2010. Web. 30 Nov. 2011.
<<http://healthland.time.com/2010/10/01/cyberbullying-homophobia-tyler-clementis-death-highlights-online-lawlessness/print/>>.

A scan of the debate transcripts also yields an interesting phenomenon: oppositions to Bill 13, specifically the clause on GSA, rarely, if ever, mention the name “gay-straight alliance”. They all allude to “certain organizations”, “special groups”, or the hierarchy of groups, when talking about their opposition to the use of the name GSA but never explicitly mention it. This omission, whether intentional or not, gives us the opportunity to examine the rich semiotic significance of absence; what is being achieved by the speaker in the practice of omitting words or names? Michel Foucault argues that, “repression operate[s] as a sentence to disappear, but also as an injunction to silence, an affirmation of non-existence, and, by implication, an admission that there [is] nothing to say about such things, nothing to see, and nothing to know.”⁹⁷ Yet, in the case of the debate over GSAs, it is not as though the opposition does not recognize the existence of gay students, because they do through allusions, as demonstrated in the previous paragraph.

I am more inclined to suggest that the practice of omission is what Sedgwick conceptualizes as *periperformative*, which are utterances that *allude* to the explicit performative utterance. Sedgwick contends that, “I would like to call them periperformatives, signifying that, though not themselves performatives, they are about performatives and, more properly, that they cluster around performatives.”⁹⁸ She further contends that periperformatives gain their force through that which cannot be said “and the lengths one must go to negate the strength and the immediacy of the performative utterance.”⁹⁹ In the case of the debate over Bill 13, the use of the words like “certain” or “special” groups when talking about GSAs, or “being different” or “an

⁹⁷ Foucault, Michel. *The History of Sexuality*. New York: Pantheon, 1978. p. 4.

⁹⁸ Sedgwick, Touchy Feeling, p. 68.

⁹⁹ *Ibid.*

outsider” when talking about gender expressions or identity delay the effects produced by the performative power of naming. The skirting around the explicit use of the words, gay-straight alliance, does not necessarily render gender expressions and identities as invisible, but rather only impedes the effects of the naming performative in recognizing. By omitting reference to GSAs in their speeches, therefore, the opposition still recognizes the existence of the different gender categories, but attempt to delay the effect of this recognition.

3.2 The Attack of the Gays!

In *Cease Fire: Searching for Sanity in America’s Culture Wars*, Tom Sine argues that the leaders of the Christian right have been successful in deliberately appropriating the rhetoric of victimization of “women, lesbian, gays, and various ethnic group.”¹⁰⁰ He contends that religious right activists have been effective in painting religious groups as victims, with the “liberal left” as villains bent on destroying “not only the family but the church and its influence as well.”¹⁰¹ As such, despite the advancement of the narrative that “everyone gets bullied”, the recognition of LGBTQ students’ struggle through the naming of GSAs continues to be feared by the opposition for its potential to take rights away from straight students. This is manifested in the way bullying is articulated by the opposition, which includes inconsistencies in determining who gets bullied, who bullies, and how.

Let us first explore the question of who bullies. Consider, for example, the statement made Charles McVety. Charles McVety is a renowned evangelical leader and

¹⁰⁰ Sine, Tom. *Cease Fire: Searching for Sanity in America's Culture Wars*. Grand Rapids, MI: W.B. Eerdmans Pub., 1995.

¹⁰¹ Ibid.

president of Canada Family Action Coalition. Both McVety and the Coalition are notorious for their campaigns to repeal same-sex marriage in Canada and a general opposition to the “gay agenda.” In his deputation, McVety argues that:

It appears to have an attack on those who hold Judeo-Christian principle. My daughter is a precious little 14-year-old girl. I ask you, I beg of you, not to do this to my daughter and not to do this to my friends’ daughters or sons and not to do this to Ontario’s children. The Bible is a very important document in our society.”¹⁰²

The use of the word “attack” in this statement conveys not only the seriousness of the threat posed by the recognition of LGBTQ students through the naming performative, but it also implies an active intent on the part of GSA supporters to attack Christians principles. There is a tendency in many arguments against the Bill to convey various institutions as being under attack by the gay community such as the church, the family, the Bible, and Canadian values.¹⁰³ The recognition of GSAs thus becomes the instrument of this attack. With this statement, we see a reversal of the initial understanding of bullying. Those opposed to the recognition of GSA clubs, like McVety, do not claim that everyone gets bullied, but rather now claim to be the ones being bullied by the gay community into supporting something that is in conflict with their beliefs. This appropriation of victimization is mirrored in the rhetoric of MPPs where Conservative

¹⁰² McVety, Charles. “Accepting School Act” In Ontario. Standing Committee on Social Policy. *Committee Transcripts (Hansard)*. (May 7, 2012) (Online) Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013].

¹⁰³ http://www.cbsnews.com/8301-202_162-57560487/pope-gay-rights-an-attack-on-traditional-family/

party members take on the identity of “the bullied” and accuse the Liberal government for bullying them into supporting the Bill.

Significant also in this statement is the imagery being conjured by the speaker. The reference to his “precious little 14-year old girl” and the children of Ontario is meant to appeal to the sentiments of parents who might be persuaded by the perception that childrens’ innocence is under attack. In many ways, the “attack on the innocence” is an argument that can be traced back to the early years of the gay rights movement. The hysteria in the 1970s over the “recruitment” of children into homosexuality, which culminated in the crusades of Anita Bryant and the “Moral Majority”, similarly advanced the notion that, if allowed to enter into the classroom, gay-ness could be taught, and the innocence of children taken away.¹⁰⁴ At the time, Anita Bryant’s cause was against gay teachers.¹⁰⁵ In the case of Bill 13, the threat of homosexuality is no longer embodied by educators, but rather by the recognition of certain student organizations like the GSA.

The use of youth voices is important to highlight here. A pattern emerges in analyzing the transcripts of committee hearings where the opposition often purports to speak on behalf of the students. This is a contrast to proponents of Bill 13 who often have students speak among the presenters. The appropriation of student voices is particularly poignant in portraying the “attack of the gays” given the Bill’s intent to enhance student safety. Consider the statement by a member of the Concerned Catholic Parents of Ontario:

¹⁰⁴ Fejes, F. “Gay Rights and Moral Panic: The Origins of America's Debate on Homosexuality.” New York: Palgrave and MacMillan, 2008. p. 209-212

¹⁰⁵ Some have argued that the Moral Majority has led to the activism of LGBT, where before, the community was largely unassociated with one another. Fetner, Tina. *How the Religious Right Shaped Lesbian and Gay Activism*. Minneapolis: University of Minnesota, 2008.

I would like to close with my son's words to me: 'Go and speak. Protect my rights as a child and my innocence. I hold you accountable because you are my mother and it is your job to protect me.' Thank you.¹⁰⁶

The aim of this study is not to assess the accuracy of the speakers' claims. What is important in this statement is the plea for protection against an imminent and insurmountable threat of the gay community. The harm from GSAs' naming is so palpable that parents must protect their children from this threat. It is also important to note the absence of the government in this act of protection. As I discuss at length in the next section, there is a perception among the opposition that the government is complicit in the bullying of non-gay students, and the onus to protect these student rests solely on the parents.

The "attack of the gays" narrative is also seen in the way participants refer to events and media personas in their statements. Consider the statement made by a member of Parents as First Educators:

We have seen GSA assemblies used to bully Christian students at Parkside public high school in Hamilton. Over the weekend, a video went viral of Christian students being bullied by Dan Savage, the creator of the very It Gets Better campaign...¹⁰⁷

¹⁰⁶ Kim Galvao, Concerned Catholic Parents of Ontario. "Accepting School Act" In Ontario. Standing Committee on Social Policy. *Committee Transcripts (Hansard)*. (May 7, 2012) (Online) Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013].

¹⁰⁷ Joe Di Fonzo, Parents as First Educators. "Accepting School Act" In Ontario. Standing Committee on Social Policy. *Committee Transcripts (Hansard)*. (May 8, 2012) (Online) Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013].

It is difficult to contextualize the reference to the events in Parkdale Public Highschool due to the lack of additional information yielded by open source research of the school's Gay-Straight Alliance club. Important in this, however, is the construction of the GSA club as an opposition to Christian students' interest, dismissing the possibility that support for the GSA can also come from other non-gay students.

The second reference is easier to contextualize because of Dan Savage's popularity and his connection to the anti-gay bullying movement. Savage is a controversial figure in the gay community, known for his provocative approach to advancing gay rights. In this statement, the speaker is referring to a video of a high school assembly attended by Savage, where he refers to the teaching of the Bible as "bullshit" and called students who walked off the assembly as "pansy asses."¹⁰⁸ Savage is credited for initiating the "It Gets Better" campaign where members of the gay community post videos of themselves addressing LGBTQ youth.¹⁰⁹ In these videos, they discuss how they overcame their adolescence struggles with bullying, intolerance, loneliness, depression, etc. The campaign gained popularity because it was seen as a platform on which the LGBTQ youth could see their futures, their potentials, and their lives outside the walls of their high schools. It was not long before celebrities, public figures, and politicians, including the President of the United States, made their own "It Gets Better" video, discussing his experiences of bullying.¹¹⁰ Discussions of Savage's approach to anti-gay bullying and the type of messaging the LGBTQ community should consider is beyond the scope of this paper. What I want to highlight in this statement is the way the

¹⁰⁸ The video in question can be viewed by accessing this link:

http://www.youtube.com/watch?feature=player_embedded&v=ao0k9qDsOvs

¹⁰⁹ More information about the campaign can be found on: <http://Itgetsbetter.org/>.

¹¹⁰ Madison, L. "Obama Releases 'It Gets Better' Video - Political Hotsheet - CBS News." CBS News. 22 Oct. 2011. Web. 30 Nov. 2011. <http://www.cbsnews.com/8301-503544_162-20020425-503544.html>.

opposition has constructed the LGBTQ community, supposedly embodied by Savage, as bullies, whose recognition through naming can only lead to the bullying of Christian students. Since gay individuals also engage in bullying, the opposition challenges the rationale of recognizing GSAs and protecting gay students through law.

The notion that gay students will bully other students as a result of GSAs' naming is also illustrated in the way day-to-day high school activities are discussed. Consider the hypothetical situation presented by the representative of Public Education Advocates for Christian Equity:

So he takes fashion and he takes cooking and he gets bullied because he does that—and then he gets bullied by the gay students who have built up confidence as a result of being in the GSA clubs because he won't go on dates and participate in sexual activities.¹¹¹

In this statement, the speaker is alluding to a straight student who is interested in stereotypically feminine activities, and who then gets doubly-bullied because of his “feminine interest” and because of his refusal to engage in “gay” activities. There are numerous assumptions in this statement. The first is the conflation of heterosexuality with being Christian, as if gay Christians do not exist. The second assumption is that by belonging to a GSA club, students are automatically catapulted to the top of the high school social hierarchy.¹¹² Lastly, and this will be discussed at length in the next chapter,

¹¹¹ Phil Lees, Public Education Advocates for Christian Equity. “Accepting School Act” In Ontario. Standing Committee on Social Policy. *Committee Transcripts (Hansard)*. (May 14, 2012) (Online) Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013].

¹¹² Some studies cite that joining a GSA can improve social aspects of a student's life, but stigmatization and negative perceptions about the club still persist: Heck, Nicholas C., Lauri M. Lindquist, Brandon T. Stewart, Christopher

Lees's statement assumes that sexual activities are taught in GSA clubs. What is consistent with this statement, as with other arguments against the recognition of GSAs discussed thus far, is the zero-sum implication of its recognition; this statement assumes that rights given to gay students are rights being taken away from straight (Christian) students.

3.3 Orwellian "Intent" and "Thought"

The claims to victimhood as employed in the debates over the naming of student organizations are not uncommon in rights movements. As Jeff Goodwin *et al.* argues in "*Passionate Politics*", religious groups and the LGBTQ community have been successful in pursuing political ends by framing their causes through victimhood.¹¹³ What is interesting about the debates over GSAs, particularly the constant reference to Orwellian "intent" or "thought", is that the grievances are no longer just between two competing groups. The state is now complicit in this victimization as well. By recognizing queer students, through the naming of GSAs, the state is perceived by the religious right as allying itself with the LGBTQ community, and therefore attacking religious groups and students. The same is true also where failing to recognize GSAs leads to accusations of government victimization of the gay students by the LGBTQ community. Consider, for example, this statement by Charles McVety:

The first outcome is that this bill appears to focus primarily on one group of people, as if one group of children are special and then the others are not quite so

Brennan, and Bryan N. Chochran. "To Join or Not to Join: Gay-Straight Student Alliances and the High School Experiences of Lesbian, Gay, Bisexual, and Transgender Youths." *Journal of Gay and Lesbian Social Services* 22 (2013): 77-101.

¹¹³ Goodwin, Jeff, James M. Jasper, and Francesca Polletta. *Passionate Politics: Emotions and Social Movements*. Chicago: University of Chicago, 2001.

special: the Orwellian thought that we are all equal but some of us are more equal than others.¹¹⁴

There are various things to note in this statement. The first is a recurring theme in the debates that “some are more important than others.” We see this argument being employed not only in the debates over Bill 13, but also in various gay and civil rights issues, including the debates over hate crime, hate speech, anti-discrimination laws, etc. Ottawa Counselor, Alan Hubley – Jamie’s father – echoes the same sentiments when he “respectfully request[s] that no group be given special status by being named. To do so will only suggest certain children are more important than others...protect every child equally.”¹¹⁵ By its recognition, through utterance, critics of the Bill fear that GSA clubs will have the effect of elevating LGBTQ students above others. The argument follows that with this elevation, certain privileges and protections are given to LGBTQ youth that are simultaneously denied to other students. This argument stems from the belief that by naming GSAs, the Bill violates liberal ideologies by considering context, which includes systemic discrimination based on sexual orientation. The accusation of the Bill’s Orwellian elements is based on the commitment to liberal neutrality. Anything, that recognizes the specific struggles of a particular group within a liberal society threatens the liberal ideology, which purports that everyone is “equal” and should, thus, be treated “equally” in our democratic society. The argument against GSAs, therefore, refuses

¹¹⁴ McVety, Standing Committee Hearing, May 17, 2012.

¹¹⁵ Allan Hubley, “Accepting School Act” In Ontario. Standing Committee on Social Policy. *Committee Transcripts (Hansard)*. (May 22, 2012) (Online) Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013]. He was in favour of Bill 14, which addresses cyberbullying and removes any references to gay-straight alliance. He, too, wants to focus on the outcome as opposed to the reasons.

context because it does not account for how the struggles of LGBTQ students differ from their straight counterparts, and instead treat them equally.

It is also important to note in this deputation the reference to “Orwellian” thought. The reference to George Orwell and his work is quite common in both discursive arenas. MPP Scott, among others, argues, for example, that:

All victims of bullying are equal. In that social satire, the first item on the animal bill of rights is that all animals are created equal, except pigs, who are more equal. Bill 13 creates a super class of bullying victims, and that’s not right.¹¹⁶

The reference to Orwell’s *Animal Farm* is interesting not only for the comparison it makes between the LGBTQ community and the pigs due to the groups’ perceived privileges, but also for comparing Ontario to Orwell’s dystopias.¹¹⁷ That is, the “Orwellian thought” reference alludes to totalitarian or authoritarian social practices, and the role that government plays in it. In this case, the reference likens the Liberal government to Big Brother, which act not only as a thought police, regulating how people think and act in relation to one another, but also for privileging the few.¹¹⁸ The pigs in this case are the members of the LGBTQ community. The regulation by the authoritarian state of Catholic schools’ internal management is seen as an encroachment of the schools’ rights. The implication of this statement goes beyond the suggestion that Bill 13 privileges LGBTQ youth. It further suggests that the recognition of LGBTQ students and

¹¹⁶ Scott, Laurie “Accepting School Act, 2012.” In Ontario. Legislative Assembly. *Legislative Debates (Hansard)*. 40th Parl., 1st Session (April 18, 2012) (Online) Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013].

¹¹⁷ Orwell, George. *Animal Farm*; New York: Harcourt, Brace, 1954

¹¹⁸ The reference to “Big Brother” is from Orwell’s novel, 1984.

their struggle is a form of domination that is being exercised by the government on straight, Catholic students, and that the recognition of one group leads to the subjugation of another.

Interestingly, proponents of Bill 13 also reference George Orwell in arguing in favor of the GSA clause. The Centre of Inquiry, for instance, argues that, “some Catholic schools forbid the rainbow symbol...The Orwellian intent is clearly to keep gay students in the closet.”¹¹⁹ The deputation continues by preemptively accusing MPPs of not appropriately addressing the issue of bullying should the Bill fail to pass. In this case, the Catholic schools and their allies are being accused by the Centre for their regulation of thought and actions of LGBTQ youth. The narrative that GSAs can only function with explicit recognition, and such legitimate recognition can only come from the state fuels such accusations against the government. Of course, this is not necessarily the case; the existence and function of GSAs do not hinge on its legal and political recognition. GSAs as an initiative have always been perceived, particularly by academics, as a wholly unique entity independent of state interference. However, the discourse in both arenas conveys it otherwise.¹²⁰

In other instances, the state is seen to be complicit in the victimization of both the religious groups *and* the LGBTQ community. A member for the Canadian Hindu Advocacy, a group against Bill 13, for example, argues that:

¹¹⁹ Justin Trottier, Centre for Inquiry Canada “Accepting School Act” In Ontario. Standing Committee on Social Policy. *Committee Transcripts (Hansard)*. (May 15, 2012) (Online) Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013].

¹²⁰ Gray, Mary L. *Out in the Country: Youth, Media, and Queer Visibility in Rural America*. New York: New York UP, 2009. In Mary Gray’s study of rural queer youth, the creation of clubs, like GSAs occur independent of government support; though interactions between the two are inevitable, the function of the former does not depend on the support of the latter.

The result will be B-A-C-K-L-A-S-H, backlash. If we take people of other religious faiths and preach our religious texts to them, or if we encourage them to dress up as Hindus and pretend to be Hindus for a day, what will happen is that these kids will go home and they will tell their parents, who may be of other religions or other faiths, “Look what these teachers are making us do in school.” What will that do? That will actually increase dislike and hatred against the Hindu community.¹²¹

In this statement, the speaker is against the recognition of GSAs for its potential to single out gay students who become members. By recognizing GSAs, it has the effect of forcing straight students to engage in activities they have no interest in, and therefore, only increase the animosity towards gay students. This argument is grounded on the premise that straight students will be forced to get involved in the club, and that by joining the club, one must also engage in “gay” – sexual – activities. The implication is that state recognition of GSAs facilitates the ongoing conflict between the gay community and religious groups. This is an argument that, again, is not unique to the debates over Bill 13. However, the statement is interesting nonetheless for its acknowledgment by an opposition group that gay students are bullied, and will be bullied further for the state’s attempt to provide protection. In many ways, this is an extension of a common argument against anti-bullying measures, and hate-crimes in general. On the one hand, there is an assumption of forced participation, that with the recognition of GSAs, every student must become a member. There is also the idea that the naming itself forces participation or

¹²¹ Ron Banerjee, Canadian Hindu Advocacy. “Accepting School Act” In Ontario. Standing Committee on Social Policy. *Committee Transcripts (Hansard)*. (May 7, 2012) (Online) □ Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013].

association with the club even if students do not necessarily join. On the other hand, there is the notion that gay students contribute to their own victimization. The notion that they draw attention to themselves, that they provoke straight students, and that they should just “act normally” is one that silences LGBTQ students and compels them to remain in the closet. In this statement, the speaker goes further by implicating the state in the victimization of LGBTQ youth by making them visible, and therefore, “targets” of the attack.

In this chapter I discuss “recognition” as one of the main performative effects of naming GSAs that is expected by proponents and feared by opponents of the Bill. Through discussions of claims to victimization, I discuss how notions of bullying, bullies, and bullied are framed in the discourse over Bill 13. The use of protection and attack, and the appropriation of victimization by the opposition seek to challenge the notion that gay students are bullied, but also advance the narrative that gay students are themselves bullies. I also discuss the role of the state in the recognition of GSAs, particularly in the way speakers construct the state as being complicit in or facilitating the victimization of various groups.

4. Sexual Identity and Acts: “being” and “doing”

In discussing the dynamics inherent in queer activism and identity politics, Judith Butler notes that, “coming out and acting out are part of the cultural and political meaning of what it is to be homosexual.” She argues that the public display of desire, through speaking and acting, is essential in sustaining it, making the “discursive practice of homosexuality dissociable from homosexuality itself.”¹²² To Butler, the link between sexual acts and identity – between “doing” and “being” – is one that cannot be severed because the former informs the latter. The concept of performativity itself is grounded on the premise that identities, gender or sexual, is the effect of reiterated acts, sustained by a tacit collective agreement to “perform, produce, and sustain” such identities, with penalties for those who renege from such agreement.¹²³

In the context of queer activism, the notion that sexual identities cannot be separated from sexual acts presents challenges particularly in the way claims to legal and political protections and recognitions are pursued. Sedgwick notes that the relationship between sexual acts and identity “is an excruciating system of double binds” because of the way they are linked and delinked within dominant discourses.¹²⁴ To Sedgwick, the (de)linking of acts and identities has the effect of creating a system and a justification for the oppression of groups who rely on identity politics to claim protection and recognition.¹²⁵ The discourse around bullying and the naming of GSA clubs mirror the different strategies of connecting sexual acts and identities as employed by various

¹²² Butler, *Excitable Speech*, p. 107

¹²³ Butler, *Gender Trouble*, pg. 179

¹²⁴ Sedgwick, Eve Kosofsky. *Epistemology of the Closet*. Berkeley: University of California, 1990. p. 70.

¹²⁵ *Ibid.*

movements in pursuit of protection, recognition, and in case of religious right, preservation.

The inconsistencies in the ways proponents of the Bill link sexual acts to sexual identities is indicative of the greater debates within the gay community of how it should employ the connection to optimize gains. For instance, by severing the ties between acts and identities, or by emphasizing the latter over the former, some academics argue that it has the effect of ceding the “sexual terrain” because it buys into the strategy that gays and lesbians must be treated in the same way as heterosexuals¹²⁶ Wayne Morgan echoes the same argument by contending that by divorcing acts from identities, the LGBTQ community is co-opted into proving “sameness” to the heterosexual standards.¹²⁷

The wariness among gays and lesbians to link the two, particularly in debates over LGBTQ rights, is due in part to the ability of the opposition to utilize the link between sexual act and identity against the movement. This is especially true in cases where children and the family are concerned, but it has also been prominent in arguments against integration of gays and lesbian in the military, for example. Some have argued that protection on the grounds of sexual orientation was made possible only by divorcing sexual acts from identities. Indeed, many point to the repeal of various discriminatory policies, like the United States’ Don’t Ask, Don’t Tell (DADT), as gains made on the strategy of separating the latter from former. This argument is particularly persuasive to many in the LGBTQ community given that opponents often dismiss LGBTQ rights claims as advancing a radical sexual agenda.

¹²⁶ Stychin, C. F. "To Take Him 'At His Word': Theorizing Law, Sexuality and the Us Military Exclusion Policy." *Social & Legal Studies* 5.2 (1996): 179-200. P. 185 Eaton, pg. 185 of To Take Him at his Word article.

¹²⁷ Morgan, Wayne. "'Queer Law: Identity, Culture, Diversity, Law'." *Australasian Gay and Lesbian Law Journal* 5 (1995): 1-41.

The goal of this chapter is to explore the different ways speakers articulate the connection between sexual identities and acts. Given the performative power of naming, I argue that the opposition to Bill 13 fears the naming of GSAs for its potential promotion of homosexuality among highschool students. Thus, to justify their opposition, they articulate an argument that strongly connects sexual identity to sexual acts. That is, to be a member of GSA, for example, would be to also engage in “gay” sexual activities. This dynamic is less clear in the way proponents articulate the connection between the two. On the one hand, proponents seek to normalize the connection between sexual identities and desires through the naming of GSAs, however, the way in which this goal is pursued requires first that such linkage be disavowed. This chapter is divided in two sections; the first will discuss the notion of a ‘radical sexual agenda’, perpetuated by opponents of the Bill. Significant in this is the conflation of sex education with GSA activities. The second section will discuss the implicit and explicit ways proponents (de)couple sexual acts and identities in order to garner support for the Bill.

4.1 *Radical Sexual Agenda*

As discussed in the previous chapter, the notion that a radical sexual agenda is being promoted through gay rights is not unique to the debates over the naming of student organizations. Eskridge notes, for example, that opponents of gay rights have continuously asserted that the targets of the “homosexual agenda” are children. Thus, attempts to protect or recognize members of the LGBTQ community through law are perceived as promoting homosexuality. Consider this exchange between MPP Tabuns and a member of the Markham Voice, an organization that claims to represent the diverse population of Markham:

Mr. Peter Tabuns: So that I'm clear, then, the fact that "gay-straight alliance" is mentioned in there, and "LGBT" is in there—this is the sex education component that you refer to?

Mr. Jim Kwan: Well, there's sex education stuff in grade 4, I believe.

Mr. Peter Tabuns: I'm not trying to be tricky, but a lot of people have been saying this, and I read the bill through and I can't find it. If I'm missing something, I appreciate it. When you talk about sex education in the bill, you're talking about the use of the terms "gay-straight alliance" and "LGBTQ" in the preamble?

Mr. Jim Kwan: That's correct, yes.¹²⁸

In this case, MPP Tabuns is exposing the inaccuracies of the Markham Voice's claim that the Bill, and indeed the GSA, has a sex education component. This is a common perception amongst critics of the Bill. To the opposition, the words "gay-straight alliance" or LGBTQ is so closely associated with sex, specifically with sexual activities, that the mention of these words in any document implies the reading of sexuality in the text. Gay-Straight Alliance clubs, their members and their activities are strongly linked to notions of sexuality that it is difficult to separate one from the other.

Eskridge notes that in some cases, less so now than in the 1970-90s, there is a tendency to conflate homosexuality with pedophilia, constructing molestation as one of

¹²⁸ Jim Kwan, Markham Voice. "Accepting School Act" In Ontario. Standing Committee on Social Policy. *Committee Transcripts (Hansard)*. (May 7, 2012) (Online) □ Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013].

the ways to “convert” straight children.¹²⁹ Laws that protect LGBTQ members from discrimination are therefore constructed as violations of rights because it “forces” individuals to promote something that is against their beliefs or values. In order for this argument to be compelling, opponents of gay rights have sought to strongly connect sexual identity with sexual acts. In constructing the two as inseparable, opponents of the Bill can challenge the laws that protect or recognize members of the LGBTQ community. Consider another statement made by Charles McVety:

In fact, this Bill 13 embraces the teaching of a radical sex education program that has never been implemented in a pedagogical way anywhere on planet earth at any time. It has not been studied. It has not been tested. Are our children going to be subjected to this radical teaching, teaching such as six genders and teaching such as anal sex and oral sex, at very young and inappropriate age levels?¹³⁰

The mention of anal and oral sex in this statement is the most explicit reference to sexual acts in both discursive arenas. Others often only allude to sexual acts, but never explicitly provide examples. It is also important to note the context of the statement, which becomes the backdrop for many of the statements produced by the opposition. When McVety refers to a sex education program, he is talking specifically about the Ontario Catholic Schools Trustees’ Association (OCSTA) proposal entitled “Respecting Differences” introduced in January of 2012 that seeks to promote equity and respect for

¹²⁹ Eskridge, p. 1382-1383

¹³⁰ McVety, May 7, 2012

all students as mandated by the province's recent curriculum policy changes.¹³¹ The intent of the document is to provide teachers with resources to support the teaching of sensitive and challenging topics, including sexual health, gender expressions, sexual orientation, and mental health.

It is important to note that sexual education has been a component of Ontario curriculum, including Catholic schools, since the early 1990s. "Fully Alive" is a book that is used by Catholic school students beginning in grade five, which contains information on reproductive organs, sexual intercourse, and general sexual health. The problem, of course, with the newly introduced curriculum policy is that it seeks to teach information that is perceived to be inconsistent with Christian values. The references to "six genders" and the different sexual activities are meant to underscore the *otherness* of LGBTQ youth, whose identities are grounded on sexual activities and are thus out of sync with their straight, Catholic peers.

The way in which the six genders and various sexual acts can be *taught* is also worth noting. On the one hand, there is the narrative that sexual acts are inseparable from sexual identity. To be gay is to engage in anal sex, for example. This construction of identities grounded on sexual acts does not allow room for any fluidity in the way these identities and acts are performed.¹³² On the other hand, there is the notion that these identities, and therefore acts, can be taught, particularly to straight students who seem to be more susceptible to "conversion." Carl F. Stychin argues that, "it is the seductive power of the sexual identity that paradoxically suggests that heterosexuality is a far more

¹³¹ Ontario Catholic School Trustees' Association. *Respecting Differences*. 25 Jan. 2012. A Resource for Catholic Schools in the Province of Ontario Regarding the Establishment and Running of Activities or Organizations Promoting Equity and Respect for All Student.

¹³² This contradicts the popularity of anal intercourse among straight couples or the prevalence of "heterosexuals" known to participate in same-sex sexual activity as well.

fragile construct than its constitution as “natural” implies.”¹³³ Tim Lau, a psychiatrist, demonstrates this in his statement when he argues that:

The use of the words “gender identity” implies a fluidity in sex identity that produces an artificial and unnecessary uncertainty to a vulnerable population. Engineering gender and then presenting it in its non-binary shades as if it were a menu from which we choose will ultimately damage children. Adults may be comfortable with notions of flux, change and semi-permanence but children and youth are certainly not. The identity of children is rooted in their sex, a scaffold from which they can then seek out and attach to a model of a corresponding sex. Identity cannot take root when such models present ambiguously, without salient and stable features.¹³⁴

This argument is particularly compelling to opponents of Bill 13 because it seeks to ground the opposition to sexual education and the creation of GSA club through law on objective, scientific fact. The role of “experts” in this debate is worth noting given the weight the public places on their statements. Identification as “legal experts”, “teachers for x-number of years”, and as a psychiatrist is often the first form of identification when speaking in the committee hearings. Understandably, these all carry different weight depending on the listener, but the intent – just like Bourdieu’s symbolic devices – is to

¹³³ Stychin pg. 183

¹³⁴ Timothy Lau, “Accepting School Act” In Ontario. Standing Committee on Social Policy. *Committee Transcripts (Hansard)*. (May 22, 2012) (Online) □ Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013].

provide legitimacy to their positions due to their expertise on the subject, even though their area of expertise is just as contested.¹³⁵

The statement by Tim Lau is unlike that of his peers, opposed to the Bill, because it recognizes the fluidity of gender identity. The statement is certainly more nuanced than that of McVety's, who implies rigidity in sexual identities and acts of LGBTQ members. Where there are inconsistencies with this statement is in the implication that the law "engineers" gender, that it tells students how to act and how to label themselves. Indeed, law has the capacity to do this, to dictate different gender performances to students based on categorization. In the past, we have seen the capacity of law to regulate gender performance through the criminalization of certain acts, such as sodomy. However, by using "gender identity and expressions" in the introduction of the Bill, it implies a fluidity that is not subject to any forms of penalty, of which bullying is one. Proponents of the Bill argue that by recognizing the fluidity of gender and sexuality, the grounds or reasons for bullying are removed.

Like McVety, however, Lau presents a view of sexuality that is rooted in a "stable" feature; in this case, it is the children's sex. This is not in opposition to McVety's statement, but rather compliments it by suggesting that straight students' identities are grounded on their sex, whereas homosexual identities are grounded on sexual acts. This implies that gender is inseparable from sex, that the latter informs the former. However, if this is the case, then there should be no issue with the notion of gender fluidity because students can just "seek out and attach" gender expressions with their corresponding sex.

¹³⁵ I will not evaluate the merits of Tim Lau's expertise as it is beyond my own academic understanding. I will however comment on what the statement communicates and constructs.

It is a contradictory argument that suggests both the rigidity and fluidity of sexual identity.

The notion that gay individuals start off as straight and, through promotion of homosexuality in school, become gay is also one that constructs heterosexuality as the “default” – the natural – identity. In speaking about Toronto’s annual Pride Week in relation to GSA activities, a member of the Concerned Citizen Against Child Pornography claims that, “I personally find this extremely radical and absolutely unacceptable for grade 3 children who are only aged seven to eight. These images may have a pornographic implication for these young and impressionable minds.”¹³⁶ The statement suggests that gay people are “made” and do not exist as a “natural” identity, that it requires “indoctrination”, exposure to certain images, and cultivating an environment where it is encouraged and celebrated. Thus, the fear of GSA’s performative effect is in its potential to “turn” supposedly normal, straight students into abnormal gay adults.

The connection being made between sexuality and age is also important to highlight. In many of the statements included in this thesis, there is a sense of urgency in the threat of the GSA particularly to young students. There have been pleas on behalf of “my son”, “my 7-year old daughter”, and “grade 3 children.” All of these references use students’ young age as a justification for why the GSA should not be recognized. This further constructs sexual identity as something that develops with time. With interference, the natural development of children into straight adults is disrupted. This,

¹³⁶ Judy Nuttall, Concerned Citizen Against Child Pornography. “Accepting School Act” In Ontario. Standing Committee on Social Policy. *Committee Transcripts (Hansard)*. (May 8, 2012) (Online) Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013]. It curious why an organization like this is even involved in issues of anti-gay bullying.

again, contradicts that the construction of gender identity is inherently connected to sex. If sex determines gender as many opponents argue, then the GSA should not pose a threat to children. According to Stychin, the contradictions in arguments, like the ones apparent in debates over Bill 13, underscores the “ambiguity in the constitution of heterosexual identity and the cultural constructedness of acts as sexual”, with some academics conceding that “being” and “doing” have an ambiguous relationship in the realm of sexuality.

In some cases, opponents of the Bill argue for divorcing sexual identities altogether from the topic of bullying. The Education Critic for example argues that, “This is not a gender issue. This is not a sexuality issue...this is not a political issue.”¹³⁷ In another speech, she criticizes the drafters of the bill for “being preoccupied with the reason for bullying, whether it’s gender, religion, or race, and does not place enough emphasis on the form or outcome of bullying.”¹³⁸ She continues to tell the story of Jamie Hubley, who was “targeted because he was a figure skater. As he got older, it was because he questioned his sexuality.” She then continues to list the reasons why certain students get bullied. The refusal to acknowledge the significance of gender expression and sexual identities as a reason for bullying, and the refusal to recognize the importance of knowing the reasons for bullying, contributes to MacLeod’s, and indeed many of the oppositions’, indirectness when it comes to speaking about the experiences of those whose bullying stories they recount. The allusion for instance to Jamie’s love for skating followed by talks about his sexuality, or to students’ status “for whatever reason, as outsiders...as being different” when discussing gender expressions are all codes that

¹³⁷ Macleod, Dec. 11, 2011

¹³⁸ Ibid., March, 26, 2012.

implicitly acknowledge the existence of LGBTQ youth and their plight, without explicitly mentioning it, or elevating its importance, thus withholding the effect of defining categories outside the gay-straight binary.

4.2 “Openness” as Identity

If inconsistencies exist in the articulation of the connection between sexual acts and identities by opponents of the Bill, proponents, too, had difficulty establishing a coherent link between the two. As mentioned, the proponents in particular are placed in a position where they must emphasize the recognition of various sexual identities and gender expressions while at the same time downplay the importance of sexual acts in order to garner support for the legislation. As such, efforts were made to divorce sexual identity from the sexual act in order to justify removing Catholic schools’ ability to veto the use of the name GSA. Consider this statement by the Ontario GSA Coalition:

The word “gay” is not obscene or offensive to public policy and it is in common, everyday usage in our society. The word is a core part of our LGBTQ identity for many of us—a word we have fought for in the streets and in the courts.¹³⁹

This statement captures the importance of the word particularly for a movement that is not identifiable by a shared characteristic like skin color, ethnicity, language, etc. Indeed, the identification as “gay” is perhaps one of the few things that make it possible for others to “see” those who belong to the LGBTQ community, giving credence to Butler’s

¹³⁹ Douglas Elliott, Ontario GSA Coalition. “Accepting School Act” In Ontario. Standing Committee on Social Policy. *Committee Transcripts (Hansard)*. (May 14, 2012) (Online) □ Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013].

assertion that coming out (continuously) is an integral part of what it is to be gay. The reference to fighting in the streets and in the courts gives force to the naming performative, alluding to the rich history of the movement's struggles and victories.¹⁴⁰ The ability to deny the use of this word in the context of a student organization erases the history of the movement and, most importantly, denies the recognition and existence of the identity. As Miccio argues, the use of the word gay "gives voice to social phenomenon, while making visible the invisible."¹⁴¹

The Centre of Inquiry echoes the same sentiments when their representative argued that:

Depriving students of the right to include the word "gay" in the name deprives them of an element of their identity, of who they are. It's another, more pernicious form of bullying, one in this case that has been systematically implemented by certain school boards...¹⁴²

Here, the word gay is likewise strongly connected to the students' identity and to deny it would be to "keep students in the closet", itself a form of bullying. This statement is interesting because identity in this case is not so much connected to sexual acts, but rather, as Eskridge argues, is "bound up in their open homosexuality." Openness, in speaking, expressing, dressing, association, and in acting, in their daily lives is now what constitutes as identity, and to deny such openness would be to deny the existence of this

¹⁴⁰ Stonewall riots, hate crimes, hate speech, gay marriage, AIDS-pandemic; all of these are referenced when "fighting in the streets and in the courts.

¹⁴¹ Miccio, Kristian. "A House Divided: Mandatory Arrest, Domestic Violence, and the Conservatization of the Battered Women's Movement." *Houston Law Review* 42.2 (2005). p. 288.

¹⁴² Justin Trottier, Centre for Inquiry, May 15, 2012.

identity. Openness, in this case, can also mean openness in sexual behaviors, but it is only one of the many things that LGBTQ individuals can be open about. Consider this statement by members of Ten Oaks Project:

...its certainly not the words “straight” or “alliance” that people are objecting to. The right to name ourselves is a crucial part of our liberation and our struggle for human rights. High school students should be able to name their clubs whatever they deem to be appropriate. They shouldn’t have to adopt a generic name. Frankly, by erasing the name of their groups and attempting to neutralize their right to self-identify, trustees are telling LGBTQ youth to erase their identities.¹⁴³

In this statement we see another framing of identity as rooted in openness as opposed to any “stable” physical feature or sexual acts. In a way, this goes beyond Butler’s notion that gay people must always come out. The attempt here is to remove the need to come out, to make known without necessarily “doing” or “being.” By connecting LGBTQ identity to the right to self-identity, to the ability to “name ourselves”, the arguments against naming GSAs is shifted away from the ongoing debates over the connection between acts and identity.

In this chapter, I outline how different parties articulate their understanding of and assumptions about the connection between sexual acts and sexual identity. Ultimately, the different articulations of the connections between sexual acts and identity are meant to provide justifications for either opposing or supporting the Bill. On the part of the

¹⁴³ Ariel Troster. “Accepting School Act” In Ontario. Standing Committee on Social Policy. *Committee Transcripts (Hansard)*. (May 22, 2012) (Online) □ Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013].

opposition, it is the fear of GSAs' potential effect of turning straight students gay that compels them to connect homosexuality with different sexual acts, while proponents on the other hand, seek to distance the two in order to justify the naming of GSAs. This dynamic serves as a good foundation on which the next chapter can discuss the shift in the way identities are constructed in terms of values.

5. Politics of Values

The linking of LGBTQ identity to openness is itself a response to the shift in the way opponents have framed their arguments against protection and expansion of LGBTQ rights. Eskridge notes that opponents of gay rights no longer frame their opposition to homosexuality on the grounds of natural law, medical utilitarianism, or social republicanism.¹⁴⁴ Rather, the “no promo homo” arguments have sought to promote family values, good health, and discretion to oppose pro-gay legislation. What is feared, however, with the performative power of GSAs is perhaps its potential to usurp even the “no promo homo” arguments, especially the ones that promote family values. The disruption of the gay-straight binary, through an alliance for instance, suggests a commonality in struggles, in expressions, and in particular, values. The performative power of GSAs, therefore, has the effect of blurring, what has been in the past, a clear distinction between traditional family values and the “gay-lifestyle.”

Many have attributed the success of the gay rights movement to the ability of its members to make themselves visible. Fejes, for instance, attributes the reversal of public opinion on homosexuality, on the ability of the community to project a “normal” image, to media representations.¹⁴⁵ She notes that negative depictions of the LGBTQ community never resonated with heterosexual Americans who had face-to-face, daily social contact and interaction with lesbians and gays.¹⁴⁶ The visibility of the LGBTQ community – in the Castro, West Hollywood, Greenwich Village – in 1970s and 1980s, for example,

¹⁴⁴ Eskridge, p. 1346. He contends that the anti-gay discourse exhibits a triple sedimentation. Each sedimentation construct a homosexuality identity that is linked up with societal concerns formed a layer over, rather than displaced. Opposition grounded on natural law argues that same-sex sexual activities are unnatural and morally wrong. Medical utilitarian arguments contend that homosexuals are diseased and psychopathic, posing risks to other people’s physical and mental health. Lastly, social republicanism argues that “homosexuals upset many normal people and cause social turmoil”, undermining the social fabric of society.

¹⁴⁵ Fejes, p. 6.

¹⁴⁶ Ibid.

became a means through which stereotypes were challenged and the resonance of negative representations and depictions were resisted.

Recent gay-rights victories both in the United States and Canada have continued to build on the “normalized” image of gays and lesbians, especially in the realm of state and family. The struggle to repeal restrictions on serving openly in the military in both countries, for example, have shown the willingness of the community to partake in state military projects, which itself is bound up with idealized notions of citizenship and patriotism. The desire and the ability, to adopt, to cohabitate, and, in the case of Canada and a handful of American states, to marry a same-sex partner, constructs a community with many members that are dedicated to sustaining traditional notions of family, with two parents and children in a household.

Indeed, the ‘heterosexualization’ of various queer relationships and activities has been criticized by many academics and activists within the community for maintaining traditional institutions and relationships that excluded gays and lesbians in the past. Valerie Lehr, for example, argues that the fight for same-sex marriage fails to recognize the oppressions – gender, racial, and economic – that lead society to privilege the nuclear family.¹⁴⁷ Dean Spade and others have similar criticisms of pushing the normalization of the LGBTQ community through the repeal of DADT. These critics argue against investing in the militarism that has and continues to promote harmful forms of masculinity, citizenship, and policies that are antithetical to the goals of various LGBTQ projects.¹⁴⁸ I will not insert my voice in this debate, as this is beyond the scope of this

¹⁴⁷ Lehr, Valerie. *Queer Family Values: Debunking the Myth of the Nuclear Family*. Philadelphia, PA: Temple UP, 1999.

¹⁴⁸ Spade, Dean. *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law*. Brooklyn, NY: South End, 2011. And Sycamore, Mattilda Bernstein. *Against Equality: Don't Ask to Fight Their Wars*. Lewiston, ME: Against Equality, 2011.

thesis, however, I do want to highlight the differences in the approach to gay rights within the community.

In this chapter, I explore the performative power of naming GSAs and its effects in normalizing queer identity. I discuss the ways in which proponents of Bill 13 link the support for GSAs with the promotion of traditional family values in hopes of advancing the anti-gay bullying legislation. The opponents of the Bill, on the other hand, fear the normalization of queer identity through the naming of GSAs, thus distancing traditional family values from the “gay lifestyle.”

5.1 GSAs Promote Family Values

The framing of Bill 13 by advocates as a way to promote family values is significant for two main reasons. First, the framing reflects the changing image of the LGBTQ community, one that has largely moved away from an image of a community composed of “sexual deviants”, pedophiles, and AIDS victims. Second, the framing is particularly salient given that the notion of “family values” has often been placed in opposition to advancing gay rights. The “no promo homo” arguments are built around the contrast between traditional family values and the gay lifestyle. By connecting notions of family values to GSAs, proponents are therefore able to make a compelling argument for the protection of students who identify as LGBTQ or students with LGBTQ parents. Consider for example the statement by MPP Glen Murray:

“I’m tired of being—I thought we finally got past being a gay politician... The hardest thing—and I mean years of hard work— was to become a parent. What he has to do to get through life every day, on top of it to have a gay dad and to get

bullied at school for having a gay father, to me, was just more than he needed.”¹⁴⁹

- Glen Murray

In this statement, MPP Murray is referring to his son Michael, who has fetal alcohol syndrome. What is interesting with this statement is not only the downplaying of his status as a gay politician, but also the association he makes between being gay and parenting. Where past discourse on homosexuality might have placed the two titles in opposition to one another, here they are placed side by side. Being one does not necessarily nullify the other. This is significant given that the title of “parent” has and continues to be denied to gays and lesbians by various legal, political and religious institutions. This denial of parental title is deeply rooted in the biological impossibility of producing children without accommodation through artificial insemination and adoption. But this has also been socially constructed in historical narratives that gays and lesbians have to “recruit” children, as pedophiles, for example. The separation between the two titles is enhanced by the stereotypical image of the gays as sexually promiscuous, and uninterested in monogamous relationships that was spurred by the HIV/AIDS crisis in the 1990s. Indeed, Murray’s articulation of gays as parents is consistent with challenging the gay-straight binary, where it implies that only straight individuals can be parents while the former must remain without children because of biological, psychological, or lifestyle choices. The word “alliance” in GSA, therefore, denotes not only an alliance between gay

¹⁴⁹ Murray, Glen. “Accepting School Act, 2012.” In Ontario. *Legislative Assembly. Legislative Debates (Hansard)*. 40th Parl., 1st Session (March 29, 2012) (Online) Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013]. Murray, March 29, 2012. Glen Murray served as Mayor of Winnipeg from 1998-2004, then known for being one of the first openly gay mayors in North America.

and straight students, but also gay and straight parents who share a common concern for the well-being of their children.

The conflation of two titles is further cemented in statements made by both MPPs and committee hearing participants. MPP DiNovo discusses her role as officiant in a wedding where there are “two mothers.” MPP Murray similarly mentions in passing that, “a lot of the families in my constituency have two moms and two dads” when referring to intense public interest in school issues. Similarly, Ariel Trosters, a self identified LGBTQ activist, introduced herself as “as a very soon-to-be parent. My wife, Caitlyn Pascal, was on the way here...we’re expecting our first baby in about five weeks.” A more tangible conflation of the two titles is seen in Dawn Moore’s presentation where she carries her son in her arms for 15 minutes while discussing how bullying “impacts both children and youth who identify as LGBTQ as well as those, like my own sons, who are children of the LGBTQ community.”¹⁵⁰

Dawn Moore is the vice-president of Ten Oaks Club, which is an organization that seeks to connect youth from LGBTQ communities through various programs and activities rooted in play.¹⁵¹ The organization is known for their summer camp attended by youth who are “somewhere in the spectrum between male and female. Some have two mums or two dads or, as one of our campers put it, ‘one mum for now, but we’re looking for another one’ and open to suggestion.”¹⁵² Relevant in this statement is the construction of the LGBTQ family, which through Moore’s story, share the same struggles, concerns, experiences and values as any other family with children who are

¹⁵⁰ Dawn Moore. “Accepting School Act” In Ontario. Standing Committee on Social Policy. *Committee Transcripts (Hansard)*. (May 22, 2012) (Online) □ Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013].

¹⁵¹ Website: <http://www.tenoaksproject.org/>

¹⁵² Dawn Moore, “Accepting School Act.”

bullied. The anecdote told during her presentation seeks to tie LGBTQ families to shared values, which include, among other things, parental support of children's protection from harm and "feelings of fear, shame and confusion." The promotion of these shared values are necessarily tied to the naming of GSAs, which is seen as having the effect of creating a safe space and a welcoming environment for children.

5.2 Traditional Family Values vs. "Gay Lifestyle"

Where proponents of Bill 13 seek to connect GSA to shared family values, opponents seek to distance the latter from the former. As discussed before, the "no homo promo" argument is built on a clear separation between traditional family values and what the religious right considers a "lifestyle." The representative of the Pan-Orthodox Association, for example, states that:

Let me be clear: GSAs are not designed to combat bullying. They're designed to provide emotional support and affirmation for a variety of sexual lifestyles that contradict the path of virtually every traditional faith, including Orthodox Christianity.¹⁵³

In this statement, the articulation of GSAs as vehicles through which shared values can be promoted and pursued, as expressed by proponents, is now gone. There is a clear rejection of the naming of GSAs, not only as a solution to bullying, but also as a mechanism through which family values can be promoted. Indeed, the use of the word

¹⁵³ Dawn Moore. "Accepting School Act" In Ontario. Standing Committee on Social Policy. *Committee Transcripts (Hansard)*. (May 14, 2012) (Online) □ Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013].

“lifestyle” is interesting because it has been incorporated in various arguments against the expansion of LGBTQ rights.

Alan Hyde, in *Bodies of Law*, notes that anti-discrimination laws are often argued on the grounds of immutability or the stability of an identifying trait, as in cases involving race.¹⁵⁴ Gay litigations have pursued the same strategy of establishing homosexuality as an immutable trait. Many have argued that the notion of sexual orientation as an immutable trait tend to not only leave out bisexuals and those that do not fit in between the gay-straight binary, it also polarizes people into excessively rigid categories.¹⁵⁵ Therefore, the use of the word lifestyle by the opposition is a rejection of the immutable status of homosexuality. What is significant, however, is the ironic way this rejection of homosexuality’s immutability also implies a rejection of the gay-straight binary. This is inconsistent with other arguments against Bill 13, where opponents often go to great lengths to make a clear distinction between gay and straight students. Recall that the opposition to the use of the name GSA, is itself a reaction to the challenge the name poses on the maintenance of the distinction between the two opposing identities.

The use of the word “lifestyle” in this case then does not imply a binary, but rather a one “true” category of heterosexuality, with different lifestyles existing alongside it. Thus, a wavering adolescent can adopt the homosexual lifestyle of “promiscuity, predatoriness, and peculiarity”, but it can also be discarded with the assistance of proper (religious) guidance. The implication here is that homosexuality is a (bad) choice. When gays and lesbians choose to engage in same-sex relationships and behaviors, and the law

¹⁵⁴ Hyde, Alan. *Bodies of Law*. Princeton, NJ: Princeton UP, 1997. p.126. This is specific to the United States; the book provides an extensive discourse analysis of how the body, including is imagined and constructed in US Supreme Court cases.

¹⁵⁵ Eskridge argues that, “dividing the world into homosexual and heterosexual tends to not only leave our bisexuals and people who do not know or care about their Kinsey numbers, but polarizes people into excessively rigid categories.” p. 1408.

recognizes it, it is promoting lifestyles that are opposed to true values inherent in heterosexuality. This is apparent in the names of the campaigns by the religious right against same-sex marriage, for instance, where they use “Defend True Marriage” or “Real Family” as names for the initiatives.

What is being promoted when using the word “lifestyle” to argue against the naming of GSAs? Indeed, the representative from the Jubilee Centre for Christian Social Action, notes that, “Some of them are quite strongly against gay-straight alliances—not because of the groups, but because of the values embedded in the gay-straight alliances.”¹⁵⁶ If GSAs promote a certain lifestyle, what kinds of values are inherent in this lifestyle and what are the implications of this lifestyle to Catholic students? It seems the answer to this question can be found in the words that are often used preceding the word “lifestyle.” For example, common in the statements made in committee hearings is the notion that GSAs “are clubs for actively promoting various *sexual* lifestyles.”¹⁵⁷ The notion of sexual lifestyle is particularly important because it embodies the sedimentation of various anti-gay discourse outlined above as presented through the “no promo homo” arguments. Drawing on Eskridge, let me discuss the three main arguments being advanced by using the “sexual lifestyle” to refer to values being promoted by GSA: promotion of family values, good health, and discretion.

Opponents argue that the state should promote family values; this entails the acceptance of heterosexuality as natural, where husband-wife marriages and the rearing of biological children are encouraged. The use of sexual lifestyle therefore denotes the

¹⁵⁶ Rev. Dominic Tse. “Accepting School Act” In Ontario. Standing Committee on Social Policy. *Committee Transcripts (Hansard)*. (May 7, 2012) (Online) □ Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013].

¹⁵⁷ Marion Karasiuk. “Accepting School Act” In Ontario. Standing Committee on Social Policy. *Committee Transcripts (Hansard)*. (May 7, 2012) (Online) □ Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013].

unnaturalness of various non-heterosexual practices, sodomy being one, as already discussed in the previous chapters. Important here is the way these unnatural sexual practices are used in opposition to family values. Because gay individuals cannot have biological children without help, through adoption or artificial insemination, any validation of these sexual practices that do not lead to procreation can lead to the breakdown of the traditional family values.¹⁵⁸ By using the name GSA, the sexual lifestyle that is antithetical to family values is being enshrined into law. The performative power of naming GSAs is feared for its potential to destroy the family values that many religious right groups adhere to, which is grounded on notions of producing biological children through “natural” sexual behaviors.

The use of the words “sexual lifestyle” similarly touches on the medical or health implications of allowing the use of the name GSA. This is particularly true in cases where opponents refer to homosexuality as “unhealthy” or “contagious.” The “no promo homo” framing of this view argues that the state should promote physical and mental health, just as it would in other types of lifestyles, like drug addiction, for instance. The promotion of good health is itself an extension of the initial arguments against gay-rights, which can be traced back to the long history of homosexuality’s relationship with the medical field. In the introductory chapter, I discuss the history of the word homosexuality and its ties to various psychological studies. The connection to the medical field, however, goes beyond that. The HIV/AIDS crisis in the late 1980s and early 1990s contributed to the discourse of homosexuality as not only unhealthy, but also one that is contagious and fatal. The use

¹⁵⁸ Some connections are being made between gays and single mothers for example, as threat to family values. There is ambivalence with the type of family that is not consistent with the nuclear family. Broad, K. L., Sara L. Crawley, and Lara Foley. "Doing "Real Family Values": The Interpretive Practice of Families in the GLBT Movement." *The Sociological Quarterly* 45.3 (2004): 509-27.

of “sexual lifestyle” therefore alludes to the promotion of unhealthy sexual practices through GSAs. This argument has led some American states to pass “laws requiring sex education or AIDS education programs in public schools to emphasize that “homosexual conduct is not an acceptable lifestyle.”¹⁵⁹

The connection being made between GSAs and the promotion of unhealthy sexual lifestyle is also important because it advances the notion of a “cure” to homosexuality. If homosexuality is not an immutable trait, as something that individuals can be addicted to, as something that is contagious, and therefore, avoidable, it implies that there is a remedy or a cure. The ex-gay movements or conversion therapies being advanced by some religious rights groups embody this argument. In the debates over GSAs, however, the remedy to homosexuality as advanced by the discourse entails non-recognition of LGBTQ people and struggles. This is interchangeable with the promotion of traditional family value. Consider this statement by the representative of the Christian Heritage Party when he suggests:

...to remove the name “gay-straight alliance” and replace it with “Christ-world alliance.” If we are not willing to replace “gay-straight alliance” with “Christ-world alliance,” then Bill 13 is not a people’s bill; rather, it’s a group’s agenda to trump one world view over another, which will lead to more bullying through the abuse of power and authority.¹⁶⁰

¹⁵⁹ Eskridge, p. 1359.

¹⁶⁰ Jim Enos, Christian Heritage Party. “Accepting School Act” In Ontario. Standing Committee on Social Policy. *Committee Transcripts (Hansard)*. (May 14, 2012) (Online) □ Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013].

The use of “Christ-world alliance” in this sentence clearly does not convey the same message as “gay-straight alliance.” This is what is meant when theorists talk about unhappy or failed performatives; it elicits a response, but not the one the speaker had in mind.¹⁶¹ Significant in this statement is the substitution of the words “gay-straight” with “Christ-world.” In many ways, this is symbolic of the way opponents perceive the issue of bullying, which to them is void of any reference to sexuality. However, the use of Christ-world alliance also seek to promote a value system that is obviously perceived as under threat by the value system being promoted by gay-straight alliances.

Significant in the discourse over family values and the gay lifestyle is the awareness and acknowledgment by opponents of Bill 13 of the way LGBTQ individuals and their allies have sought to connect their struggles and their causes to a “universal value”, which explains not only the opponent’s fear of GSAs’ performative powers, but also their insistence on the distancing of traditional family values from what they consider to be a lifestyle. Consider this statement from a concerned citizen, John Gots, who recites a commonly cited passage by Gay, Lesbian and Straight Education Network (GLSEN) founder, Kevin Jennings:

“‘If the radical right can succeed in portraying us as preying on children, we will lose,’ warned Jennings in a 1995 speech to fellow GLBT activists, outlining his strategy. ‘Their language—“promoting homosexuality”—is laced with subtle and not-so-subtle innuendo that we are “after their kids.’ Jennings argued that the key to

¹⁶¹ This also speaks to the strength of GSA as a performative; we have so strongly associated the name to specific functions (support, tolerance, etc) that to appropriate it, to attach another word to it, to give it another form, seems silly. This is also an example perhaps of an attempt to “break force” from the initial context. In this case, by uttering Christ-world alliance, it seems to create a new meaning and new effect for an already existing performative.

success lay in ‘framing’ the issue in another way, to the advantage of the GLBT cause. ‘The strategy consists in linking the GLBT cause to ‘universal values’ that everyone in the community has in common, such as ‘safety.’ One then builds on this universal value the idea that ‘homophobia’ represents a ‘threat’ to students’ safety since it creates a ‘climate where violence, name-calling, health problems, and suicide are common.’ From this point, one simply promotes legislation and programs for schools that frames the GLBT agenda in the language of these universal values...”¹⁶² – John Gots

Other than being the founder of GLSEN, Kevin Jennings, is also known as one of the founders of the first gay-straight alliance club with a student from Concord Academy in 1988. He has since founded various LGBTQ youth-oriented organizations and has worked briefly as Assistant Deputy Secretary for the Office of Safe and Drug-Free Schools at the US Department of Education. This statement is significant because of the explicit way in which it articulates not only the supposed strategy of LGBTQ rights advocates, but also the response to this strategy by opponents.

In this chapter, I discuss how values and lifestyles are invoked as a response to the performative power of naming GSAs. Proponents of GSAs argue for their implementation as means of promoting family values. This is done through connecting LGBTQ families to shared family values, which includes parental concerns for the safety and protection of children. Opponents on the other hand insist on distancing the LGBTQ

¹⁶² John Gots. “Accepting School Act” In Ontario. Standing Committee on Social Policy. *Committee Transcripts (Hansard)*. (May 15, 2012) (Online) □ Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013].

community from shared values by labeling it as a sexual lifestyle that discourages the ascription to traditional family values.

6. Gay History and Myth-Making

Political debates are often rich with historical references. Speakers often invoke history to establish a pattern, validate beliefs or ideas, extend metaphors and imageries, or draw on lessons from the past. How speakers invoke (or omit) history in their statements can tell us not only of their views on the subject, but also the factors – ideologies, values systems, and assumptions – that often inform these views. Invocation or omission of history can also tell us which of these factors are being challenged or maintained. In the debate over the naming of student organizations, speakers reference history to strengthen their arguments and to invalidate the points made by their opponents. Beyond that, however, the ways speakers invoke history in both discursive arenas also reveal the factors that influence their hopes and fears of the performative power of naming of GSAs.

Important to note in the invocation of history is the concept of *myth*. Roland Barthes defines myths – unlike the stories of Greek gods – as the dominant ideologies of our time.¹⁶³ At the time Barthes was writing about myth in semiotics, France was embroiled in intense debates over its role in its colonies, particularly in Algeria. In his now famous analysis of the cover of *Paris Match* depicting a young black soldier in French uniform, saluting with eyes presumably fixed on the French flag, Barthes contends that “it signifies to me: that France is a great Empire, that all her sons, without any colour discrimination, faithfully serve under her flag, and that there is no better answer to the detractors of an alleged colonialism than the zeal shown by this Negro in

¹⁶³ Barthes, Roland, and Annette Lavers. *Mythologies*. New York: Hill and Wang, 1972.

serving his so-called oppressors.”¹⁶⁴ To him, the representation in the cover conveys meanings at two levels. The first level tells us where the soldier might be at the particular time the photo was taken, and at the second level, the representation conveys the myth of an all-inclusive imperial rule with loyal subjects all over the world.

To say however that this representation of the black soldier loyal to the French Empire is a myth is not to say that the representation is false, posed, biased or inaccurate. Rather, regardless of circumstances surrounding the representation, it can still convey a mythical meaning that resonates with the viewer. Mariana Valverde asserts that myths are often conveyed by representations that are not necessarily manipulated, tampered with, or posed.¹⁶⁵ This, she suggests, allows for mythical meanings to be communicated “sometimes very purposefully but at other times unwittingly or even accidentally.”¹⁶⁶

What is relevant for this research is the relationship between history and myth. Barthes argues that mythical dimensions of signs “transform history into nature.” In the case of the French soldier, the myth is the “fabricated, quality of colonialism.” It does not necessarily deny France’s brutalities in its colonies, but “it simplifies it, it purifies it...makes them innocent, it gives them a natural and eternal justification, it gives them a clarity which is not that of an explanation but that of a statement of fact.”¹⁶⁷ Valverde explains myth as the draining of history out of the representations; it is history that is excluded from the mythical.

How do we separate the history from the myth? In the case of Bill 13, the speakers

¹⁶⁴ Ibid., p. 116. Continuation of the quote: I am therefore again faced with a greater semiological system: there is a signifier, itself already formed with a previous system (a black soldier is giving the French salute); there is a signified (it is here a purposeful mixture of Frenchness and militariness); finally, there is a presence of the signified through the signifier... In myth (and this is the chief peculiarity of the latter), the signifier is already formed by the signs of the language... Myth has in fact a double function: it points out and it notifies, it makes us understand something and it imposes it on us.

¹⁶⁵ Valverde, Mariana. *Law and Order: Images, Meanings, Myths*. New Brunswick, NJ: Rutgers UP, 2006.

¹⁶⁶ Ibid., p. 25.

¹⁶⁷ Barthes, p. 116.

often connect GSA to historical events, periods, or issues. However, these historical events, periods, and issues are themselves mythical, in that they signify greater meanings beyond the literal reference. As an example, when advocates refer to the Stonewall riot, they are not just referring to the event in 1969, they also refer to the struggles of gays and lesbians; they attempt to convey an oppressed people fighting for their rights; they convey the myth of David versus Goliath, of the weak (minority) rising against the powerful (state).

Important in this invocation of myth-making and history is the notion of “imagined communities”.¹⁶⁸ Benedict Anderson proposed that a nation should be defined as “an imagined political community - imagined as both inherently limited and sovereign.” It is *imagined*, he argues, in that communities will never know most of their fellow-members. It has finite, if elastic boundaries, no one can claim authority over them, and lastly, it is a conceived as a “deep, horizontal comradeship.”¹⁶⁹ All of these factors, Anderson argues, have made it possible for millions of people to coexist and die willingly for such “limited imaginings.”¹⁷⁰

What we see in the debates over Bill 13 is the challenges that these imagined communities face, particularly in an increasingly pluralistic society. In this context, imagined communities do not always allude to a nation, but rather to various bodies within a nation, such as gay and religious groups. How myth-making and history are deployed in the debate over Bill 13 demonstrates an attempt to utilize, and in some cases, reconcile, the various levels of imagined communities. The connections being made

¹⁶⁸ Anderson, Benedict R. O'G. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London: Verso, 1991

¹⁶⁹ *Ibid.*, p. 6-7.

¹⁷⁰ *Ibid.*

between Canadian myths and the opposition to the Bill are examples of this, where those opposed to the Bill on religious grounds claim to embody Canadian values

In this chapter I discuss the mythical dimensions of signs in ways speakers reference “history.” I argue in this chapter that the ways speakers invoke history, they convey mythical meanings about Canada, Ontario, the family, church, state, and youth, that are largely imagined. The signs they use to convey these myths and the purpose with which they convey them demonstrates an attempt to utilize and reconcile the different communities imagined.

6.1 The Persecuted People

The narrative that GSAs represent an attack on Christians by either the state on behalf of the LGBTQ community, as discussed in Chapter 3, is articulated by drawing on the myth of the persecuted people. Consider, for example, this statement by the Christian Heritage Party:

State efforts to free society from transcending moral standards and penalize those who adhere to those moral standards are wicked at the root and reflective of throwing Christians to the lions for the crime of not acknowledging Caesar as Lord.¹⁷¹

The imagery in this statement is rich. On the literal level, the speaker is explicitly comparing the Ontario government to Caesar, whose tyranny not only led to the

¹⁷¹ Jim Enos, Christian Heritage Party. “Accepting School Act” In Ontario. Standing Committee on Social Policy. *Committee Transcripts (Hansard)*. (May 14, 2012) (Online) □ Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013].

persecution of Jesus himself, but that of his followers centuries after his death. The quote itself is credited to the Roman historian Tacitus, who lived during Nero's rule. Nero is considered one of the most brutal emperors, who supposedly let Rome burn and slaughtered Christians mercilessly.¹⁷² The imagery also conveys an urgency and alludes to the bloodshed and cruelty in the Roman coliseum where gladiators fought and died, and where Christians were believed to have been fed to the lions. In many ways, the individuals in parliament and committee hearings who criticized Catholic schools for not allowing the naming of GSAs are being compared to the Roman people, who let the persecution of Christians happen.

The references to the Roman persecution of Christians also have an implication in the way opponents of GSAs want to be perceived. On the one hand, they are appropriating victimization, as discussed already, to gain support for their cause. On the other hand, however, the statement also conveys a claim to martyrdom. By comparing contemporary Canadians opposed to the Bill to Christians who were fed to the lions during Nero's reign, the member of the Christian Heritage Party is comparing the people opposed to the naming of GSAs to martyred Christians who died for their beliefs and were later canonized by the Church.

On the mythical level, the reference to throwing Christians to the lions invokes the myth of the persecuted people who, because of their beliefs, are punished by a tyrannical state. This myth resonates with Christians whose biblical stories are littered with various versions of this particular myth, from the enslavement of Israelites in Egypt to the stoning of various saints. What makes this myth powerful, however, is not only its

¹⁷² Hopkins, Keith. "Christian Number and Its Implications." *Journal of Early Christian Studies* 6.2 (1998): 185-226.

simplification of history, but also its ability to be recognized by any group or individual who has suffered persecution at the hands of cruel majority or the state.

The ability of this myth to simplify or purify history is demonstrated by a member of Catch the Fire, an evangelical group based in Toronto, that laments the treatment of the church:

You look back at Christ 2,000 years ago, and I recognize that he was actually known as one who would hang out with the outcasts of society. Back then, they called it hanging out with the prostitutes, the “sinners.” So when you look at outcasts of society in today’s modern culture, I think the church has very much been labelled as being haters of these people, which I feel is very unfortunate.¹⁷³

Here, we see a slightly different version of the myth, one that conveys a misunderstood church, one that conveys a compassionate religion that embraces people from different walks of life, including “sinners.”¹⁷⁴ Like the “thrown to the lions” statement, this, too, makes Christian history innocent. It glosses over the centuries of persecution of non-Christians at the hands of the church through the Crusades, for instance. It skips over the inquisition and countless atrocities committed by individuals and states in the name of Christianity. The reference to Christians’ history, therefore, serves to signify the myth of the persecuted people, but in so doing, re-imagines the persecution of others, including gays, at the hands of the Church.

¹⁷³ John Bootsma, Catch the Fire. “Accepting School Act” In Ontario. Standing Committee on Social Policy. *Committee Transcripts (Hansard)*. (May 15, 2012) (Online) □ Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013].

¹⁷⁴ It is no surprise that one of most common justification of the religious right of their treatment of gay people is the notion that we should “love the sinner but hate the sin.”

Myths are myths because they speak to almost everyone, without everyone necessarily knowing the specific meanings of signs being used to convey the myth. The myth of the “fallen women” is noted by Valverde as one that is recognizable in many cultures in different times, but the way this has been conveyed varies significantly in different contexts.¹⁷⁵ The myth of the persecuted people is similarly recognizable because of its universality. Consider, for instance, this statement by Jason Golloher who opposed Bill 13:

What’s next? Maybe we don’t like the Muslims’ opinion. Maybe we don’t like the Christians’ opinion. Maybe we don’t like—who knows? I know that in Germany and Russia, it led to really dark places.¹⁷⁶

The myth of the persecuted people in this statement is conveyed using different signs. Gone is the imagery of biblical stories, replaced with reference to a more recent history. Here, the speaker mentions Germany and Russia going to “really dark places.” The reference to Germany alludes to the Nazi regime and the death of millions of Jewish people at the hands of Hitler and his followers. The mention of Russia, on the other hand, refers to the persecution of religious groups at the hands of the communist party, which led to the destruction of places of worship, execution of religious leaders, and “atheism.” In both cases, people were persecuted for their beliefs by a tyrannical state. What is compelling here, however, is the allusion not only to the persecuted people, but also to the bystanders, those who watched and did nothing while atrocities were being

¹⁷⁵ Valverde, p. 26.

¹⁷⁶ Jason Golloher, “Accepting School Act” In Ontario. Standing Committee on Social Policy. *Committee Transcripts (Hansard)*. (May 14, 2012) (Online) □ Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013].

committed. The way this myth is being conveyed therefore is meant to appeal to the bystanders, the observers, who, if they do nothing to stop the passing of the Bill, will see persecution of religious groups, like the ones seen in both Russia and Germany. The myth acts both as an expression of fear, but also as a call to arms against the performative powers of naming GSAs. Ironically, the myth being conveyed here ignores the persecution of gays under both the Nazi and Soviet regimes, where many gays shared concentration camps with the Jewish people, and where homosexuality was punishable by imprisonment with hard labour in the Soviet Union.

6.2 GSA as un-Canadian

The reference to both Germany and Russia is also a sign that embodies the Canadian myth. In arguing against Bill 13, opponents often allude to the Bill's un-Canadian characteristic in order to justify their opposition. The naming of GSAs, therefore, has the potential to have effects that are seen as "foreign" and, therefore, dangerous. It is unclear whether the opposition believe their own rhetoric, but the intent is clearly to define GSAs and their proponents as the "other." Consider for instance this statement by Jocelyn Ko:

Lenin once said, 'Give me four years to teach the children and the seed I have sown will never be uprooted.' Hitler said, 'Give me your children today, and I will give you the world tomorrow'...Since when has Canada, the land of "the True North strong and free" and the land which God keeps "glorious and free," become a communist country? I urge you: Please sing O Canada with me now.

(Speaker proceeds to sing the Canadian national anthem; the committee follows).¹⁷⁷

This statement is important because it signifies and connects the various arguments against Bill 13 with an imagined community – Canada – and its various myths. For example, the statement’s reference to indoctrination not only emphasizes the notion that homosexuality is taught, but that it is also a foreign concept originating from individuals that have committed unimaginable atrocities. The use of Lenin and Hitler appeals not only to our understanding of “evil” men, but also our understanding of what it is to be a patriotic Canadian, especially because the Canadian myth is partly built on our military tradition, which includes our participation in the First and Second World War. This also explains the number of references to Karl Marx and his ideas of a proletariat revolution.¹⁷⁸ By comparing GSAs to propaganda used by Hitler and Lenin, the other-ing of LGBTQ youth and allies is framed along the lines of non-citizenship and violations of religious freedom. The argument then becomes: by having GSA, we are allowing foreign, anti-democratic, anti-Canadian, anti-religious, fascist and communist ideals to permeate in our school system.

The singing of “O Canada” is particularly important because of its symbolism; a country’s flag and national anthem are particularly powerful signs of national myth-making. By singing “O Canada”, by getting the committee to stand up, the speaker is able

¹⁷⁷ Jocelyn Ko, “Accepting School Act” In Ontario. Standing Committee on Social Policy. *Committee Transcripts (Hansard)*. (May 7, 2012) (Online) □ Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013]. While the transcript does not describe the actions of the committee hearing, it did transcribe the singing of the Canadian national anthem. The presiding MPP also thanked the committee for standing up during Ko’s rendition of O Canada.

¹⁷⁸ Tim Lau: “If you actually do a Google search, you’ll find that “critical consciousness” has its origins in Karl Marx and this idea of revolution. If you look at this GSA website, it in fact points to the fact that Catholics are fundamentally homophobes, and this shows that there is intolerance towards a Catholic world view...How would a gay and faithful Catholic student feel in a GSA club? Would he be accepted, ridiculed or bullied or even labelled as a hater if he had a view that was different and maybe consistent with the official teachings of the Catholic church?”

to convey the myth of a Canada that values religious freedoms, a Canada that is free from foreign influence and a Canada that is protected by those who believe in the Canadian values. Indeed, in talking about her son's experiences of bullying, Ko suggests that only through the rejection of ideals embodied by GSAs can we "become decent, responsible, loyal Canadians." To oppose Bill 13 and the naming of GSA are the ultimate exercise of loyalty to the Canadian values.

In conveying the myth of Canada, the opposition also invokes multiculturalism as a reason for arguing against GSAs. Consider this statement by the member of the Family Coalition:

I'd like to say one more thing. In Ontario and in Canada, we pride ourselves on our diversity, on our cultural mosaic. We don't all look the same and we don't all think the same, and diversity adds vibrancy and flavour to our culture.¹⁷⁹

In this statement, the common argument of forcing Catholic schools to abide by the clauses of Bill 13 is apparent. This is not an unusual argument to make against the naming of GSAs. What is interesting in this statement, however, is the connection being made between the opposition to GSAs and Canadian multiculturalism, as if the latter justifies the former. Here, the speaker reminds the committee of what it means to be a Canadian, of the values that we hold dear, and the features that help form our Canadian identity. In this case, the speaker points to multiculturalism as something that makes us distinctly and proudly Canadian. The statement suggests that the implementation of

¹⁷⁹ Eric Ames, "Accepting School Act" In Ontario. Standing Committee on Social Policy. *Committee Transcripts (Hansard)*. (May 15, 2012) (Online) □ Available: <http://www.ontla.on.ca/hansard/hansardindex.htm> [March 11, 2013].

GSA, against the will of the Catholic schools, will destroy multiculturalism, and that GSAs will undermine the foundation on which the Canadian identity is built. By denying Catholic schools the ability to veto the name GSA, the Ontario government is silencing voices that contribute to this Canadian myth. The placing of multiculturalism in opposition to gay rights is compelling to opponents of Bill 13 because on the one hand, they are both concerned with tolerance, respect for minority rights, and diversity. On the other hand, there is difficulty in reconciling the two particularly when there are competing rights claims involved. By conveying the Canadian myth, the opposition is able to attach their arguments against GSAs to a greater state project of multiculturalism, which might be more convincing to some than the other arguments put forward. The use of doublespeak in this case deliberately disguises the intent of the argument.¹⁸⁰ By juxtaposing GSAs, and by extension the gay rights movement to multiculturalism, the opposition employs a defensible argument.

The reference to history to convey the Canadian myth is important, not only for the opposition, but also for the proponents of Bill 13. What the statements discussed above convey is a history, and indeed, a Canadian history that is largely void of homosexuality. The biblical allusions, the myth of the persecuted people, and the myth of Canada paint a history of the LGBTQ community that is non-existent, yet at the same time, assumed. That is, on the one hand, the reference to history fails to discuss the role of LGBT people in Canada. The opponents fail to recognize the struggles of LGBTQ people at the hands of various religions, hate-crime perpetrators, and the state. The

¹⁸⁰ Lutz, William. "Fourteen Years of Doublespeak." *British Journal* 77.3 (1988): 40-42. "What is doublespeak? Doublespeak is language which pretends to communicate but really doesn't. It is language which makes the bad seem good, the negative appear positive, the unpleasant appear attractive, or at least tolerable. It is language which avoids or shifts responsibility, language which is at variance with its real or purported meaning. It is language which conceals or prevents thought. Doublespeak is language which does not extend thought but limits it."

Canadian myth, for example, leaves out the discriminatory policies of Canada against gays and lesbians, in the military, in family, workplace, etc. The myth of the persecuted people fails to recognize that LGBTQ communities continue to be brutally persecuted in many countries around the world today.

On the other hand, the rhetoric of the opposition also paints an LGBTQ community that has always been present. Not only has it always been present, the threat of GSAs as expressed by the opposition implies that gays and lesbians, for their entire history, have enjoyed privileged lives with uninhibited freedoms and guaranteed liberties. The way the consequences of GSAs are articulated makes it seem as if the state has always sided with the LGBTQ community, as if the community is unrivalled in power, and as if the organization has manipulated the government into advancing its agenda. This perception of the communities' "threat" to traditional family values, multiculturalism, Canadian identities, etc., reflects the moral panic surrounding recent advancement of the gay rights movement. This was the same moral panic that characterized the successes of the civil rights movement.

7. Conclusion:

Using the concept of performative utterance, this paper argues that the discourse over Bill 13 reflects the expectations of and ambivalence towards the potential effects of naming Gay-Straight Organizations. The significance of “naming” the student organization in relation to issues of bullying, sexual identities and gender expressions, and how this significance is articulated, imagined, or perceived by the speakers, demonstrates the productive powers of the performative. That is, the act of naming, as demonstrated in this paper, can make possible the materialization and alteration of different social dynamics. In the context of the Catholic school setting, the performative powers of naming can dictate how students and teachers interact, produce obligations between them and their communities, challenge assumptions about gender expressions, and alter perceptions about bullying. More immediate, however, the naming makes possible the visibility of LGBTQ youth, whose existence is made tangible by the performative. With this, comes the acknowledgement of their struggles with bullying and the empowerment to change the conditions that perpetuate these struggles.

More broadly, this paper has sought to demonstrate how performative utterances can be sites of both agency and political resistance. The struggle to name or to take away the ability to name through discourse is a struggle by two opposing social movements for the ability to produce, advocate, challenge, or alter certain performative effects. As demonstrated in this paper, language plays a central role in this struggle, which can be seen not only in the debates over bullying, but also in the historical relationship between the religious right and the gay rights movement. The repeated use of different performative utterances, in various contexts and forms, as apparent in the inconsistencies

in the meanings or uses of words, allows for each movement to capitalize on the different effects of performatives to advance certain causes in order to open up new contexts, and therefore, create new social and political realities for their members.

7.1 Implications and Future Research

Theoretically, this paper draws extensively from Butler's reconceptualization of performative utterance. However, this paper has also sought to make stronger connections between "structures" and performatives. That is, the use of Bourdieu in conjunction with Butler in aspects of this paper is an attempt to connect performative utterances, or at least their effects, to social structures that can influence not only the performative, but also the factors that lead to the performative being uttered in the first place. What factors, for example, influenced the founders' decision to use GSA as opposed to another name? This requires an extensive examination of the name's origins and the founders' considerations, which this paper only briefly discusses. Where scholars like Derrida attribute the effects of performatives from its iterability, it would be useful perhaps to also consider a conceptualization of performative utterance that takes into account the "initial speaker" and the initial utterance of the performative. In this case, this can mean theorizing how the performative effects of naming the first GSA club in Concord Academy, and the acts through naming of the organizations they intended to perform. This is theoretically useful in discerning the initial source of the performative effects, before it is altered through iterations.

Mindful of the question of where performatives get their effects, this paper initially sought to discuss how the performative effects of GSAs are produced. The challenge with this task however, is in tracing how the effects change in each instance of

utterance, thus complicating the search for which factors produce certain performative effects. For example, if each iteration of the word “gay” produces different effects from the previous utterance, we have to ask what changed, what factors allowed for this change in effects, and how these effects are going to be reproduced. This also entails an in-depth discussion about the speakers and the factors that influence their speech. These questions are beyond the scope of this paper, and would benefit greatly from sufficient discussion on their own.

On the case study, this paper admittedly discusses a very small aspect of the subject, limiting the inquiry only to the naming of GSAs, and the data contained in the official debate transcripts. Further use of data, such as unofficial statements, media representations, and online polls and discussions of Bill 13, GSAs, and bullying could provide a broader perspective, accounting for narratives and articulations not found in official debates. Examination of additional sources of data can also enable researchers to explore how discourse in official debates reflect or differ from broader societal discourses about the topic. Analysis of other discursive arenas, for example, can allow researchers to explore the debate over anti-gay bullying in relation to the ongoing confrontations between conservative Christian groups and gay advocates taking place globally.

The question of the law’s effectiveness is also important to consider in future research. Indeed, anti-bullying legislation is not new; neither are GSAs. However, what we see in Bill 13 is the framing of GSAs as a form of state intervention. By passing Bill 13, the Ontario government has enshrined GSAs into law, acknowledging their importance in combating bullying. In so doing, GSAs can become a vehicle through which government policies pertaining to bullying, student safety, and issues of sexuality

and gender expression can be pursued. This is a significant shift from existing literature on GSAs, where the club is often perceived and approached as an innovative student organization, developed independent of any state interference. This is not to suggest that GSAs are subject to state authority, but rather, that their formal recognition through law can lead to effects produced by the state recognition of the club.

For future research, further examination of the Bill's effects on Catholic schools, including the evaluation of its effectiveness in curbing anti-gay bullying, can be framed in two theoretical perspectives: legal consciousness and governmentality. The former can be used to explore how students, teachers, and other school officials perceive and employ the law, including their (re)actions to issues related to anti-gay bullying, or gender expressions and sexual identities, and how these perceptions influences the Bill's social and governmental effects within schools and youth groups. Crucial to this is the examination of how students have responded to forms of bullying in the past, and how they respond to bullying with the passing of Bill 13. The latter is important in that it can shed light not only on the intent of the law as such, but also the governing logics surrounding legal debates. It is also important to think of governmentality beyond political and legal structures, and more within the localized setting of high schools, where the "governed" – the students and teachers – are formed as legal subjects through mechanisms like Bill 13.

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