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From 'Security Risk' to Charter Rights – Gender, Sexuality and the Canadian Politics of Integration

Zusammenfassung

Sogenannte sexuelle Minderheiten haben in Kanada grundlegende Veränderungen ihres rechtlichen und gesellschaftlichen Status erarbeitet. Zumindest bis in die 1960er Jahre galten schwule Männer auf Grund ihrer 'Tendenzen' als Gefahr für die nationale Sicherheit und als leichte Beute für (kommunistische) Erpressung. Gegenwärtig ermöglicht die kanadische Gesetzgebung die Ehe für gleichgeschlechtliche Paare und bietet einen relativ sicheren Status für Transsexuelle. Dennoch bleibt die Analyse gesellschaftlicher Integration von lange ausgeschlossenen Identifikationen von Interesse. Daher werde ich die Rolle von Gender und Sexualität in der gegenwärtigen kanadischen Gesellschaft analysieren und untersuchen, wie Jugendliche Diskurse von Gender und Sexualität als Teil ihrer Selbstverortungen nutzen und erklären. Material aus der Forschung mit Jugendlichen an einer Junior High School zeigt, dass heteronormative Diskurse – noch immer oder wieder? – von großer Bedeutung für Jugendliche sind.

Résumé

Celles que l'on appelle les minorités sexuelles au Canada ont atteint, avec de grands efforts, des changements radicaux de leur statut légal et sociétal. Les hommes homosexuels, du moins jusque dans les années 1960, ont été considérés comme un risque pour la sécurité nationale et comme proie facile de chantages (communistes) à cause de leurs « penchants ». Aujourd'hui, la législation canadienne rend possible le mariage de couples du même sexe et prévoit un statut relativement protégé pour les transsexuels. Néanmoins, l'analyse du rôle de processus d'intégration sociale de ces identifications longtemps exclues reste toujours intéressante. C'est pourquoi je me propose d'analyser le rôle du genre et de la sexualité dans la société canadienne contemporaine et d'examiner comment les jeunes font usage de tels discours pour expliquer leurs positionnements identitaires. Les données d'une recherche auprès des élèves d'une Junior High School montrent que les discours hétéro-normatifs exercent – toujours ou de nouveau? – une grande influence sur ces jeunes.

Introduction

The topic of this chapter – the role of gender and sexuality in Canada and the changes that were made especially over the last 25 years – is one that brings together two strands of my research. A few years ago, I was very much interested in legal and theoretical developments regarding non-normative gender positions.¹ More recently, I spent some time at a Canadian Junior High School, doing field research and discussing with the young people, among other things, their understanding of the role of gender in their lives. The question of how gender, sex and sexuality are conceptualized within and as part of specific national discourses was central to both approaches and the aim of this contribution is to outline discursive changes and continuities in both sets of data.

One motivation for this research was that young people who represent non-heteronormative identifications still run the risk of exclusion and abuse. Transgendered, two-spirited, bisexual, lesbian, gay and questioning youth face a high risk of discrimination and are more likely than their peers to commit suicide (Tremblay 1995; Wells 2005, 6; Banks 2003; Hark 2002).² This motivation – to enable young people to negotiate their subject position in relative safety – is not an embarrassment of riches. Rather, it points to the conceptualization and structuring of societies that – and I take that as a given – aim to be just and to promote equality.³ In Canada, much has been done to minimize discrimination, and Canada can justly claim to have attained a high degree of legal and discursive equity in many societal aspects.

1 This text is based on my M.A. thesis (Schmitt 2002) and PhD research (2007a). I thank the GKS, the ICCS and the ENCS, as well as the University of Bremen, for their support. This paper benefited especially from discussions during the Grainau conference 2007.

2 There is some debate about the sequence of the terms – some point out that they should be used in descending order of discrimination: transgender, bisexual, lesbian, gay, rather than the former 'lgbt'; recently, another category has been added, and 'questioning' is included in the list. 'Two-spirited' is – especially outside of Canada, mostly missing from that list. In this paper, I will use 'queer' and 'non-heteronormative' as interchangeable terms; in contexts where the normative binary concept of gender is discussed, I generally prefer 'non-heteronormative'. This refers to Warner's understanding of heteronormativity as "heterosexual culture's exclusive ability to interpret itself as society" (1993, xxi).

Szalacha refers to a distinction between homophobia and other kinds of bullying young people experience in school: "I am painfully aware of the horrendous victimization many LGBTQ youth face in public schools – victimization that is often trivialized by conservatives who lump it together with teasing fat kids or taunting kids who wear glasses" (2003).

3 The question of justice through the recognition of individual and group identifications, as outlined by Taylor and others, is certainly at stake here. Yet, my interest lies not primarily with the philosophical conceptualizations of diversity and belonging as such, but rather with the translation of such conceptualizations into the everyday lives of young people in Canada. The merits and pitfalls of the Canadian model have been widely discussed (Jones 2000; Juteau 1997; Kordan 1997).

Kymlicka differentiates between "internal restrictions" and "external protections" to clarify the more generalizing term of 'collective' rights (1995, 35ff). See also Bannerji (1999).

Using the Canadian example and showing some limitations of the Canadian liberal multicultural democracy by analysing laws and everyday discourses means to learn from the almost ideal role model.

Understanding 'difference' in a poststructural society – Young people's debates on homosexuality in Canada

Despite certain restrictions, the Canadian multicultural model does by now allow for a large number of 'diversities' as subjectivities and as grounds for non-discrimination. Terry Goldie, former chair at the Robarts Centre at York University, suggests that this diversification might lead to a queering of Canadian society, meaning a further pluralization of identifications as well as of the legal and political structure. He notes: "If any nation is queer enough to accept a queer nation, it must be this [the Canadian] one" (Goldie 2001, 25).⁴ Indeed, Canada offers more liberties and rights to 'sexual minorities' than most other societies in the world. At the same time, Goldie's note points to an important aspect of queer theories: While 'queer' is sometimes considered to describe 'diverse' sexualities only and thus point to a sexual meta-identification, it is in fact used to critically examine processes of stratification and the construction of dominant norms, far beyond the realm of gender-sexuality (e.g. Jagose 1998, 77).

Taking that as a starting point, I was interested in analyzing how the political, conceptual and structural framework regarding (sexual) diversity translates into the everyday lives of young people today. How 'normal' is it to be 'different' in Canada? It is necessary to remember that the "construction of difference must be examined in relational terms, that differentiation involves *ipso facto* hierarchization, which is materially grounded", as Christiane Harzig and Danielle Juteau put it (2003, 5). During the research with Canadian youth, it was apparent that some of the issues debated over the last decades in the context of the queer rights movement were at the core of young people's negotiations of their own opinions and reactions, such as the separation of public and private spheres. As one of the students phrased it: "Be gay, but just don't be vocal about it."

The young people re-produced a number of current discourses regarding non-heteronormative subject positions in Canada. While some of the students would readily use either clearly liberal or clearly religious-conservative thought to explain their position regarding homosexuality, the examples I will present later in this chapter were chosen for their paradoxical positions and the questions they raised. In everyday situations, national policies are not and cannot always be adopted directly. Societal agents – in the case of my research: young people – negotiate such normative influences with their more personal understandings of what is right and

4 Similarly, Stychin wonders if Canada is the first postmodern state (1995).

acceptable. At the same time, the examples I chose for this chapter reflect, interestingly, on central theoretical and political struggles that have shaped Canadian conceptions of belonging for some time. The issues at stake for these young people – disparaging sets of rules regarding ‘normal’ gender and sexuality, the separation of public and private spheres, and the (seemingly) more personal fear of transgression of boundaries of gender and sexuality – can be read in the context of Canadian discursive and legal changes and continuities over the last decades.

To explain the legal and discursive setting of the young people’s debates, I will sketch the constitutional status of so-called sexual minorities in Canada, outline some of the more decisive changes that occurred since the patriation of the Canadian constitution and point out current unresolved issues. Having done that, I will suggest an analysis of the role of gender and sexuality within present-day Canadian society, using material from my recent research on young people. The synergies of the combination of policy research and empirical data will, I hope, become evident in the course of this chapter.

The legal status quo – Canada 2007

Currently, Canada offers one of the most advanced legislations regarding non-discrimination and positive rights regarding sex, gender and sexuality. There are a number of aspects that presently mark the political and societal debates: access to medical care for transsexual people, the inclusion of anti-homophobia education in school curricula, legal standards for the treatment of non-heteronormative persons in police custody, the problematic practices of Canada Customs regarding bisexual, gay, lesbian and transgender publications, to name just a few. Changes in marriage legislation are the most prominent example of the legal, social and discursive changes regarding gender, sex and sexuality in Canada.⁵

Already in June 2002, Quebec introduced *L’union civile* for same-sex as well as opposite-sex couples, with benefits and obligations similar to those of marriage:

Celle-ci a été conçue au bénéfice des couples, formés de personnes de sexe différent ou de même sexe, qui souhaitent s’engager publiquement à faire vie commune et à respecter les droits et les obligations qui s’y rattachent.

En ce qui concerne sa forme et sa portée juridique, l’union civile équivaut au mariage. En effet, les droits et obligations qui découlent de l’union civile sont les mêmes que ceux qui résultent du mariage. Cepen-

5 To discuss the international influence of these changes would go beyond the scope of this paper, but I would like to remind the readers of the explicit negative reaction of U.S. politicians to the adoption of the *Civil Marriage Act*.

dant, il existe quelques différences entre ces deux institutions. (Justice Québec 2003)

Consequently, between June 2003 and June 2005, most provinces and the Yukon adopted legislation regarding same-sex marriage in Canada.

Ontario	10 June 2003
British Columbia	8 July 2003
Quebec	19 March 2004 (civil union since 2002)
Yukon territory	14 July 2004
Manitoba	16 September 2004
Nova Scotia	24 September 2004
Saskatchewan	5 November 2004
Newfoundland and Labrador	21 December 2004
New Brunswick	23 June 2005

In December 2004, the Supreme Court of Canada ruled that marriage was a federal responsibility. Bill C-38, the *Civil Marriage Act*, received Royal Assent on July 20, 2005 and made same-sex marriage also legal in Alberta, Prince Edward Island, Nunavut and the Northwest Territories (Parliament of Canada 2005).⁶ Since then, the *Civil Marriage Act* states that “[m]arriage, for civil purposes, is the lawful union of two persons to the exclusion of all others.” To expand on the theme, the Ontario Court of Appeals ruled in January 2007 that a child might legally have three parents: The mother and her female partner, as well as the father, can be registered in the birth certificate.⁷

Also, a remaining flaw in the legislation for lesbian and gay couples has recently been amended. Following intervention by equal rights campaigners, Citizenship and Immigration Canada annulled an interim legislation that did not acknowledge, for purposes of immigration and sponsorship, equal marriages performed in The Netherlands, Belgium, Spain, South Africa, and the Commonwealth of Massachusetts in the United States.

6 For a more detailed analysis of the developments towards equal marriage see Wagner (2004), for an overview of legal changes since the 1970s see Parliamentary Information and Research Service (2005), for new developments the homepage of the civil rights advocacy group Egale Canada and, if only for its promptness, Wikipedia.

7 This even made it into a German newspaper (Braune 2007).

From 'security risk' to Charter rights to integration

It has been a long way to gain this kind of legal and societal inclusion. The 1950s still regarded – male – homosexuality as something of a national dilemma.⁸ Following the *Immigration Act* of 1952, being homosexual (and telling the officials) was a reason to be prohibited from entering Canadian territory. At that time, the understanding of homosexuality was based on a notion of recognizability, deviance and character weakness, while simultaneously necessitating secretiveness and invisibility. The need for secrecy was, in an interesting turn, perceived as a character trait that either rendered gay and lesbian persons vicious and prone to communist activities or left them easy victims for any kind of blackmail, especially if it involved anti-state conspiracies (Kinsman 1987, 120-21, 2001). Questions of what was considered public or private were at the core of this discourse, and then-Justice Minister Trudeau reflected this when he pronounced in 1967 that the “state has no place in the bedrooms of the nation.” In 1969, following his suggestions, the reform of the *Criminal Code* cancelled homosexual acts from the dangerous offenders section. Yet, while acts in the privacy of one's home were decriminalized, the public realm remained contested ground (Kinsman 1987, 166).

Thus, the 1968/69 *Report of the Royal Commission on Security* still suggested that lesbian and gay persons should be barred from any position that involved security clearance, relying on the paradoxical notion that homosexuality was either visible, or that gay and lesbian persons who could keep their sexuality secret were unreliable. Obviously, this restricted the freedom of expression of all living in Canada, as in many cases alleged homosexuality was enough to raise suspicion. Even more importantly, this approach, which drew on a perceived interrelation between morals, individual and national identity, and national security, contradicted government policy: During his office under Prime Minister Trudeau, Justice Minister Turner insisted on the separation of “public law” from “private morality” (Kinsman 1987, 167). In 1969, the criminal code reform, Bill C-150, partially decriminalized same-sex sexual acts (Kinsman 1987, 166).⁹ Goldie reminds us that the importance of this reform cannot be overestimated, as

the 1969 criminal code reform emphasized not the need to erase the perceptions of the deviance of same-sex desire nor the rights of those who identified as homosexual but rather the freedom of any Canadian to live as he or she wishes in the privacy of the home. (Goldie 2001, 19)

8 See more expansively in Schmitt (2002).

9 The omnibus bill also included revisions on such diverse issues as contraception and abortion, gambling and gun control.

Coming clean – Issues of sexuality, visibility and recognition

The late 1960s also saw important changes in political activism. After the criminal code reform, more outspoken groups and activities replaced the homophile movement. Politics and theories of identity were developed, with a focus on gay and lesbian rights rather than a more general idea of a 'sexual revolution' that had been popular so far. One aspect of these changes was the creation of a publicly acceptable, mainstreamed notion of 'gayness', to the exclusion of people who would or could not fit this image.¹⁰ Gender-nonconformists beyond the newly mainstreamed conceptualizations of lesbian and gay were relegated to minority-within-minority status that made active participation in social and political discourse difficult. Judith Butler attempts to explain the paradoxical oppression of 'invisibility':

Here, it becomes important to recognize that oppression works not merely through acts of overt prohibition, but covertly, through the constitution of viable subjects and through the corollary constitution of a domain of unviable (un)subject – *abjects*, we might call them – who are neither named nor prohibited within the economy of the law. Here oppression works through the production of a domain of unthinkability and unnameability. [...] To be prohibited explicitly is to occupy a discursive site from which something like a reverse-discourse can be articulated; to be implicitly proscribed is not even to qualify as an object of prohibition (Butler 1993, 312).¹¹

However, this process of mainstreaming did not produce the intended outcome of acceptance and safety. During the 1970s and 1980s, the Royal Canadian Mounted Police still held on to practices of discrimination and were among those in opposition to amendments to the *Canadian Charter of Rights and Freedoms*. Nevertheless, legal provisions were made to make Canada a more inclusive society.¹²

Visible 'deviance', however, remained a welcome target of restrictive policing in public. This was especially obvious when gay patronized bathhouses were routinely raided by the police from the mid-1970s onwards, often under pretences of prostitution. It is important to remember that baths were spaces of recreational as well as

10 I.e. transgendered and transsexual persons, intersexual persons, femmes, butches and drag queens, as well as non-white people often did not fit the ideal of the 'normal homosexual'. To date, especially the intersectionality of ascriptions, i.e. identifying as (immigrant) Black person and as gay, remains problematic, as Crichlow explains (2001).

11 Here, Butler refers to the invisibility of lesbians in U.S. legal and political discourse of the early 1990s; however, the theoretical and conceptual implications are applicable to the exclusion of other identifications.

12 On the masculinist symbolism of the RCMP and its representation as 'Canadian culture' see Bannerji (2000, 73). The RCMP document "RCMP Policy in Respect of Homosexual Conduct" is cited in Kinsman (1987, 122).

political value, where the separation of and distinction between the public and the private was challenged.

Already in 1977, Quebec took up this challenge and included sexual orientation in its *Charte des droits et libertés de la personne* as a ground for non-discrimination (Kinsman 1987, 213). In the remaining provinces, the lacerations and harassments culminated in 1981 with an attempt to “clean up Yonge Street” with raids on gay patronized baths (Kinsman 1987, 204). The especially degrading behaviour of the police officers “served to politicize, radicalize, and define the gay community,” as Gary Kinsman points out. It led first to street battles and later to court cases that would eventually effect decisive changes in political discourse on the privacy of sexuality and the ‘publicness’ of gender. Finally, these efforts led to the inclusion of sex into section 15 (the equality section) of the *Canadian Charter of Rights and Freedoms* in 1982 as ground for non-discrimination (Kinsman 1987, 208; Isajiw 1999, 242).

15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. (Department of Justice Canada)

This legal victory underlined the discursive transformation regarding same-sex desire in Canada. Rather than being considered a national security risk, homosexuality began to be considered an aspect of national symbolism, for example when gay and lesbian persons began to openly work in the armed forces.

Clearly, identity politics served as a useful strategy for necessary legal and societal changes and effected a new approach to politics of anti-discrimination. At the same time, however, such politics relied on notions of stable individual and group identities to be applicable in political and legal settings.¹³ Wray points out that it “is not that citizenship and equality rights legitimize pre-existing identities, but rather, the contours of identity are shaped by the demands of citizenship and rights models themselves” (Wray 2001, 166). Grounds for non-discrimination needed to be intelligible by their analogy with other seemingly fixed categories such as ethnic origin or physical disability.

Entering the new millennium

During the 1990s, the previous gains were used as the foundation for further negotiations. Now, partnership and family legislation became the centre of attention

13 The notion of stable identifications and understanding of belonging was also criticized in the context of multiculturalism policies in Canada and elsewhere (Bannerji 1999, 265; see also Schmitt 2002, 70–73). For the UK, Smith delineates the conceptual parallels between exclusionary normalizations of ‘ethnicity’ and the normalization of the ‘good homosexual’ (1996).

and the definition of 'spouse' and 'family' became publicly contested ground. With reference to the 1982 changes to the *Canadian Charter of Rights and Freedoms*, lesbian and gay couples demanded the same societal support and recognition for their relationships as opposite-sex couples.

Others discussed the tools many equal rights campaigners used:

This form of mainstream activism takes for granted the liberating power of full and equal citizenship and fails to consider the ways in which the discourses of national citizenship actively materialize sexual identities, histories, and cultures. [...] As categories of identification, citizenship and sexuality engender certain representations of the identities at hand. The rights discourses associated with full and equal citizenship *compel* the narrativization of lesbian history, culture, identity, and desire along the homogenizing trajectory of national belonging. A rights discourse works to the extent that it both constitutes and articulates the existence of an identifiable, marginalized group of people. (wray 2001, 161)

The necessity to identify specific identifications as oppressed holds, as wray points out, an important conceptual problem (that had previously been identified regarding 'ethnicity' within the *Policy of Multiculturalism*).

At the same time, however, there was an increase in censorship activity against gay and lesbian bookstores on grounds of sexuality (e.g. Little Sister's Bookstore) (Kinsman 2001, 219).¹⁴ Therefore, when in 1996 sexual orientation was added to the *Canadian Human Rights Act*, it was not simply a confirmation of an undisputed societal and political discourse of tolerance, but the result of severe legal negotiations. With reference to the notes of the parliamentary debates prior to the amendment of the *Act*, Adrian de Silva points out that

heterosexuality is depicted as a natural condition and, therefore, remains unproblematized [...] while the opponents' perspectives demonstrate why human rights protection is alluring to those who are denied civil rights, the premises on which the proponents' perspectives are based upon leave no doubt that human rights protection on liberal

14 The case of the Little Sister's bookstore in Vancouver was especially explicit. Since 1986, the owners fought a number of court cases against Canada Customs, who regularly seized gay, lesbian, bisexual and transgender publications on grounds of obscenity, while heterosexual publications with similar content could pass customs. A decision of the Canadian Supreme Court in 2000 ruled that such publications were protected by the freedom of speech and expression clauses in the *Charter of Rights and Freedoms*. However, until today Little Sister's struggles with Canada Customs' misclassifications of publications, despite the support of eminent novelists such as Jane Rule (Little Sisters Book and Art Emporium 2007).

terms is severely limited in terms of the subjectivities it acknowledges and the diversity it is prepared to accept. (de Silva 2003)

Despite the problematic conceptualizations of sexuality or sexual orientation during the debates, today, the *Act* reads:

Prohibited grounds of discrimination:

3. (1) For all purposes of this Act, the prohibited grounds of discrimination are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and conviction for which a pardon has been granted. (Department of Justice Canada 2007)

Despite the opposition of conservative societal actors, these discursive and legal victories produced radical changes in attitude of government agencies. Following the changes of the *Human Rights Act*, the Supreme Court ruled in 1999 that lesbian and gay couples should have the same rights as heterosexual common-law couples. In 2000, the *Modernization of Benefits and Obligations Act* (Bill C-23) passed by the federal government revealed how deeply ingrained heteronormative conceptualizations of citizenship were in Canadian legislation: More than sixty-eight statutes needed to be adapted in order to unify diverging provincial rulings (Owen 2001, 89).

Still, what “was supposed to be legislation affirming our rights now became legislation setting limits to our rights” (Kinsman 2001, 219). A last-minute amendment in the *Modernization of Benefits and Obligations Act* reaffirmed the status quo ante, stating that ‘marriage’ would remain the realm of opposite-sex couples: “For greater certainty, the amendments made by this Act do not affect the meaning of the word ‘marriage’, that is, the lawful union of one man and one woman to the exclusion of all others” (Department of Justice Canada 2000). Legal (near) equality had to be granted, yet social equality was rejected.

Certainly, as Michelle K. Owen reminds us, a redefinition of the status of spouse is not always an improvement on all levels, as “the trend to shift responsibility away from the state and download care of people into families” means a reduction of social assistance if two persons register as a couple (Owen 2001, 91). Still, many – couples, equal rights groups – insisted that, as long as heterosexual couples benefited from official sanctioning, there was no reason why lesbian and gay couples should not have access to the same mechanisms of protection.

In 2000 and 2001, two influential recommendations, the *Report of the Canadian Human Rights Act Review Panel* (2000) and the *Report of the Law Commission of Canada on Close Personal Adult Relationships* (2001), reflected the changes in political attitude and suggested further changes in legislation and discourse.

In 2000, the *Human Rights Act Review Panel* recommended that gender identity (in addition to sexual orientation) be included in the *Act* as ground for non-discrimination. This was obviously an important recommendation, as it suggested a diffe-

reniated concept of gender beyond heteronormative binarism. Despite this, the *Report* fell short on its own claims. The authors discussed gender using the example of transgendered persons and stated that 'transgender' included people who wish to "bring their physical gender in line with their psychological gender" (Canadian Human Rights Act Review Panel 2000, 108). By almost conflating 'sex' and 'gender' and implying that all transgendered and transsexual persons wish to fit into one of two sex/gender models, the recommendation remained within fixed boundaries in its understanding of gender-nonconformity. Many transgendered persons, other than most transsexuals, do not intend to undergo medical treatment. At the same time, binary notions of gender are relevant to a much larger group of people than transgendered or transsexual persons, namely to all who do not re-present notions of 'normal' gender identifications, but ultimately for each member of society.

Also, while the authors of the *Report* recommended that gender identity should replace sex and disability as grounds for non-discrimination for transgendered and transsexual persons, translation into everyday life remained problematic to conceptualize. For example, the *Report* suggested that access to social services such as women's shelters should be discretionary, thus allowing such institutions to restrict access to certain groups of women and to exclude others, such as male-to-female transsexual women. In the end, the recommendation was not realized. However, in 2002 the new Northwest Territories adopted the first *Human Rights Act* within Canada that includes gender identity as a ground for non-discrimination (Department of Justice Northwest Territories 2002).

A year later, the Law Commission's *Report on Close Personal Adult Relationships, Beyond Conjuality*, reflected changes in the conceptualization of partnership patterns in Canada. One of the Commission's recommendations read:

Governments should review all of their laws and policies that employ relational criteria to ensure that they are pursuing objectives that respond to contemporary social realities in a manner consistent with fundamental values. (Law Commission of Canada 2001)

It is interesting to note that relationships 'beyond conjuality', that is, shared arrangements between for example parents and adult children, siblings or friends, were suggested to be "relevant to state objectives." The Commission argued that the focus on conjuality was "at least potentially unduly intrusive of individual privacy." Trudeau's call that the state "has no place in the bedrooms of the nation" is echoed in this recommendation. The reference to "fundamental values" was especially interesting and can only be understood in the context of discourse around Canadian national identity that puts tolerance and equality above more specific ideas of 'morals'. It promoted the separation of public and private spheres that had been the point of contestation during the 1970s and 1980s.

Yet, the meaning had changed considerably. Not only did the recommendation imply that it should be of no concern to any government agency how people wish to organize their relationships, but it also put greater (financial) responsibility on arrangements that so far had been merely perfunctory. However, it suggested a more inclusive definition of 'family'. This reflected not only general changes in living arrangements and, even more importantly, recognized the various attachments created beyond the ('white') norm of the nuclear family.

During the same time, during the 2nd Session of the 37th Parliament, the *Act to amend the Criminal Code (hate propaganda)*, known as Bill C-250, was hotly debated in a way that suggests that non-heteronormative groups in Canadian society are as yet far from being considered part of the norm. Especially representatives of the religious right opposed the proposition to include sexual orientation to the list of protected groups under the *Criminal Code*. None the less, Bill C-250 was passed to include the amendment, and now the section on hate propaganda in "Part VIII: Offences against the person and reputation" of the *Criminal Code* (C-46) reads:

(4) In this section, 'identifiable group' means any section of the public distinguished by colour, race, religion, ethnic origin or sexual orientation. (Applies for section 318 (Genocide) and 319 (Hate Propaganda).) (Department of Justice Canada 2006)

What is missing – Current and unresolved issues

Non-heteronormative subjectivities seem to have become part of the fabric of Canadian national symbolism. Lesbian and gay couples can marry; the *Charter* and the *Human Rights Act* provide legal support and non-discrimination on grounds of sex and sexual orientation. This offers at least some legal basis for negotiation. However, recent debates underline that while some legal rights have been won, they are still not entirely fixed in Canadian discourse as 'normal'. The two following examples might serve as illustration:

The case of Kimberly Nixon, a post-operative male-to-female transsexual woman, sheds light on the everyday struggles that are the result of imprecise legal provisions. On December 7, 2005, the Court of Appeal in Vancouver ruled that Ms. Nixon might legally be excluded from working for the Vancouver Rape Relief Society, thus allowing for differentiation and discrimination between groups of women.

Also, equal marriage is yet again the object of political debate. Since his inauguration, Prime Minister Harper has actively pursued a repeal of Bill C-38, the bill that made equal marriage a federal law in July 2005. While the motion failed when the members of parliament voted 175–123 against repealing Bill C-38, the government policy towards equal rights is a clear indicator that the issue is not yet over (CBC 2006). Civil rights advocates point out that Prime Minister Harper called anti-gay

judges to the bench. During the first year of his term, his government eliminated funding for the *Court Challenges Program*, cut the funding of *Status of Women Canada* and effectively eliminated the *Law Commission of Canada*, the body that recommended reform in 2001, by removing funding in September 2006.

These developments indicate that legislation and social 'integration' can still be precarious and restricted for people who might not fit the idea of 'normal' gender, sex or sexuality. Thus, while the discursive and legal changes of the last decades have been vast, they seem to have been stretching the margins of identity politics, and of politics based on identity, rather than replacing them.

**“it might not be normal but like it is normal” –
Young people’s paradoxical discourses on homosexuality**

This is where I take my exploration from the level of policy research to the analysis of everyday translations of Canadian anti-discrimination policies and norms. What does it mean for young people in Canada to live in a society that has normative standards that value diversity and difference and aim to ensure them by positive laws of non-discrimination? Does the recent case of two Senior High School students in Nova Scotia, who spontaneously organized the “pink t-shirt campaign” among their peers when they saw that a younger student was bullied as homosexual for wearing a pink-coloured t-shirt, reflect general opinion or is this merely a laudable exception?¹⁵ Or is, as the equal rights organization Egale Canada points out, the case of a female teacher who was falsely accused of “sexual impropriety” with a female student by three male members of staff, more to the point, even though this teacher successfully filed a complaint with the Nova Scotia Human Rights Commission (Marchildon 2006)?

During my research in a western Canadian Junior High School, 19 grade 8 students took part in a project on youth and their self-positionings that was designed as a comparative study to a larger qualitative research project done in Germany.¹⁶ We discussed a number of issues, from what it means to be a young person to their understanding of 'national identity' (Schmitt 2007). During the 6½ weeks of the study, the students met with me three times – for a questionnaire and picture they drew of people and places important to them, for an individual interview and for focus group discussions, where the participants discussed, among other things, gender roles and concepts. Participant observation completed the research methods: I 'hung around' in the entrance hall of the school and in the staff room, and

15 I thank Rita Schäfer for calling my attention to the pink t-shirt campaign. See CBC (2007).

16 There was one pointed difference between the way students in both settings spoke about non-heteronormative gender and sexuality: While the Canadian participants spoke about e.g. homosexuality in terms of personal morals and norms, many German participants explicitly used the rejection of non-heteronormative subjectivities to underscore their own heterosexuality.

went to a number of school events such as award giving, band competition and the school dance.

This transdisciplinary ethnographic and subject-oriented approach of data collection was combined with analytical tools of discourse analysis.¹⁷ Following the understanding of discourse outlined by Judith Butler as verbal and non-verbal communication, discourse analysis is an effective method to analyze such diverse material. It offers insights into the interconnectedness of societal frameworks (public/political discourse) and the everyday processes of negotiation, taking into account networks of power and the performative production of belonging (Butler 2002, 313, 2004, 198; see also Hark 2001).

Creating belonging in schools

The research was based on the assumption that schools are productive settings for research on the transfer and adaptation processes that inform young people's choices in the creation of their subject positions (Davies 2004).¹⁸ In schools, young people learn the rules that govern their society, be that positive affirmation of tolerance or, maybe subtle, discrimination or neglect. Kristopher Wells describes role of schools as follows:

The institution of schooling is not an open and accessible place for all students. Students of colour, different socio-economic classes, abilities, ethnicities, sexual orientations, and gender identities are often excluded from full, equitable and meaningful participation within this public sphere. As much as public schools might like to believe that these differences can be 'bracketed out' of official educational discourse, the daily discursive practices and interactions that govern student's abilities to live in the everyday are never neutral. A series of formal (institutional) and informal (peer-to-peer) pressures govern which identities are publicly valued, who has the right to speak, and at what risks to the speaker. (Wells 2005, 10)

Generally speaking, schools are representative and executive state institutions, and reflect sets of norms that are considered basic for nation-state cohesion (Tastoglou 2000, 103). This does not preempt individual or institutional variation, subversion or opposition of such norms; in addition, the school's influence has to be contextualized, as other aspects often are at least as important as schools for young people's self-positionings.

17 On the current interest in the triangulation of subject-oriented research and discourse analysis, and the usefulness of such an approach, see Tuider (2007). On discourse analysis in general see for example Jäger (2001).

18 Davis points out, among other issues, the necessity to account for teacher expectations that can be class-biased (2004, 179).

Yet, for any analysis of young people's conceptualizations of belonging, it is necessary to consider schools not merely as places of instruction, but as spaces that reproduce, through the interaction among peers and with adults, differentiations and stratifications. Or, in the words of Yvonne M. Hébert:

The school stands at the very heart of the integrative process that is Canada. The school is a micro-society in which can be found power relations, inequalities, injustices, and privileges. Social stratification is observable in the school, according to class, the rich and the poor, the brilliant and the less gifted. The school is the only public institution where attendance is obligatory by law. Given its broad mandate in modern democratic societies, it is much more than a simple purveyor of educational services. Rather the school intervenes in the socialisation of young people as well as in their construction of identifications, attitudes and values. (Hébert 2007a)

Another aspect of this "construction of identifications", the construction of a coherent gender position, is described as one of the most important projects for young people. Young people experience mostly normative ideals – more often than not textbooks and teachers rely on binary understandings of gender – and face the task to negotiate these norms with their own aspirations. As yet, schools actively as well as implicitly demand that students fit into one of two gendered categories. As the main meeting place for young people, schools are also a setting where students' personal appearance and behaviour is closely observed by peers as well as by adults.

During my research, the participants regularly referred to normative ideals of female and male youth that they endorsed or opposed, but generally used as point of reference. These negotiations are not limited to queer youth; rather, the analysis of the participants' statements about homosexuality and homophobia, where the students spoke about others being homosexual, points to the limitations of what is considered 'normal' and therefore acceptable for these young people.

While the participants in my research discussed a much broader array of issues around the topic of gender and sexuality during the meetings, I will focus on specific situations and statements when non-normative subject positions were reflected upon as, to some extent, problematic. As I have already pointed out and as will also be apparent in these brief extracts from the transcripts, some students had a positive – or rather a neutral – perception of non-heteronormative subjectivities. My aim is not to draw a generalizing image of young Canadians as homophobic, but to use these examples as critical instances of the use and adaptation of normative discourses by these young people.¹⁹

19 The examples given can, in the context of this paper, be little more than vignettes.

“it might not be normal but, like, it is normal” – Struggling with diverging norms

The following sequence was part of a discussion with a group of grade 8 girls who met in a room off the school library for the focus group discussion. The focus group discussion was, by design, a semi-structured space for discussion. The meeting with Misty and her friends was a lively discussion and the students used that space to bring up issues that were relevant to them at that time, beyond the questions asked by the researcher.²⁰ One important issue was peer pressure. This involved a gender component, as the students spoke about relationships between boys and girls in school, and the rules they had observed that structured the ‘dating game’. I had asked what happened if a girl did not want to date or if she wanted to date a girl. As an answer to the second question, Misty explained:

Misty: And like, and like, I think that if a girl goes out with a girl like okay uhm, I know these people like, well like my dad his friend, [...] his sister was like in Volleyball Championships [...] she was a really good volleyball player [...], but they kicked her out of volleyball because she was like a lesbian, which I think is totally not right [...]

It’s not like, it’s not, okay, it’s not your problem that like well okay it’s your problem but /laughter/ like it’s not your problem that your hormones are like you like a different sex like [...]

Like sure, it’s, it might not be normal but, like, it is normal when God gave us /laughs/ like it’s normal but like it’s okay if like a guy likes a guy, or a girl likes a girl you see gay people walking around.²¹

While Misty was convinced that the exclusion experienced by the woman in her story was wrong and explained homosexuality as the result of biological traits, she clearly struggled with the normative aspect. As she combined two diverging discourses – evolutionism and creationism – in her understanding anything that might be explained as a biological given was given by god. At the same time, in Misty’s experience non-heteronormative subject positions were not part of the norm as

20 Generally, the question of social expectations and of the asymmetries between researcher and participants in research situations has to be taken seriously, especially in research with minors. At the same time, an approach to research that considers participants’ statements as knowledge produced in specific situations and contexts can focus on the discursive production of belonging: An interview or discussion will reflect on what is ‘sayable’ within the given societal and individual sets of rules (Butler 1993, 188).

21 Note on transcription: wrong – emphasis; @No, I’m just saying,@ – words spoken laughing; /laughter/ – non-verbal utterance. All names are pseudonyms chosen by the participants. Language has been changed as little as possible through the process of transcription.

expressed in everyday discourses, although they were part of the public life as she encountered it: “you see gay people walking around.”

Non-heteronormative positions were part of Misty’s everyday life, and she stressed that one of her friends was still her friend despite her being bisexual, although Misty distanced herself:

Misty: And like bisexuals are like eww but like there are still, I have like some of my friends like I know this girl and she is like a bisexual but she’s like my friend still.

While the group agreed that non-heteronormative positionings were not a reason to end a friendship, there was some concern about how to ‘detect’ whether a girl was bisexual or lesbian. At the same time, the girls explained that the issue of homosexuality was confusing, especially as being or acting lesbian was mainly considered as something boys were interested to watch, not as an independent emotional or sexual concept.

The issue at stake in this debate was not blatant homophobia based on conservative norms and opinions. Misty – and her friends in the group discussion – stressed that homosexuality and bisexuality were evident in their lives and rarely an issue of concern. Rather, especially male homosexuality was in certain representations a cause of laughter and remarks on the public embarrassment of being seen with such a person *in this instant* (i.e., not generally).

“don’t be vocal about it” – The issue of public and private spheres

Tannis, in another group meeting together with Reno, Isabell and Antonio, had a different stance. While trying to remain within the realm of political correctness at first, she pointed out:

Tannis: Because never, I would never say anything to them, ‘cos I mean that’s totally their own preference, but I think it’s totally wrong to be like, “oh ya, I’m gay and I’m proud,” and they go like make out with them if they’re the same sex just to proof the point I think that’s wrong like, be gay, but just, don’t be vocal about it, you know what I mean

Researcher: Why not?

Tannis: C’s it’s wrong, like I, I think it’s disgusting

Reno: I don’t care what people do, you know, what’s

Tannis: So you’re telling me, you’re walking down the street and you see like, a three men gay orgy on @the side@ /laughter/

Researcher: How likely is that?

Tannis: @No, I'm just saying,@ I know you're gonna be like, "I don't care man, it's your choice" /laughter/ @and keep going, like, I'd be like "you nasties!"@ [...]

Like Misty, Tannis struggled to reconcile two normative sets of rules that were important to her. At first, following her understanding of individual choice, she was adamant that she would "never say anything" against non-heteronormative persons. As long as she was not confronted with openly homosexual behaviour, she could accept homosexuality. However, she also presented her personal set of norms, that defined visible non-heteronormative behaviour as wrong and immoral. Tannis, as her choice of words underlined, hyper-sexualized any visible act that might be defined as homosexual, as her use of the image of a public "orgy" indicates.

Drawing on discourses of the distinction of the public and private spheres and behaviours, as well as on a strong notion of morality, Tannis contradicted her opening statement. Reno, on the other hand, took a more liberal stance. As he tried to cut into Tannis' explanations, he pointed out that he was much less concerned about other people's behaviour and actions. For Tannis, however, Reno's comment was another incentive to stress her own position.

"there's like nothing wrong [...] but it's creepy" – Fear of transgression

Tannis also pointed to a differentiation in her reactions; while she would tolerate gay boys, she perceived lesbian girls to be unacceptable and repulsive:

Tannis: I don't care, but it grosses me out if it's a chick. Guys, I can handle that, if it's a chick [...] it's nasty

This differentiation was also broached by Sawyer, in another group meeting. During the focus group meeting with Arjun, Brittany, Michael, Sawyer and Seikel, I asked if gay and lesbian relationships were an issue they discussed in school. Brittany spoke first and told us about a gay friend of hers who had left town. Sawyer continued:

Sawyer: like there's some like, kids at our school that're like homophobic, they're like hey we're beating up /continuous laughter from the boys/ like gay people and like, won't say anything nice, but, I don't know gay people but there's like nothing wrong [...]

Brittany: I like them, they're funny [...]

Sawyer: But like, it's creepy, because like, sometimes, well like other girls in the locker room like watch you undress, and like [...] they totally stare and it's really uncomfortable [...]

Michael: ohh oh, uhm uhm I don't like gay people, 'cos it's against my religion/ it is, I swear

For Brittany and Michael, the issue was clear: While Brittany referred to positive experiences as well as positive stereotyping, Michael pointed out that, as a religious person, he considered homosexuality basically wrong.

For Sawyer however, as in the earlier sequences, homosexuality constituted a conceptual problem. She was very critical of the acts of violence she heard of and witnessed in school. The short breaks between classes, I was told, when students moved from one room to another through narrow and at these times cramped hallways, could become critical situations. Sawyer reacted strongly when Brittany related the account of a boy who avoided his locker for fear of homophobic remarks and assaults.

For Sawyer, "gay people" were not wrong in the sense that Tannis had stressed. In her opinion, queer youth should not receive the negative attention that seemed to be part of everyday experiences. However, her own experiences complicated that abstract approach. The situation she referred to was not simply annoying (and she had every right to be annoyed by the stares that interfered with her sense of privacy). Here, debating non-heteronormative behaviour turns very personal. For Sawyer, the stare of another girl was creepy, that is, disturbing and potentially frightening. It disturbed her notions of normal and acceptable behaviour among girls. Combined with her understanding of tolerance for diversity, this led to a paradoxical situation. Not homosexuality as such was problematic for Sawyer, but the notion and experience of being at the centre of another girl's attention.

Contextualizing the everyday negotiations of diverging norms

With her statement that homosexuality "might not be normal but [...] is normal," Misty located the source of this paradox. The students experienced diversity of gender and sexuality in their everyday lives. On the normative level, they knew that tolerance and respect for diversity are part of the Canadian national discourse on values, a discourse that was strongly endorsed by most participants. This discourse, however, conflicted with other sets of norms, as Sawyer and Tannis pointed out, and therefore homosexuality posed conceptual problems for them.

The discrepancy between these sets of norms is certainly to some extent part and parcel of any democratic society. Misty's effort to reconcile disparaging sets of rules regarding 'normal' gender and sexuality, Tannis' claim for a strict separation of public and private spheres, and Sawyers' of transgression of boundaries of gender and sexuality might be read as individual issues of young people trying to gain their societal footing. However, the way the girls expressed their problems in conceptualizing gay, lesbian and bisexual subject positions as part of the Canadian normative set of values indicates that their comments were more than expressions of personal opinions.

Tolerance and respect regarding non-heteronormative expressions are part of Canadian national discourse of diversity as strength. However, they were not embedded in the students' concepts of morals and values. Tannis' statement that she would "never say anything to them" did not stand the test of her own imagination – the situation she proposed herself seemingly justified abusive behaviour.

The trouble in reconciling the national discourse of equal rights and diversity with personal experiences or other sets of values is hard to avoid in the context of the legal and discursive changes and discontinuities on the national level I described earlier. Furthermore, while there are a number of projects concerned with anti-discrimination and recognition of non-heteronormative members of school communities, gender and sexual diversity are as yet not generally included in curricula (Egale Canada).²²

While the legal changes achieved in Canada over the last decades are impressive, more work will have to be done to secure and expand existing regulations and to translate them into the realm of 'everyday experiences'. Canada has taken on the role and is accepted as a society that is continually working to reduce inequality and discrimination. As the synopsis of the policy developments as well as the empirical examples reveal, tolerance of sexual and gender diversity has become a normative framework that is generally accepted, despite the recent perturbation on the government level.

At the same time, there are a number of relevant incidents that suggest a rethinking of the processes of societal integration. As the examples both in the policy research and the empirical part of this chapter have shown, notions of diversity and tolerance remain to some extent abstract and problematic issues that are not adequately addressed. If belonging is conceptualized in terms of the identifications with specific and accepted group identities, more complex positionings have to be simplified in order to be recognizable. In turn, such simplified differentiation creates a differentiation of reactions, that allows for a stratification of what is considered tolerable and worthy of respect.

Kinsman points out that an uncritical take on Canadian conceptualizations of diversity might obscure

the racism, sexism, heterosexism, and class exploitation at the roots of the Canadian state and social formation. (Kinsman 2001, 210)

This might be a far too radical position for many. Yet, such critical voices are often those who work hardest at dismantling hierarchies.

Two aspects merit consideration regarding my claim that non-heteronormative subjectivities in Canada are as yet not entirely included in the conception of 'normal'

22 Egale Canada offers a collection of anti-homophobia classroom material: <http://www.egale.ca/index.asp?lang=E&menu=33&item=1350>.

belonging: To make schools safer for all young people, citizenship education programmes can be useful tools, if they are aware of transgendered, two-spirited, bisexual, lesbian, gay and questioning youth. The

contestation of public space, whether through the creation of GSAs²³, positive space campaigns, or the visibility of LGBTQ identities becomes a vital resistance strategy that brings with it the call to put the 'public' back into public schools. This 'public' is one built on the premise of a substantive social equality as guaranteed by the Canadian Charter of Rights and Freedoms. This understanding of 'public' space and the rights and responsibility of membership calls for the establishment of sites of true deliberation that are invested with a genuine need for and understanding of the Other. (Wells 2005, 10)

Educators can support such efforts.

Yet, and in addition to that, this should not mean a reduction of the issue by framing it a problem specific only to youth and to schools.²⁴ Rather, as I have tried to show, schools (have to) work with societal givens – by re-producing and/or by adapting them. Following section 15 of the *Canadian Charter of Rights and Freedoms*, it is the responsibility especially of policy makers to engage in the continuous critical evaluation of the legal and discursive norms at work. Claims for social justice and equal rights not only benefit the individuals or groups who make them. They point to the fact that, as yet, not all measures have been taken to ensure justice for all members of society.

References

- Banks, Christopher, 2003, "The Cost of Homophobia: Literature Review on the Human Impact of Homophobia in Canada", (<http://rainbowhealth.ca/outlive/Docs/homophobia%20cost.pdf>), 19 October 2007.
- Bannerji, Himani, 2000, "Geography Lessons: On Being an Insider/Outsider to the Canadian Nation", in: Himani Bannerji, *The Dark Side of the Nation: Essays on Multiculturalism, Nationalism and Gender*, Toronto: Canadian Scholars Press, 63–86.
- , 1999, "A Question of Silence: Reflections of Violence against Women in Communities of Colour", in: Enakshi Dua/Angela Robertson (eds.), *Scratching the Surface: Canadian Anti-Racist Feminist Thought*, Toronto: Women's Press, 261–277.
- Braune, Gerd, 2007, „Zwei Mütter und ein Baby: Kanadisches Gericht erlaubt die doppelte Mama. Wichtig fürs Sorgerecht bei homosexuellen Paaren“, *Frankfurter Rundschau*, 6 January 2007.
- Butler, Judith, 2004, *Undoing Gender*, New York/London: Routledge.

23 GSA = Gay-Straight Student Alliance.

24 There is an added component to this: young people need to be considered as societal agents in their own right. Hébert's conceptualization of child-as-citizen is a useful approach (2007b).

- , 2002, „Performative Akte und Geschlechterkonstitution: Phänomenologie und feministische Theorie, übers. Reiner Ansén“, in: Uwe Wirth (ed.), *Performanz. Zwischen Sprachphilosophie und Kulturwissenschaften*, Frankfurt/M.: Suhrkamp, 301–320.
- , 1993, „Imitation and Gender Insubordination“, in: Henry Abelove/Michèle Aina Barale/David M. Halperin (eds.), *The Lesbian and Gay Studies Reader*, New York: Routledge, 307–320.
- Canadian Human Rights Act Review Panel, 2000, „Report of the Canadian Human Rights Act Review Panel“, (http://www.justice.gc.ca/chra/en/chra/review_report_2000.pdf), 5 March 2002.
- CBC, 2007, „Bullied student tickled pink by schoolmates’ T-shirt campaign“, (<http://www.cbc.ca/canada/nova-scotia/story/2007/09/18/pink-t-shirts-students.html?ref=rss>), 10 October 2007.
- CBC, 2006, „MPs defeat bid to reopen same-sex marriage debate: Motion tabled by Tories falls 175–123“, last updated 7 December 2006, (<http://www.cbc.ca/canada/story/2006/12/07/vote-samesex.html>), 10 February 2007.
- Crichlow, Wesley, 2001, „Buller Men and Batty Bwoys“, in: Terry Goldie (ed.), 69–85.
- Davies, Scott, 2004, „Stubborn Disparities. Explaining Class Inequalities in Schooling“, in: James Curtis/Edward Grabb/Neil Guppy (eds.), *Social Inequality in Canada. Patterns, Problems, and Policies*, Toronto: Pearson/Prentice Hall, 173–186.
- Department of Justice Canada, n.d., „Canadian Charter of Rights and Freedoms“, (<http://laws.justice.gc.ca/en/charter>), 15 April 2007.
- Department of Justice Canada, 2007, „Canadian Human Rights Act (R.S., 1985, c. H-6), Act current to 5 November 2007“, (http://laws.justice.gc.ca/en/showdoc/cs/H-6/bo-ga:l_/en#anchorbo-ga:l_), 19 November 2007.
- Department of Justice Canada, 2006, „Criminal Code“, (<http://laws.justice.gc.ca/en/showdoc/cs/C-46//en?page=1>), 13 February 2007.
- Department of Justice Canada, 2000, „Moved by Bill C-23, New Clause 1.1“, (http://www.canada.justice.gc.ca/en/news/nr/2000/doc_25107.html), 24 April 2002.
- Department of Justice Northwest Territories, 2002, „Human Rights Act“, (http://www.justice.gov.nt.ca/pdf/ACTS/Human_Rights.pdf), 12 February 2007.
- de Silva, Adrian, „Potentials and limitations of liberal human rights legislation: Normalizing Heterosexuality in the House of Commons Debates on Bill C-33, 1996“, lecture, Canada Day, 28 June 2003, University of Bremen.
- Egale Canada, n.d., „Safe Schools Campaign“, (<http://www.egale.ca/index.asp?lang=E&item=1176>), 12 February 2007.
- Goldie, Terry (ed.), 2001, *In a Queer Country: Gay and Lesbian Studies in the Canadian Context*, Vancouver: Arsenal Pulp Press.
- Goldie, Terry, 2001, „Queer Nation?“ in: Terry Goldie (ed.), 7–26.
- Hark, Sabine, 2001, „Feministische Theorie – Diskurs – Dekonstruktion“, in: Reiner Keller/Andreas Hirsland/Werner Schneider/Willy Viehöver (eds.), *Handbuch Sozial-wissenschaftliche Diskurs-analyse. Band 1: Theorien und Methoden*, Opladen: Leske+Budrich, 353–371.
- , 2002, „Junge Lesben und Schwule: Zwischen Heteronormativität und posttraditionaler Verge-sellschaftung“, *Diskurs*, 1.2002, 50–57.
- Harzig, Christiane/Danielle Juteau, 2003, „Introduction“, in: Harzig, Christiane/Danielle Juteau/with Irina Schmitt (eds.), *The Social Construction of Diversity: Recasting the Master Narrative of Industrial Nations*, New York: Berghahn Books, 1–12.
- Hébert, Yvonne M., 2007a, „Integration via Education: The Education of Immigrant Children and Adolescents in Canada“, International Symposium on Integration and Education in the 21st Century – a Challenge for Public Private Partnerships, 16-17 October 2007, Berlin.
- , 2007b, „The Emergence of the Child-as-Citizen in Canada“, unpublished manuscript.
- Isajiw, Wsevolod W., 1999, *Understanding Diversity: Ethnicity and Race in the Canadian Context*, Toronto: Thompson Educational Publishing.

- Jäger, Siegfried, 2001, „Diskurs und Wissen: Theoretische und methodische Aspekte einer kritischen Diskurs- und Dispositivanalyse“, in: Reiner Keller /Andreas Hirsland/Werner Schneider/Willy Viehöver (eds.), *Handbuch Sozialwissenschaftliche Diskursanalyse, Band 1: Theorien und Methoden*, Opladen: Leske+Budrich, 81–112.
- Jagose, Annamarie, [1996] 1998, *Queer Theory*, Melbourne: Melbourne University Press.
- Jones, Beryle Mae, 2000, “Multiculturalism and Citizenship: The Status of ‘Visible Minorities’ in Canada”, *Canadian Ethnic Studies/ Études ethniques au Canada*, 32.1, 111–125.
- Juteau, Danielle, 1997, “Beyond Multiculturalist Citizenship: The Challenge of Pluralism in Canada”, in: Veit M. Bader (ed.), *Citizenship and Exclusion. Crossing Boundaries of Disciplines and Countries*, New York: Macmillan, 96–112.
- Justice Québec, 2003, « L’union civile », (<http://www.justice.gouv.qc.ca/francais/publications/generale/union-civ.htm>), 13 April 2007.
- Kinsman, Gary, 2001, “Challenging Canadian and Queer Nationalism”, in: Terry Goldie (ed.), 209–234. ----, 1987, *The Regulation of Desire: Sexuality in Canada*, Montréal: Black Rose Books.
- Kordan, Bohdan S., 1997, “Multiculturalism, Citizenship and the Canadian Nation: A Critique of the Proposed Design for Program Renewal”, *Canadian Ethnic Studies/ Études Ethniques au Canada*, 29.2, 136–143.
- Kymlicka, Will, 1995, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Oxford: Clarendon Press.
- Law Commission of Canada, 2001, “Beyond Conjuality: Recognizing and Supporting Close Personal Adult Relationships, chapter 1”, (<http://www.lcc.gc.ca/en/themes/pr/cpra/chap1.html>), 15 March 2002.
- Little Sister’s Book and Art Emporium, 2007, “Little Sister’s Book and Art Emporium – Censorship – Supreme Court of Canada”, (http://www.littlesistersbookstore.com/index_court.html), 16 April 2007.
- Marchildon, Gilles, “A ‘teachable moment’: Human rights case underlines homophobia in schools, *InQueeries* 18 May 2006, (<http://www.egale.ca/index.asp?lang=E&menu=44&item=1321>), 13 February 2007.
- Northwest Territories Human Rights Commission, 2002, “Human Rights Act”, (http://www.justice.gov.nt.ca/pdf/ACTS/Human_Rights.pdf), 13 February 2007.
- Owen, Michelle K., 2001, “‘Family’ as a Site of Contestation: Queering the Normal or Normalizing the Queer?” in: Terry Goldie (ed.), 86–102.
- Parliamentary Information and Research Service, 2005, “Sexual orientation and legal rights”, prepared by Mary C. Hurley, Law and Government Division, (<http://www.parl.gc.ca/information/library/PRBpubs/921-e.htm>), 13 February 2007.
- Parliament of Canada, 2005, “An Act respecting certain aspects of legal capacity for marriage for civil purposes – Loi concernant certaines conditions de fond du mariage civil”, (<http://www2.parl.gc.ca/HousePublications/Publication.aspx?Docid=2333927&file=4>), 12 February 2007.
- Schmitt, Irina, 2007a, *‘wir sind halt alle anders’ – Schüler*innen diskutieren über Gender, Vielkulturalität und Zugehörigkeit. Eine gesellschaftspolitische Diskursanalyse mit einem deutsch-kanadischen Vergleich*, Diss. phil, Bremen: Hoerder und Dracklé.
- , 2007b, “‘It’s just a name?’ Young people in Canada and Germany discuss ‘national’ belonging”, in: Christine Riegel/Thomas Geisen (eds.), *Jugend, Zugehörigkeit und Migration: Subjektpositionierungen im Kontext von Jugendkultur, Ethnizitäts- und Geschlechterkonstruktionen*, Wiesbaden: VS-Verlag, 81–96.
- , 2002, “Queering Multiculturalism. A Critical Analysis of Multiculturalism in Canada from a Queer Perspective”, M.A. thesis, Bremen University.

- Smith, Anna Marie, 1996, "The Centering of Right-Wing Extremism Through the Construction of an 'Inclusionary' Homophobia and Racism", in: Shane Phelan (ed.), *Playing with Fire: Queer politics, Queer Theories*, New York: Routledge, 113–138.
- Stychin, Carl F., 1995, "Equality Rights, Identity Politics, and the Canadian National Imagination", in: Carl F. Stychin, *Law's Desire: Sexuality and the Limits of Justice*, London: Routledge, 102–16.
- Szalacha, Laura A., 2003, "For the Nation's Gay High School Students, Separate Will Never be Equal", (http://www.brown.edu/Administration/News_Bureau/2003-04/03-018.html), 26 October 2007.
- Tastsoglou, Evangelia, 2000, "Mapping the Unknowable: The Challenges and Rewards of Cultural, Political and Pedagogical Border Crossing", in: George J. Sefa Dei/Agnes Calliste (Eds.), with Margarida Aguiar, *Power, knowledge and anti-racism education. A Critical reader*, Halifax: Fernwood Publishing, 98–121.
- Tremblay, Pierre J., 1995, "The Homosexuality Factor in the Youth Suicide Problem", lecture, Sixth Annual Conference of the Canadian Association for Suicide Prevention, Banff, Alberta, 11-14 October 1995, first made available on the Internet on 19 January 1996, (<http://fsw.ualgary.ca/ramsay/homosexuality-suicide/Conference/index.htm>), 17 October 2006.
- Tuider, Elisabeth, 2007, „Diskursanalyse und Biographieforschung. Zum Wie und Warum von Subjektpositionierungen“, in: *Forum Qualitative Social Research* 8.2, Art. 6, (<http://www.qualitative-research.net/fqs-texte/2-07/07-2-6-e.htm>), 1 June 2007.
- Wagner, Markus, 2004, "There's no place for the state in the bedrooms of the nation' – Die Fortsetzung, oder: Die gleichgeschlechtliche Ehe in Kanada", *Zeitschrift für Kanada-Studien*, 24.2, 143–163.
- Warner, Michael, 1993, "Introduction", in: Michael Warner (ed.), *Fear of a Queer Planet: Queer Politics and Social Theory*, Minneapolis: University of Minnesota Press, vii–xxxii.
- Wells, Kristopher, 2005, "Resist-stance Work and Critical Social Learning: Queer Young Adults as Activist Educators for Social Justice", (www.oise.utoronto.ca/projects/llw/papers/rWellsPaper.pdf), 23 October 2007.
- Wikipedia, "Gay rights in Canada", (http://en.wikipedia.org/wiki/Same-sex_marriage_in_Canada), 13 February 2007.
- wray, bj, 2001, "The Elephant, the Mouse, and the Lesbian National Park Rangers", in: Terry Goldie (ed.), 160–174.