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What's So Civil About Marriage? The Racial Pedagogy of Same-Sex Marriage in Canada

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In June 2005, the Canadian Parliament passed federal legislation that legally changed the definition of civil marriage to include same-sex couples. The successful passage of Bill C-38 followed various legal victories at provincial levels,[1] and was the culmination of a particular form of lesbian and gay activism centered on the law as a site of struggle. The lesbian and gay movement in Canada has always employed a heterogeneity of strategies to achieve social recognition, and has involved the efforts of individuals and organizations committed to achieving change through the legal arena. Apart from material benefits, engagements with the law proceed from the belief that progressive law reform signals to Canadian society as a whole that discriminatory attitudes and behaviours are no longer acceptable.[2]

Legal victories, however, are more than simply victories. They are also about the bodies present in a courtroom, and about choices and strategies of representation; they are about social, political and economic environments; they are about the conditions and imaginings of possibility. In the Canadian context, previous victories surrounding relationship recognition of same-sex couples have been instrumental in laying the legal groundwork for the achievement of 'equal marriage'.[3] The turn to a conjugal imaginary in Canada and elsewhere is a historically embedded development shaped by, among other things, the predominance of a liberal equality rights paradigm, a heightened cultural visibility of lesbians and gay men, and neo-conservative discourses of 'family values'. Perhaps even more centrally, spousal recognition and other forms of 'gay rights' have occurred within a climate of neo-liberal governance that emphasizes individual freedoms and rights, including the right to privacy, the withdrawal of the state from many aspects of care with the ensuing privatization of responsibility for others, and the importance of self-surveillance and self-regulation. There are many scholars who have pointed to the links between contemporary lesbian/gay politics and neoliberal forms of governance, where 'good' sexual citizenship is defined through association with certain intimate norms rather than a specific sexual identity.[4] Framing oneself as a worthy and respectable subject-citizen deserving of the right to marry, constituting one's life and familial relationships as intelligible and 'just like you' – *and being recognized as such by the law* – presupposes the internalization of a set of norms of self-governance that are in line with neo-liberal approaches to economic and social life. While same-sex desires and practices have long been marked as immoral and unpatriotic, in a limited and specific way they are now recognized as a site of respectable citizenship wedded to a particular form of intimate kinship relations.

In this article I want to scrutinize another 'condition of possibility' for the realization of same-sex marriage in Canada. It is often hailed as a victory not only for gay and lesbian Canadians but also for the progress of law, human rights, and for Canada as a nation. I wish to trouble these developmental narratives of progress by centring same-sex marriage as a site for the production of racialized national identity. Specifically, I examine the discursive terrain of nationhood and nationalism that circulated in Parliamentary debates over Bill C-38 that occurred in September 2003, and between February and July 2005. I also tangentially draw upon articles from queer news media. While these political debates do not represent the sum of official discourse on same-sex marriage, they do encapsulate state perspectives (albeit contested ones) and offer an important condensation of ideas. In reading the Parliamentary hansards, what is quickly apparent is that political pronouncements signify more than an individual stance 'for' or 'against' civil marriage for same-sex couples; they also operate as a 'transformative metonym'[5] for *what* 'Canada' as a nation stands for and what it means to *be* 'Canadian'. Indeed, both 'sides' lay claim to the (supposed) centrality of diversity, inclusiveness and equality to Canadian national consciousness and values.

As such, the issue of same-sex marriage is a contemporary example of Canada's (historical) project to establish itself as a liberal, modern, and civil nation. Miriam Smith observes that while the regulation of the patriarchal heterosexual nuclear family is bitterly contested across a range of US political debates, the

debate over same-sex marriage in Canada became increasingly intertwined with national self-definition.[6] This article extends this claim by arguing that the discursive terrain of nationalism and national identity so central to these debates situates the issue of same-sex marriage as a pedagogical practice of (racialized) civility, one that secures the inscription of whiteness that underpins Canadian national identity.[7] These debates accordingly constitute a field that has more to do with national body politics than with same-sex marriage per se.

It is important to note that support for or opposition to same-sex marriage did not fall neatly along party lines. There were numerous Liberal MPs who were very outspoken against extending civil marriage to lesbian and gay couples and who voted against Bill C-38. Similarly, there were Conservative MPs who did support Bill C-38. Moreover, by the time of these 2005 Parliamentary debates, the Liberal government itself had radically changed its position. Represented by the Attorney General of Canada, the Liberal government had opposed the 'equal marriage' cases heard at the provincial levels in British Columbia and Ontario. When the Ontario Court of Appeal ruled in June 2003 that the province could immediately begin issuing marriage licenses to same-sex couples, the federal government (the Liberals) did not appeal the case further and shifted to officially support the issue. The analysis that follows centres primarily, but not exclusively, on Liberal narratives. As will become evident, however, *all* political parties in the House of Commons mobilized nationalist discourses to support or oppose Bill C-38.

This article first lays out the conceptual framework of 'civility' as a racialized concept underpinning articulations of Canadian nationalism and national identity. Its contours are marked by a moral-ethical element and a temporal notion of progress and modernity. The paper traces the itinerary of these two interwoven and dynamic facets of civility as they make their way through the Parliamentary documents, enabling the 'teaching' of what (trans)national space Canada epitomizes, who 'we' are as Canadians and *who* this 'we' is. The debates over same-sex marriage not only tell a national story of state engagement with 'gay rights'; they also tell a story of nation 'making' through modernity and civility – categories which are racially ordered.

Re-thinking 'Civil' Marriage
Civility, as David Theo Goldberg writes, is a type of representation and expression of individual and state personality. It is 'the overarching sensibility of the prevailing social…what we might say gives the society its "personality", its "character", even its "color"'[8] Daniel Coleman's work is instructive here to conceptualize the racialized dynamics of civility in the Canadian context.[9] Through a detailed examination of late nineteenth and early twentieth century Canadian writing, Coleman traces a particular Canadian genealogy of civility that has consistently been (and continues to be) drawn along lines of whiteness and masculinity. Developed during the nation-building years, this white civility emerges through four key figures: the loyal brother who continues to negotiate a nervous relationship with the United States; the enterprising Scottish orphan whose prudent, good character produces his economic success; the muscular Christian who metes out justice on behalf of oppressed people; and the maturing colonial son who demonstrates his independence from Britain and America by altruism towards his minority beneficiaries. These figures of Canadian white civility have survived numerous challenges to their capacity to present a (continuing) normative ideal for Canadian citizenship and 'belonging', and they continue to have enormous influence in popular understandings of Canadian national identity across the political spectrum.[10]

Through its conflation with civility, 'whiteness' has become naturalized as the norm for English Canadian cultural identity.[11] 'Whiteness' does not refer only to skin colour (although as Ghassan Hage points out, this is valuable capital in claiming national belonging) but, following Goldberg[12], is a structural condition – 'a state of being, desirable habits and customs, projected patterns of thinking and living, governance and self-governance', an ideal signifier of 'Western' civilization.[13] Whiteness can be thought of as 'an orientation' that puts certain things in reach, including styles, capacities, aspirations, techniques, and even worlds. Without itself *being something*, it gives bodies and things 'affect' and 'value'.[14] As such, the project of Canadian civility has been able to organize a diverse population around standardizing ideals of whiteness where various racialized, classed and gendered bodies gain or lose social status on the basis of how well they can approximate this norm.[15] Indeed, as Achille Mbembe notes, civility is 'known to be a key feature of citizenship'[16], a practice that 'teaches' citizens to personally and collectively imagine a national 'self' as an intimate quality of identity.

Civility combines a *temporal* notion of progress with a *moral-ethical* concept of peaceful order, and it is

through temporal and spatial registers that civility becomes a means by which race becomes attached not just to bodies but also to forms of conduct.[17] Indeed, as Goldberg notes, race has been a primary ingredient in the making, molding and manifesting of modern civility, figuring presumptively who bears the burdens of social civility and ordering who is within and outside its circle of confinements or web of worldly connections.[18] In this sense, Coleman contends that civility, more than something a person or culture simply has, is an act, a mode of self-definition – specifically, a white cultural practice; civility involves behaviours – morals and manners, sensitivities and sensibilities – that must be learned and performed.[19]

Coleman conceptualizes Canadian civility as a 'problematic' because of its contradictory and ambivalent nature;[20] that is, while civility can be thought of as a 'positive' in its attempts to create justice and equality, it simultaneously creates borders and hierarchies. I want to suggest here that same-sex marriage is a (new) project of civility: On one hand, the legal-political struggles for 'equal marriage' secure formal equality and successfully challenge the exclusionary heteronormative borders delimiting access to material, legal and symbolic resources for lesbians and gay men. They also provide the occasion for a pedagogy of what it means to 'be' Canadian and what Canada stands for in ways that reinstate dominant racial norms and hierarchies.

The 'time' of civility: Securing a civil present through the past
Support for same-sex marriage by Parliamentarians was articulated through references to transcendence of the past and to future progress. For example, in the words of then Liberal Prime Minister Paul Martin, 'If we do not step forward, then we will step back. If we do not protect a right, then we deny it. Together as a nation, together as Canadians, let us step forward.'[21] The advancement contained within the 'step forward' has the 'community of nations' as its object and will be discussed further below. Here, I want to probe where 'we' would 'step back' to and argue that civility, as exemplifying progress and hence futurity, is achieved in considerable part through persistent references to past racial and gendered injustices perpetrated by the Canadian state. Take, for example, this speech by one Liberal MP:

> We had the Asian exclusion act. We had the Chinese head tax. We had internment of Ukrainians and others from Austro-Hungary. We had internment of Italians and Germans. We had internment of Japanese Canadians. We had the almost forceful repatriation of Japanese Canadians after the Second World War…We know that we had a policy of 'none is too many' for the Jews. We know that colour barrier existed on immigration until 1977. We know that there was cultural genocide against our First Nations. We know what happened with the residential schools. We know about the ban on potlatches and that big houses were outlawed. We know that women were not given the right to vote until 1917, and it was not until 1929 that the English Privy Council recognized women as persons…The reason our *Charter of Rights and Freedoms* was enacted on April 17, 1982 is that it dealt with the recognition of the evolution of this country. It dealt with the recognition of how minorities had not been treated very well. It dealt with making sure that we learned from the lessons of the past.[22]

While perhaps not the speech's intended meaning, it does reveal the deeply implanted tenets of racist ideology, practice and exploitation central to the establishment of Canada as a white racial state. What we all 'know', and as this long quote strongly denotes there is a great deal *to* know, is employed to signal awareness of these events but not what purpose they served. Despite the naming of historical racial hierarchy and exclusions, this knowledge is presented in such a way that little is produced in the way of privilege or power for anyone; white complicity is erased from view. Instead, this knowledge of the past is a way to signal a fantasized *present* space and *present* time, where Canada's pernicious racist history has been progressively overcome and where the rights of 'minorities' are now respected.

The discourse of Canada as a 'nation of minorities' is key to this presentation and production of a national past and ties directly into a particular rationale for extending civil marriage to lesbians and gay men. Such a change to the definition of marriage is a recognition that, in the words of Liberal MP Hedy Fry, 'Everyone of us belongs to minority groups.'[23] Granting equality rights to lesbians and gay men through the extension of civil marriage signals Canada's story of the 'now'. Similarly, another Liberal MP states that,

> Canada is a nation of minorities. We are all part of some minority. If we do not protect all minorities, we cannot protect any minority. If we do not protect all minorities, we cannot

protect people of colour, Anglicans, Catholics, Muslims, people of different genders, and people of different races or nationalities. We could not protect any Canadians because each and every one of us is part of some minority.[24]

This discourse has several effects. For one, it works to restrict 'the recognizability of heterogeneity';[25] that is, while particular racial, national, religious and gendered bodies are called upon to point to the tangible heterogeneity of Canadian society, the idea that we are *all* minorities entails a vacuous homogenizing logic. The subtext of 'everyone of us belongs to minority groups' draws lines of horizontal similarity in oppression and discrimination. Civility here manifests itself in a practice of ethics and morality, not only for and towards lesbians and gay men but also for the 'futurity' of Canada. The need to 'protect all minorities' signals anxiousness in the horizontal comradeship that is the 'nation of minorities'. Same-sex marriage then provides a moment to transcend this anxiety and move 'forward' to grab hold of a fictive (and hence always elusive) national space.

It is a fictive space because such a discourse is void of any actual social signifiers, gesturing to a national heterogeneity empty of the historical and contemporary power relations that have been and continue to be central to the making of Canada as a modern, capitalist, racial nation-state.[26] It allows for a reading of social differences as neutral whereby the relations of power that create 'each and everyone of us' as minorities drop out of sight; indeed, there is no 'majority'. That 'we' are all part of 'some minority' is a white-washing of conditions which continually produce racially predicated exclusions and hierarchies. It is a way of naming Canada as a white racial nation-state without explicit recourse to its racial terms, where a norm of whiteness is understood as the ideal of national culture and identity.[27]

Expunging racial reference, this 'racelessness' represents Canadian state rationality regarding race. Yet in these narratives of past racial and gendered injustices there is an explicit naming of race. I want to suggest that attaching these evocations to a discourse of a 'nation of minorities' is a determined making of a national self as innocent, outside the legacies of its own past and present histories of violence to bodies of colour. For example, Canada's 'story' contains many markers of injustice and inequality 'but what is important now is that they are part of our past, not our present.'[28] That 'we' have 'learned from the lessons of the past' normalizes a national narrative of Canada as a 'good' and civil space and place. Indeed, as Liberal MP Tony Ianno states, Canada 'has come a long way in its growth…We choose many examples of a way of thinking of the past we would sooner forget. That is not the nation we are now proud of and take pride in.'[29] The logic of progress in civility is reflected in state articulations of the unacceptability of discrimination and the rejection of continued exclusions. 'We' know where we have been and what has been done but this is not 'our' present nor can it be 'our' future. Voting for Bill C-38 – supporting equality rights for lesbians and gays – is sutured to a past 'we' would sooner forget in order to mark a progressive, proud national present and hopeful future.

The number of times references to historical instances of injustice and discrimination are invoked in the Parliamentary debates – *the repetition* - is striking and worthy of scrutiny. They exemplify 'the past we would sooner forget' – but 'we' don't. What work does this temporal avowal of 'wrongs' do? It provides a springboard to (re)secure the civility of *this is not who we are today*. This avowal is an elegiac discourse, a way of both *managing* traumatic histories of exploitative, colonial nation building and *securing* a civil present.[30] Civility, as Goldberg writes, is a process invested in more than the ending of violence; it is also committed to its veiling.[31] The naming of the racial violence and hierarchies so central to the making of Canada as a white racial state is one that paradoxically veils ongoing violence and exclusions by sanctioning it to a past time. Declarations of 'wrongfulness' of the past and the exposure of the failure of Canada to live up to its ideals exist *alongside*, rather than undoing, national pride. As Ahmed suggests, it is by bearing witness to past national shame and injustices that enables a nation to live up to the ideals that secure its identity in the present. The recognition of past offenses that have failed the national ideal allows the white nation to be celebrated *in the present*.[32] The temporal containment – then, not now – of racial injustice provides a minimum amount of disruption to mythologies of innocence and to the ideology of racelessness that is a hallmark of the Canadian historical tradition.[33] That 'we' have transcended a racist past and are 'all minorities' is a practice of civility achievable through the silent and presumptive elevation of whiteness as the dominant racial norm in Canada.

Moral Subjects: The National We
Civility, as a moral practice, travels in and through assertions of 'who' Canadians are. In the words of various Liberal politicians, Bill C-38 represents 'all that we believe in as Canadians… It is a strong symbol

of the core values that many Canadians hold dear: equality, dignity, tolerance and respect for others.'[34] It serves as 'a reminder to all Canadians that it is not acceptable to discriminate'[35] and, in the words of the then Liberal Prime Minister, it goes to 'the very soul of what it means to be a Canadian.'[36] A pedagogy in national identity, support of same-sex marriage represents a moral subject position of justice and equality. This is particularly salient through invocations of the *Charter* as 'the codification of the best of Canadian values and aspirations', defining 'who we are as a people and what we aspire to be.'[37] The diffusion of a legal instrument such as the Charter into national consciousness – as representing that which Canada stands for and who Canadians are – acts as a form of 'uniting' otherwise anonymous national subjects into a moral subject position 'as Canadians'.

In this sense, the issue of same-sex marriage is a lesson and an opportunity for all of 'us' – *gay and straight* – to uphold 'Canadian' values and affirm who we 'as Canadians' think we are. It is a moment *par excellence* where gays and lesbians themselves uphold what Canada stands for and who Canadians (apparently) are. In the Parliamentary debates, in queer media, and within legal *facta* submitted to provincial courts on behalf of couples seeking the right to marry, Canada is represented, imagined and mythologized over and over as a just and progressive nation that must not drag its feet lest it lose its moral leadership as an international leader in human rights. In statements by politicians from the New Democratic Party (NDP), lesbian and gay couples seeking to the right to marry have had the courage to call society out of its intolerance and prejudice.'[38] They are 'trailblazers' who 'fought the battle not just for their own benefit but because they know…that the whole of society would benefit from our being a more tolerant, more inclusive society.'[39] Far from being strangers to the nation,[40] these couples are heroes and leaders showing their country and its citizens the way towards greater justice and equality. Once considered deviant and a threat to national security, (certain) lesbians and gay men are now new figures of civility.[41]

Conservative opposition contests the tying together of national self-definition with same-sex marriage. For example, one Conservative MP states that, 'They say we are un-Canadian because we wish to uphold the traditional definition of marriage…and un-Canadian because we understand the ramifications attached to the passing of Bill C-38.'[42] Another claims that, 'We are a fair people. We support equality for all Canadians', but this cannot be extended to the realm of re-defining marriage.[43] Thus, 'the real Canadian way' is to take the middle ground of maintaining the traditional definition of marriage while extending equality rights to lesbians and gay men through civil unions or domestic partnerships.[44] Equality and state recognition can still be granted to same-sex couples; alternatives to marriage are not a betrayal of civility but exemplify another form of civil practice. Both 'sides' share the terrain of the moral imperatives inherent to civility, seeking justice for the nation's 'minorities'.

Although vigorously contested by a vocal and organized opposition, same-sex marriage represents an acceptable national and even patriotic value. Through these debates, the state orders or interpellates 'proper' social relations, providing the contours of acceptable modes of national being, belonging and possibility.[45] Same-sex marriage then is a way of orienting national bodies toward the practice of civility – 'we' are civil because we have overcome our unjust past and because 'we' uphold the value of equality *for all*. This is what it means to *be* Canadian, and 'the nation' becomes fleshed out not only as place but also as person.[46]

Same-sex marriage is also a way of orienting bodies around the whiteness of Canadian national identity, this ubiquitous 'we'. This happened primarily through the discourse of multiculturalism, a central way in which racialized bodies were incorporated into public, legal and parliamentary debates over same-sex marriage.[47] The Parliamentary debates are rife with assertions that same-sex marriage is a threat to the multicultural fabric of Canada, such as 'New Canadians know that their cultural values are likely to come under attack if this law is passed' and know that Bill C-38 'will limit and restrict their freedom to honour their faith and their cultural practices.'[48] As a strategic manoeuvre, the Conservative Party sought to align 'multicultural' communities as opposing same-sex marriage. It launched a series of advertisements in several 'ethnic' newspapers under the guise that communities' religious and cultural values were threatened by the passage of Bill C-38. The sense of difference and distance established through these invocations of 'culture' are also (and not ironically) evident in various articles appearing in the queer news media in support of same-sex marriage. For example, in an article about a protest organized by Chinese Canadians, the author reports, 'Next to the religious right, ethnic minorities are the most opposed to the advent of this legislation…(M)ore than religion, Chinese cultural doctrine is what brought these people to

Ottawa.' Lamenting 'the busloads of Chinese people' that descended on Parliament Hill, the author goes on to delineate the terms of 'gay life' in China asserting that 'many lesbians and gays continue to live underground, often in isolation, leading a double life.'[49] Drawing upon a well-worn colonial logic of 'us' and 'them', this article constructs Canada as a privileged space of celebrated *out* queer identity.

I raise this example alongside Conservative deployments of multicultural discourse because both evoke a clear sense of 'difference', where divergent histories and experiences collapse into irreconcilable binaries of tradition and modernity. The cultural labels attached to racialized communities are not neutral but carry Orientalist and racially inscribed connotations of inferiority, positioned as they are in opposition to the progressive and emancipatory realization of same-sex marriage. The implied geographical delineations of being from elsewhere with 'different' cultural practices, which are posited either as *under* threat or as a threat to the liberty of 'Canadian' gays and lesbians, also serve to incorporate racialized people into the debates over same-sex marriage through terms of difference. A 'difference' framework, however, always smuggles in hierarchy; and – in the Canadian context at least – implies an underlying racial hierarchy in which Canadians of European origin are positioned as superior to people of colour.[50] Through support of same-sex marriage, 'we' come to know ourselves as civil and moral national subjects. Racial 'others' embody distance from this: in queer discourse, because 'they' do not (apparently) uphold 'Canadian' values of inclusivity, tolerance, equality and respect; in Conservative discourse, because racialized communities are set up as *already* distant, and thus in need of protection under the terms of religion. It is this distance that makes prominent the white racial norm of Canadian national identity.[51]

Moreover, whiteness is reproduced through acts of alignment *with* the project of civility that is same-sex marriage. A number of individuals and organizations spoke out against racist and neo-colonial assertions of 'cultural difference' and the lines of distance this draws from inclusion in a national 'we'. It was suggested, for example, 'that all racial minorities and immigrants are opposed to same sex marriage. This cannot be further from the truth…(T)here are many of us who recognize the right to form a family of our choice as a fundamental one.'[52] In an article appearing in Ottawa's queer newspaper, one queer Chinese man wrote of statements made by the leader of the Conservative Party that 'Stephen Harper's dire warnings have been outright offensive to me. Being Chinese Canadian means being able to celebrate our cultural heritage while embracing Canadian values of diversity and inclusiveness.'[53] Aside from the important political intervention made to public discourse, these comments also correctly identify how same-sex marriage has functioned as an ideal of white civility able to organize a varied population around its terms.

Transnational imaginings
'Imagining' the nation always necessitates and even presupposes the imagining of a 'community of nations'.[54] Not surprisingly, then, same-sex marriage as a site of racial nation making garners tremendous purchase when placed within the transnational sphere. What is held as the particular 'civility' of Canadian national identity, evidenced in support of same-sex marriage, is jettisoned into the transnational 'community of nations' whereby Canada exemplifies a particular (sexual) exceptionalism. In the words of one Liberal MP, for example, the Canadian state 'will send a statement to the world that in Canada gays and lesbians will not be considered second class citizens.'[55] Moreover, to vote for Bill C-38 means that Canada is 'leading, not following, the movement toward equality for gays and lesbians everywhere.'[56] Canada is conceived as being at the vanguard of modern societies so that it eclipses even the United States. Statements in the House of Commons as well as the queer media depict national pride in Canada *finally* beating the United States to something. With the passing of the Bill, Liberal politicians argue that 'Canada will be saying that it is ahead of where modern society is going.'[57] This spirit of modernity, and indeed of civility, is found in the commitment to progress, not only temporally but also morally and politically.

Conservative politicians opposing the legislation also compose their arguments within the gaze of a 'community of nations'. In arguing for civil unions or domestic partnerships as a viable means of recognizing the equality rights of lesbians and gays, comparisons are made to various European countries. For example, Conservative MP Rob Moore states that, 'In the entire industrialized world, this is the approach that modern countries are taking…I do not believe that most Canadians are looking to be more radical than some of the most left leaning governments in the world.'[58] Similarly, Conservative MP Rona Ambrose states that, '(O)ther nations, and more important, other Western democratic and constitutional nations, have found ways to deal with this issue.'[59] For those unwilling to accept a change to the definition of civil marriage, the point of international comparison is to argue that marriage poses an

incontrovertible limit to the recognition of lesbian and gay rights.[60] Thus according to Stephen Harper, then Conservative Leader of the Opposition, 'If same-sex marriage were a fundamental human right, then countries as diverse as the United Kingdom, France, Denmark and Sweden are human rights violators.'[61] Of course, the implication here is that we know them not to be.

Alongside the progress of legal rights for Canadian gays and lesbians, modernity is gestured to by both 'sides' through the legal arena where a certain 'perfection' of the law is resorted to as a marker of more elevated nations.[62] Both opposition and support for Bill C-38 rely on the mythological assertion that 'we' are part of a community of modern and civilized nations. There is here, then, an epistemology of progress and backwardness, where 'gay rights', and specifically same-sex marriage, become 'the mark of ascending civilization'.[63] In a post-9/11 historical context, this logic installs 'gay rights' as the newest manifestation of Western civility.

If the Conservative position has other Western democratic nations in its comparative sights, the 'pro' side contains a broader universal dimension in its articulations of a civil sexual modernity and exceptionalism. Such civility is accompanied by the assumption of a burden to extend its civil (national) qualities. Same-sex marriage allows the opportunity for Canada to know and assert itself as modern – even 'ahead of where modern society is going' – and as providing inspiration and a baseline of progress. In the words of one Liberal Senator, 'across the face of Europe and Asia…human and minority groups struggle daily to climb up their individual slippery slopes to the fertile fields of equality, with which we are blessed.' As such, 'all gaze a watchful eye for sustenance for emerging rights from Canada as an exemplar for leadership and a template of equality in the 21st century.'[64] Canadian laws reflect equality and respect for minorities and are 'a vital aspect of the values we hold dear and strive to pass on to others in the world who are embattled, who endure tyranny, whose freedoms are curtailed and whose rights are violated.'[65] In more elaborate terms, a Liberal MP remarks that

> In many parts of the world, gays and lesbians have to contend with repressive measures that range from mild to the most extreme…We are a nation of people who can demonstrate to the world that we can shine as the example of tolerance and compassion…We are also a nation that instills hope for the world that so desperately needs it…Let the light of Canada's soul cast its glow across a troubled world and be the beacon of freedom and equality that all nations will dare to compare themselves to as they too strive for higher ideals.[66]

Embattled. Tyranny. No individual freedoms. Slippery Slope. Repression. 'We' know *what we are not and who we are not*. Exemplar leadership. Shining example. Beacon of freedom: the spirit of modernity manifests here in the not so subtle expression of a civilizing imperative. Various scholars have pointed to the notion and use of 'human rights' as a strategy of Western hegemony and neo-colonialism.[67] As Peter Fitzpatrick argues, one identified standard of the 'community of nations' is the standard of civilization, where a nation achieves its universality in being set against other nations who are fixed and irredeemably particular and heterogeneous. Qualities of the universal and legal, the ordered, the dynamic and progressive are all set against the particular and lawless, the chaotic, static and backward.[68] Both the temporal and spatial registers evoked in these quotations are at once linear and hierarchical where the nation's 'goodness' consists in its closeness to an exemplary modernity, and its 'badness' consists in the distance from it. Same-sex marriage as a political-legal issue is a 'moment' in the 'story' of Canada that (further) sediments a racial world ordering. Modernity, then, is a term that designates more than a specific temporality; it is also constituted through social relations, and is made to matter through the lines of demarcation that imagine the world in racial terms.[69]

The 'national' project of civility that is same-sex marriage is projected outward into the transnational sphere and is located in modern time. The 'national' self, constructed by both 'sides', is a moral one, hailed as civilized and inhabiting an ordered Western democracy that adheres to individual rights and freedoms, and is called upon to instruct the pre-modern Other. Indeed, Sedef Arat-Koc (2006) argues that Canadian national identity is being reconfigured along 'civilizational lines' (that is, as part of 'the West') in the post-9/11 era.[70] In her study of Canadian peacekeeping, Sherene Razack traces the insidious racial hierarchy that underpins the fantasy whereby Canadians know themselves as bringing the 'gifts' of order, democracy and civilization to pre-modern 'Others'.[71] In the case of same-sex marriage, we could add a 'liberated' and 'out' sexual expression and identity rooted in neoliberal values of individualism.

To be 'part' of a civilized 'community of nations' is to understand oneself and one's national self as upholding 'minority rights' and hence equality rights for gays and lesbians through the terms of 'equal marriage'. While this article has traced state complicity in the racial politics of 'gay rights' discourse, this is not meant to indicate a position of 'innocence' for Canadian LGBT communities or organizations. Egale Canada (the national LGBT organization), for example, initiated the legal struggle for same-sex marriage in two provinces and also spearheaded a nation-wide campaign on the issue.[72] Its written arguments to the Ontario and British Columbia court hearings rely heavily on the trans/national discourses discussed in this article as well as on representational practices of respectability racialized as white.[73] Thus while struggles for 'gay rights' may often be considered progressive, they must continually be interrogated for the times they are deployed to mark and signify (trans)national lines of civility and Otherness. As Razack writes, we stake out the colour line when we produce ourselves as a nation (and individuals) on the civilized side of things.[74]

Conclusion

Debates over same-sex marriage invite Canadians to know their nation and themselves as a just, fair, tolerant, equality-seeking people. As this article suggests, it is a pedagogy in national 'belonging' that is deeply racialized. The lessons in white civility that same-sex marriage engenders are dependent on the presence of (trans)national racial Others, taken to embody difference and distance. Furthermore, be it referencing other Western nations or casting the gaze more 'globally', same-sex marriage secures a place ('ahead of where modern society is going') for Canada within an imagined – yet very concretely racially ordered – community of civilized nations. In these ways, both 'sides' may not be as far apart as one might think; the pedagogy of white (national) civility is a shared terrain. Same-sex marriage, then, is not simply a politics of sexuality but is also a politics of race.

Because same-sex marriage is a pedagogy in racialized civility and national 'goodness', where as citizens we are taught to avow and then transcend a violent past, where we are called upon – gay and straight alike – to practice a racialized civility, we are implicated in the racial politics embedded in same-sex marriage. I am not sure there is a way 'out' of this, as declarations of 'innocence' only serve to veil hierarchical relations of power more thoroughly. We might begin, as a first step, with this recognition of complicity in order to develop an anti-racist ethics and politics that dislodges the racial hierarchies and articulations of modernity, civility and civilization that are increasingly woven into the terrain of 'gay rights'.

Notes

1. Bill C-38: The *Civil Marriage Act* states that 'Marriage, for civil purposes, is the lawful union of two persons to the exclusion of all others.' Marriage in Canada is governed both federally and provincially. The federal government has jurisdiction over the definition of marriage (that is, who can marry) while the solemnization of marriage is a provincial responsibility (for example, the issuing of marriage licenses). [↵]
2. The enactment of the *Charter of Rights and Freedoms* (the *Charter*) in 1982, and in particular the equality provision of section 15(1), initiated a shift from the deployment of rights as a political resource (to build political identity and mobilize gay/lesbian constituencies, for example) to the pre-eminence of a discourse of individual rights and liberties, where lesbians and gay men are represented as part of the mainstream of Canadian society with the same rights and obligations as other Canadians in respect of their families and relationships. The Charter has been successfully used to challenge heterosexist laws throughout the 1990s and into the twenty-first century. See Miriam Smith (1999). *Lesbian and gay rights in Canada: Social movements and equality seeking, 1971-1995*. Toronto: University of Toronto Press. [↵]
3. For example, the 1995 Supreme Court of Canada ruling in *Egan v. Canada* held that sexual orientation was an analogous ground of discrimination under s.15(1) of the *Charter*. While this was a significant victory, *Egan* also represented a loss. The case was a challenge to the exclusion of same-sex couples from the definition of spouse in the *Old Age Security Act*, and the Supreme Court held that this differential treatment did not constitute discrimination on the basis of sexual orientation because same-sex couples could not biologically procreate and, as lesbian/gay equality rights claims were a 'novel concept', that the federal government was not obliged to take immediate action to change the definition of spouse. Four years later, however, the Supreme Court delivered a significantly different ruling. In *M v. H.* (1999), it granted a lesbian the ability to claim spousal support from her former partner by striking down as unconstitutional a definition of 'spouse' in an Ontario family law statute that had been limited to opposite-sex cohabitants. As a result, the Ontario government added the new concept of 'same- sex partner' to the *Family Law Act* (preserving the term 'spouse' for opposite sex partners who are married or in common law

relationships). Furthermore, in June 2000, Parliament adopted Bill C-23 (the *Modernization of Benefits and Obligations Act*), which amended 68 federal statutes by defining 'common law partners' to include both same-sex and heterosexual unmarried couples, and by extending rights and responsibilities of married spouses to common law partners. The legal success of M v. H opened the doors for the same-sex marriage challenges. For critical commentary on both cases, see Susan Boyd and Claire Young (2003). 'From same-sex to no-sex? Trends towards recognition of (same-sex) relationships in Canada.' *Seattle Journal for Social Justice*, 1(3), 757-793; Brenda Cossman (2002). 'Lesbians, gay men and the Canadian Charter of Rights and Freedoms.' *Osgoode Hall Law Journal*, 40(3-4), 223-248. [↩]

4. For the British context, see Carl Stychin (2003). *Governing sexuality: The changing politics of citizenship and law reform*. Oxford & Portland Oregon: Hart Publishing; Diane Richardson (2005). 'Desiring sameness? The rise of a neoliberal politics of normalization.' *Antipode*, 515-535. For the American context, see Jonathan Goldberg-Hiller (2002). *The limits to union: Same-sex marriage and the politics of civil rights*. Ann Arbor: The University of Michigan Press; Shannon Winnubst (2006). *Queering freedom*. Bloomington and Indianapolis: Indiana University Press; for the Canadian context see Brenda Cossman (2002). 'Sexing citizenship, privatizing sex.' *Citizenship Studies*, 6(4), 483-506; Susan Boyd and Claire Young (2003). 'From same-sex to no-sex? Trends towards recognition of (same-sex) relationships in Canada.' *Seattle Journal for Social Justice*, 1(3), 757-793. [↩]

5. Jonathan Goldberg-Hiller (2002). *The limits to union: Same-sex marriage and the politics of civil rights*. Ann Arbor: The University of Michigan Press, p. 1. [↩]

6. Miriam Smith (2007). 'Framing same-sex marriage in Canada and the United States: Goodridge, Halpern and the national boundaries of political discourse.' *Social and Legal Studies*, 16(1), 5-26. [↩]

7. Himani Bannerji (2000). *The dark side of the nation: Essays on multiculturalism, nationalism and gender*. Toronto: Canadian Scholars Press; Yasmin Jiwani (2006). *Discourses of denial: Mediations of race, gender, and violence*. Vancouver and Toronto: UBC Press. [↩]

8. David Theo Goldberg (2005). '"Killing me softly": Civility/race/violence.' *The Review of Education, Pedagogy, and Cultural Studies*, 27, p. 349. [↩]

9. Daniel Coleman (2006). *White civility: The literary project of English Canada*. Toronto: The University of Toronto Press. [↩]

10. Daniel Coleman (2006). *White civility: The literary project of English Canada*. Toronto: The University of Toronto Press, p. 239. [↩]

11. Daniel Coleman (2006). *White civility: The literary project of English Canada*. Toronto: The University of Toronto Press, p. 5. See also Himani Bannerji (2000). *The dark side of the nation: Essays on multiculturalism, nationalism and gender*. Toronto: Canadian Scholars Press, p. 107. [↩]

12. David Theo Goldberg (2002). *The racial state*. Malden MA & Oxford: Blackwell Publishers, p. 171. [↩]

13. Ghassan Hage (2000). *White nation: Fantasies of white supremacy in a multicultural society*. New York: Routledge. [↩]

14. Sara Ahmed (2006). *Queer phenomenology: Orientations, objects, others*. Durham & London: Duke University Press, pp. 125, 129. [↩]

15. Daniel Coleman (2006). *White civility: The literary project of English Canada*. Toronto: The University of Toronto Press, p. 27. [↩]

16. Achille Mbembe (2001). *On the postcolony*. Berkeley: University of California Press, p. 93. [↩]

17. Daniel Coleman (2006). *White civility: The literary project of English Canada*. Toronto: The University of Toronto Press, p.11. [↩]

18. David Theo Goldberg (2005). '"Killing me softly": Civility/race/violence.' *The Review of Education, Pedagogy, and Cultural Studies*, 27, p. 357. [↩]

19. Daniel Coleman (2006). *White civility: The literary project of English Canada*. Toronto: The University of Toronto Press, pp.12, 21; David Theo Goldberg (2005) '"Killing me softly": Civility/race/violence. *The Review of Education, Pedagogy, and Cultural Studies*, 27, p. 341. [↩]

20. *White civility: The literary project of English Canada*. Toronto: The University of Toronto Press, p. 10. [↩]

21. Paul Martin, Prime Minister, *House of Commons Debates*, February 16, 2005, p. 3577. The official titles I ascribe to various parliamentarians and senators are those s/he held at the time of the debates. [↩]

22. Andrew Telegdi, Liberal MP, *House of Commons Debates*, February 21, 2005, p. 3776. [↩]

23. Hedy Fry, Liberal MP, *House of Commons Debates*, September 16, 2003, p. 7385. [↩]

24. Larry Bagnell, Liberal MP, *House of Commons Debates*, June 28, 2005, p. 7910. [↩]

25. David Theo Goldberg (2002). *The racial state*. Malden MA & Oxford: Blackwell Publishers, p. 16. [↩]

26. Constance Backhouse (1999). *Colour-coded: A legal history of racism in Canada, 1900-1950*.

Toronto: University of Toronto Press. See also Yasmin Jiwani (2006). *Discourses of denial: Mediations of race, gender, and violence*. Vancouver and Toronto: UBC Press. [↵]

27. David Theo Goldberg (2002). *The racial state*. Malden MA & Oxford: Blackwell Publishers, p. 11. [↵]
28. Paul Martin, Prime Minister, *House of Commons Debates*, February 16, 2005, p. 3577. [↵]
29. Tony Ianno, Liberal MP, *House of Commons Debates*, March 24, 2005, p. 4558. [↵]
30. Daniel Coleman (2006). *White civility: The literary project of English Canada*. Toronto: The University of Toronto Press, p. 8. [↵]
31. David Theo Goldberg (2005). '"Killing me softly": Civility/race/violence.' *The Review of Education, Pedagogy, and Cultural Studies*, 27, p. 350. [↵]
32. Sara Ahmed (2004). 'Declarations of whiteness: The non-performativity of anti-racism.' *borderlands e-journal*, 3(2). [↵]
33. Press Constance Backhouse (1999). *Colour-coded: A legal history of racism in Canada, 1900-1950*. Toronto: University of Toronto. [↵]
34. Paddy Torsney, Liberal MP, *House of Commons Debates*, June 28, 2005, p. 7938. [↵]
35. Sarmite Bulte, Liberal MP, *House of Commons Debates*, September 16, 2003, p. 7424. [↵]
36. Paul Martin, Prime Minister, *House of Commons Debates*, February 16, 2005 p. 3577. [↵]
37. Irwin Cotler, Liberal Minister of Justice, *House of Commons Debates*, June 28, 2005, p. 7894. [↵]
38. Bill Siksay, NDP MP, *House of Commons Debates*, February 16, 2005, p. 3589. [↵]
39. Alexa McDonough, NDP MP, *House of Commons Debates*, March 24, 2005, p. 4548. [↵]
40. Shane Phelan (2001). *Sexual strangers: Gays, lesbians, and dilemmas of citizenship*. Philadelphia: Temple University Press. [↵]
41. While the state seems to embrace marrying gays, it also continues its policing and regulation of other queer communities, exemplified by police raids in the past few years on a lesbian bathhouse in Toronto and a gay bathhouse in Calgary ; as well as its long-standing seizing and censorship of materials at the US/Canada border destined for a queer bookstore in Vancouver. [↵]
42. Garry Breitkreuz, Conservative MP, *House of Commons Debates*, May 2, 2005, p. 5495. [↵]
43. Rob Moore, Conservative MP, *House of Commons Debates*, May 2, 2005, p. 5494. [↵]
44. Stephen Harper, Leader of the Conservative Party, *House of Commons Debates*, February 16, 2005, p. 3580. [↵]
45. David Theo Goldberg (2005). '"Killing me softly": Civility/race/violence.' *The Review of Education, Pedagogy, and Cultural Studies*, 27. [↵]
46. Sara Ahmed (2000). *Strange encounters: Embodied others in post-coloniality*. London & New York: Routledge. [↵]
47. One other central way was through the use of analogies to historical racial discrimination in the United States. For example, the ban on same-sex marriage is analogous to the ban on inter-racial marriage struck down by the US Supreme Court in *Loving v. Virginia* (1967), or alternatives such as civil unions are akin to segregation. While facilitating a belief in a common ground of oppression between identity movements, racial analogies have their own perils. [↵]
48. Stephen Harper, Leader of the Conservative Party, *House of Commons Debates*, February 16, 2005, p. 3584. [↵]
49. Suki Lee, "The Chinese protest against same-sex marriage: Gays and lesbians live precarious lives in Asia" *Capital Xtra!*, September 11 2003. [↵]
50. Sherene H. Razack (2004). *Dark threats and white knights: The Somalia Affair and peacekeeping as the new imperialism*. Toronto: University of Toronto Press, p. 135. [↵]
51. A more recent manifestation of representing immigrant communities as homophobic occurred in December 2007. An article published in the *Vancouver Sun* contextualized homophobic comments made by a Sikh leader under the banner that immigrants are changing the moral landscape of Canada, with the implication that 'Canadian values' are under threat by new immigrants. The article produced a huge response from within both LGBT communities and South Asian communities, forcing the Sikh leader to apologize. For critical commentary, see Fatima Jaffer's article in *Xtra West*; for an anti-racist queer statement by a coalition of groups see adilinfo.org [↵]
52. Avvy Go, 'Minorities and same-sex marriage.' *Toronto Star*, September 22, 2004, p. A21. [↵]
53. Felix Ng, 'I'm queer, I'm Chinese and my parents love me.' *Capital Xtra!*, 18 April 2005 [↵]
54. Peter Fitzpatrick (2001). *Modernism and the grounds of law*. Cambridge: Cambridge University Press. [↵]
55. Michael Savage, Liberal MP, *House of Commons Debates*, June 28, 2005, p. 7947. [↵]
56. Bill Siksay, NDP MP, *House of Commons Debates*, February 16, 2005, p. 3591. [↵]
57. Bill Graham, Liberal MP, *House of Commons Debates*, February 21, 2005, p. 3769. [↵]
58. Rob Moore, Conservative MP, *House of Commons Debates*, May 2, 2005, pp. 5495. [↵]
59. Rona Ambrose, Conservative MP, *House of Commons Debates*, February 21, 2005, p. 3737. [↵]
60. Jonathan Goldberg-Hiller (2002). *The limits to union: Same-sex marriage and the politics of civil rights*. Ann Arbor: The University of Michigan Press, p. 207. [↵]

61. Stephen Harper, Leader of the Conservative Party, *House of Commons Debates*, February 16, 2005, p. 3583. [↵]
62. Peter Fitzpatrick (2001). *Modernism and the grounds of law*. Cambridge: Cambridge University Press, p. 131. [↵]
63. Joseph A. Massad (2007). *Desiring Arabs*. Chicago and London: Chicago University Press, p. 195. [↵]
64. Senator Grafstein, *Debates of the Senate*, July 19, 2005, p. 1825. [↵]
65. Paul Martin, Prime Minister, *House of Commons Debates*, February 16, 2005, p. 3577. [↵]
66. Mario Silva, Liberal MP, *House of Commons Debates*, March 21, 2005, p. 4354. [↵]
67. For example, Balakrishnan Rajagopal, (2003). *International law from below: Development, social movements, and Third World resistance*. Cambridge: Cambridge University Press; Joseph A. Massad (2002). 'Re-Orienting Desire: The Gay International and the Arab World.' *Public Culture* 14(2): 361-385. [↵]
68. Peter Fitzpatrick (2001). *Modernism and the grounds of law*. Cambridge: Cambridge University Press, pp. 125, 128. [↵]
69. M. Jacqui Alexander (2005). *Pedagogies of crossing: Meditations on feminism, sexual politics, memory and the sacred*. Durham and London: Duke University Press, p. 193; David Theo Goldberg (2002). *The racial state*. Malden MA & Oxford: Blackwell Publishers, p.108. [↵]
70. Sedef Arat-Koc (2005). 'The disciplinary boundaries of Canadian identity after September 11: Civilizational identity, multiculturalism, and the challenge of anti-imperialist feminism.' *Social Justice*, 32(4), 32-49. [↵]
71. Sherene H. Razack (2004). *Dark threats and white knights: The Somalia Affair and peacekeeping as the new imperialism*. Toronto: University of Toronto Press. [↵]
72. See Canadians for Equal Marriage website [↵]
73. See Suzanne Lenon (2005). 'Marrying citizens! Raced subjects? Re-thinking the terrain of equal marriage discourse.' *Canadian Journal of Women and the Law*, 17(2), 405-421. It is important to note that the *visual* campaign for equal marriage is predominantly white and middle class. See, for example, the website samesexmarriage.ca which is *the* site for web information on same-sex marriage in Canada. It is maintained by two white gay men who played a highly active and visible role in lobbying for same-sex marriage, both nationally and internationally. [↵]
74. Sherene H. Razack (2004). *Dark threats and white knights: The Somalia Affair and peacekeeping as the new imperialism*. Toronto: University of Toronto Press, p. 27. [↵]