

Thinking Straight about Public

by Jane Arcscott

En étudiant la problématique des présuppositions sur l'orientation sexuelle des gens, l'auteure explique comment la question de l'hétérosexualité normative a été jugée indigne de

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discussion dans le Rapport de la Commission royale d'enquête sur le Statut des femmes en 1970. Cet article dénonce le silence qui persiste toujours à cet égard dans les documents gouvernementaux actuels.

Government documents rarely, if ever, recognize non-traditional families, alternative lifestyles or whatever the current euphemism may be for lesbians' "choices" and cultures.¹ Same-sex love, the relationships that are grounded in it, and the family forms they generate receive minimal recognition from the state. Affirmation is even more difficult to achieve. Lesbians' relation to public policy was problematic long before the creation of the Royal Commission on the Status of Women (RCSW) created by the federal government in 1967. The RCSW was initiated to advise the government about public policy concerning women, especially the political, legal, social, economic, educational, and cultural conditions of women throughout the country.

Despite the increased visibility of lesbians since 1970 (the year the RCSW completed its work), the place of lesbians within the field of public policy remains unsatisfactory. Over time the degree of social acceptance of lesbians has improved somewhat. Public policy, like society more generally, tolerates lesbians as much as it does in part due to the capacity of many lesbians to pass as heterosexual when they believe it unsafe or unwise not to do so. For example, there are at present two openly gay Members of Parliament but no openly lesbian MPs. The resistance to full acceptance of lesbians seems rooted less in the smallness of their numbers than in the ease with which their presence can be overlooked. Public policy can be said to feign disinterest in matters of sexual orientation when, in fact, it is actually strongly interested in the maintenance and reproduction of heterosexual practices as the norm.

The RCSW and its moment of silence

The exclusive attention to heterosexual women institutionalized in the *Report* of the RCSW erases lesbians. Women-identified women have certainly often chosen not to be seen under circumstances that are unsafe, hostile, and even violent toward them. Even so, a good deal has been said in feminist circles in recent years about the invisibility of Aboriginal women and of women of colour in the *Report*. Several of these absences unfortunate, even racist, though they are, have received some attention. Not so lesbians. Women who are socially constructed in ways that intensify rather than diffuse their experience of oppression such as women who are racialized and women with disabilities can be identified in the report by certain euphemisms such as "immigrant women," "Indians," and the "handicapped." In contrast to these identifiable categories of women, lesbians are women whose identities, interests, and perspectives are not addressed except by the negative implications generated by heterosexual assumptions throughout the *Report*. The logic of the rhetoric of universal human rights developed in the *Report* has grown into a strong branch with which to lever new rights for previously excluded categories of persons, including lesbians and gay men.² This rhetoric continues to be used, but with very modest results. Heterosexual women and their family forms dominate in the *Report* to the complete exclusion of women who love and live together as couples or whose mothers are lesbians. The sense the reader gets from reading the *Report* is that very few women are lesbians, so few as to be statistically insignificant, thus lesbians are unworthy of more extensive discussion.

Two readily available explanations for this treatment of lesbians account in part for the omission. First, women's liberation was just beginning to make sexuality a political issue (Adamson *et al.*; Pierson) and the Commissioners had little experience as individuals with the women's movement.³ Second, sexuality was considered a private matter at the time. The Criminal Code was revised in 1969 to no longer view acts committed by two consenting adults in private to be gross indecency, thereby removing "homosexual" acts from the Code ("House" 260). This change is now commonly referred to as having "gotten the state out of the bedrooms of the nation." At the time lesbians were generally considered to be a subset of homosexuals—"female homosexuals"—without an identity of their own.

The norm of public heterosexuality failed to be questioned in part also because the Commissioners—five women and two men—were very concerned about mak-

Policy in the '70s and '90s

ing their recommendations acceptable for the House of Commons—composed of 264 men and one woman by 1970. Even once these influences are acknowledged, one would assume that some lesbians did write letters or submit briefs to the Commission. Perhaps some of the

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women who worked for the Commission were lesbians. Who can tell? Attraction to other women and less intense forms of friendship might not have resulted in self-identification as lesbian, given the tendency of psychologists, counsellors, and other medical practitioners to label same-sex preferences as forms of personality disorder. Women who felt “that way” were encouraged to think themselves mistaken, ignorant, or misguided about their real selves and their choices in matters related to sexual orientation (Socarides).

Heterosexist thinking is deeply embedded in speech, writing, and thought. The compulsory aspect of heterosexuality is enforced in many ways, including the institutionalization of beliefs and values (Rich). The existence of lesbians who are defined by their attention to other women rather than to men challenges standard usages of categories not only for describing and conceptualizing the gendered aspects of the human condition—feminist theory—but also for the allocation and delivery of resources and services—public policy. While a good deal of intellectual attention has already been paid by feminists to the social construction of privilege exercised in heterosexual relations of power, relatively little has been said about the policy implications of viewing women in a heterosexist manner. Public policy also (de)constructs lesbians by (de)fault. This is done with a view to not seeing their lives, interests, and perspectives.

Power relations of domination and subordination between the masculine and feminine genders respectively form a social structure that is actively maintained and reproduced through public policy. Saying so is nothing new. Relatively new, however, is the capacity to provide a conceptual analysis grounded in experience of the way in which discourse actively constructs women’s sexuality, and the implications of this framing for public policy.

Doing so demonstrates the heterosexist dimension of public policy as it has been developed and implemented over the last quarter century, thereby making it appropriate now to name it for what it is historically: “hetero-public policy.”

Paying attention to public policy provides neither as narrow a focus on citizenship nor as broad a one as the category of “everything else.” The middle ground is taken up by public policy, which is as yet not often the subject of lesbian-feminist writing. Once the heterosexist and homophobic bias, implicit in current practice, is shown to be the boundary-drawing, exclusionary activity that it is, the rationale for adding it to the list of priorities for strategizing and political action becomes clear.

The pervasiveness of heterosexism in public policy is in part what makes it so difficult to see. Affirmations of families and their values, the even more narrowly construed “family values” so popular in neo-conservative circles, and women’s work and its value are commonplace, but the sexual economy or what Ann Ferguson calls “modes of patriarchal sex/affective production” is not revealed in traditional public policy (81). Ferguson calls for international lesbian, gay, and political movements that will develop a pluralist tolerance of differences in values.

The international scene: Beijing 1995

Many people watched with interest the international political struggle that took place at the Fourth World Conference on Women held in the autumn of 1995. The attempt to gain affirmation for the rights of lesbians and of all women to control their sexuality epitomizes the fact that “straight thinking” continues to pervade public policy-making at the most prestigious international level of political interaction. Progress has been made over the course of the last four World Conferences on Women to acknowledge the existence of lesbians worldwide and to empower them to participate in the Conference in increasingly meaningful ways. But there has yet to be formal affirmation of the word that most directly acknowledges lesbian existence. Lesbians were euphemistically “covered” in discussions of the articles that demand for women to “control their sexuality.” Article 96 of the *Platform for Action* states that

the human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health free of coercion, discrimination and violence. (42)

If affirmed without reservation or qualifications, the individual's control would have had to be extended to lesbians and women who are bisexual as well as to women who are heterosexual. Reservations were expressed, however, that sought to restrict women's freedom. According to some delegations women were to be free to be heterosexual, and to express their control only in ways that conformed to already existing practice in those countries. Because of the lack of unanimity on the principle, it is unlikely that the General Assembly of the United Nations will take measures in support of Article 96. Al-

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though not completely a "dead letter," the discussion of rights pertaining to control of one's sexuality is symbolically important at the same time that it falls far short of the creation of an international climate of opinion that would be less coercive of women than is the case at present.

Connecting what occurs at the international and national level is difficult in part because they are separate but related sites of representation. Making sense of them as a whole is difficult (but necessary) work for the production of women-centred knowledge, especially for lesbians. The relative visibility and invisibility of lesbians is at stake here, not only at present, but also as those identities, cultures, and movements are carried forward and reproduced.⁴ Marilyn Frye notes that invisibility comes easily to lesbians because their sexual orientation motivates others actively to exclude them from the conceptual scheme of things. On the one hand, invisibility has long been a preferred strategy for some lesbians due in part to the lack of safety—perceived and real—lesbians experience even in many of the countries in which their existence is most readily tolerated. On the other hand, with increased visibility over time comes the capacity to demand fair shares as stakeholders in the political systems that have yet to take lesbian sexuality positively into account. The "strategy of invisibility" remains reasonable and understandable for individuals who do not wish to be stigmatized, discriminated against, or made the victim of violence by a homophobic dominant culture. However, the dominant culture of heterosexuality often makes it appear as if lesbians and their cultures do not exist. The only way to prevent ceding the field to this view is to strategize around political aspects of lesbianism, including its public policy aspects.

Some representatives of governments disagreed with

women's right to control their sexuality, and they did so for similar religious and cultural reasons. For example, the Malaysian delegation said its government did not endorse "sexual promiscuity, any form of sexual perversion, or sexual behaviour that is synonymous with homosexuality or lesbianism" (United Nations 189). From a different but compatible religious perspective the representatives of the Holy See stated their unwillingness to accept an "ambiguous term [which] could be understood as endorsing sexual relationships outside [of] heterosexual marriage" (United Nations 182). Accordingly, women-women relationships, bisexuality, and any other sexuality are shunned even condemned. Even the milder of the two forms of social reprobation can harm people's health, be coercive, discriminatory, and violent. These consequences are specifically rejected as acceptable ways of treating women—except in regard to their right to control their sexuality! If it is only heterosexual women who are entitled to express their individual liberty in this way, the sorts of treatment that women can expect in countries that refuse to affirm women's right to control their sexuality gives lesbians cause for concern. Similar and equally pejorative claims from other non-affirming delegations maintained that Article 96 had to be solely "interpreted in the context of [the] health and the framework of marital relations between men and women" (United Nations 185) and as such referred merely to existing human rights. Therefore, no new rights (read lesbian rights) were established according to the delegation from Iran. In a similar vein the representatives from Iraq maintained that the Article was "incompatible with our social and religious values" (United Nations 185). Representatives from Kuwait rejected the Article due to its "contravention of the Islamic Shariah and the customs and practices of our Islamic society." Delegations from other countries that considered Article 96 to be "inconsistent with our social and cultural values" include Libya, Mauritania, and Tunisia. These reservations make clear the probable lack of agreement on action that would result should the UN General Assembly try to implement the principle of control of women's sexuality. Nothing is likely to come of Article 96.

The social construction of women's sexuality as expressed in the *Platform for Action* cannot but have a dampening, even chilling, effect on the aspirations of lesbians. Objections to women's control over their own sexuality from two of the world's most powerful religions, Islam and Christianity, indicate that homophobia and heterosexism are not unique to one or another intellectual tradition or way of life. Support for lesbian rights and the inclusion of lesbian perspectives in public policy is strong across most of the women's movement in Canada. Lack of a strong and clear statement of the merit of these demands, however, produced the familiar outcome: lesbians and matters pertaining to them, such as law reform and lesbian-sensitive public policy, can be paid lip service by governments and political parties that wish to be seen by

the public to be progressive. However, in the absence of strong threats such as can come from the international community, lesbians and their supporters must continue to work on a number of different fronts—nationally and internationally—to make further advances. Had it been successful, the lesbian presence at the Beijing Conference would have generated additional pressure forcing national and other governments positively to affirm lesbians and their choices. Apart from a general euphemism for non-heterosexual people lesbians as a subject for public policy at the international, and national level of government is important. Lesbians require state-enforced security of their personal safety, economic survival, and freedom from violence, which includes the removal of the vulnerability that attends both threats and the experience of violence in its many forms.

The national scene revisited

On the Canadian scene there recently has been some discussion of the possible incompatibility of public policy analysis with certain forms of gender analysis. The view that public policy can accommodate gender analysis without having to transform the traditional conception of the field has recently been challenged by what might be called strong gender analysis (Burt).⁵ Burt implies that the credible sort of gender analysis will certainly be feminist and women-centred. While both federal and provincial governments in Canada have recently taken steps to increase the formal recognition of lesbians and gay men in their entitlements to employee benefits, heterosexist bias and homophobia continue to find expression in public policy in no small measure. The way in which governments and the state through their laws, policies, and programs fail to affirm same-sex relations and their family forms marks the perpetuation of homophobia in Canadian society. Why these inclusions were not made is not self-evident—it is a historical product requiring investigation.

Following the *Report* of the RCSW in 1970, legal reform and education were to be the principal avenues through which formal equality would finally be realized in practice. There is hardly a hint in the *Report*, however, that women were other than heterosexual, and that they might define their womanhood except as reproducers of the human species. The main liberty for them to exercise, it appeared, was whether to work outside the home following marriage (Royal Commission on Status of Women 1970 xii).⁶

The *Report* of the RCSW set a course, even a blueprint, for the state's consideration of women as a worthy subject of federal public policy. Sexuality was only then beginning to be discussed in "polite" company, and its heterosexual underpinnings were rarely questioned. Even at the margins there is little to fill the silence about the social construction of gender as institutionalized heterosexuality.

Lesbian-positive feminist gender analysis and the "Next Century"

"Hetero-public" policy appears to characterize the sexual orientation of federal policy toward women then and now. The failure to affirm lesbians' existence on two occasions 25 years apart, one at the national level and the other on the international level—Canada in 1970 and Beijing in 1995—is similar in the following ways. Both occur within the context of international human rights claims and the demand for governments to make the full exercise of these rights possible. In both instances lesbians are, in effect, erased from view by the language in which women's rights is expressed. "Female homosexuality" and "control over sexuality" write over their just claims to be considered as fully human. While this erasure occurred unselfcritically in Canada in 1970, a good deal of criticism was heard in 1995 about the lack of affirmation of lesbian rights. The worry remains that, in the course of time, the discussion surrounding euphemistic language will be misplaced, forgotten, or otherwise diminished.

While it is important not to allow the history of the erasure of lesbians through public policy documents, there is slight cause for optimism. A new document, published by Status of Women Canada in preparation for the Beijing Conference, in which 24 departments participated to indicate what they are doing to enhance the lives of Canadian women outlines a significantly more progressive stance. *Setting the Stage for the Next Century: The Federal Plan for Gender Equality* supports gender analysis for use throughout government agencies and departments. Particular attention is to be paid to disadvantages grounded in "race, colour, *sexual orientation*, [my emphasis] socioeconomic position, region, ability level, or age" (Status of Women Canada 17, para 23). By implication lesbians are included as one of the sub-groups of women the perspectives of which require additional attention from the state. The theoretical language it uses is stronger than any used by the federal government before. Women's groups—especially lesbian groups and organizations—may be well served by the elements of it that imply the sorts of women-centred feminist (and possibly lesbian-positive) analysis that some women's organizations have been using for decades.

The latest federal document is definitely a slim reed upon which to place many of the aspirations of lesbians. Even so, it does help to underscore the importance of lesbian involvement in drawing attention to public policy, especially to the ways in which lesbians remain unaffirmed in formal public documents that institutionalize some identities and not others at the highest, most philosophic level of the production and maintenance of public policy. Making a sustained effort to have lesbians made visible in public policy, especially in public documents, will be an important, if largely, symbolic gain. Arguing persuasively and persistently that gender analysis must be feminist, woman-centred, and lesbian-positive, provides one way

to make the erasure of lesbian existence more difficult in the future. Until public policy affirms lesbians and acknowledges their lives and choices, public policy makers and consumers of these policies must be told clearly and repeatedly that genuine inclusiveness requires concerted action instead of lip service. Policies that address only a partial public in the name of *the public* excise groups of people from the body public. To continue to do so fails to affirm lesbians—their existence, their humanity, and their participation in “the public.” If public policy is to be genuinely public, its partiality based on a heterosexist orientation must be abandoned. Hetero-public policy at present misrepresents *the public* in whose name it serves.

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¹Some lesbians do not consider their sexual orientation to be a choice. I use the word here to refer to the choices involved in acknowledging their sexual orientation or not, and related decisions about how to live their lives.

²There are “same-sex” issues which encompass lesbians and gay men as well as issues specific to each group. My concern here is to draw attention to the historically rooted social construction of lesbians in public policy documents. A good deal more needs to be said about the way in which lesbians are considered to be “sexualized women” whose perspective is principally defined by their sexual orientation.

³One Commissioner had been selected in part for her record of involvement with the women's farm organizations in Alberta (Lange). Another said that she had next to no knowledge of the women's movement but that she wished to learn about it (Lapointe). The rest of the Commissioners fell somewhere between the two extremes.

⁴I have developed the idea of a web of inter-related sites of representation in relation to the electoral representation of women in legislatures across Canada (Arscott 1996). When studying small numbers of women such as lesbians in relation to the state, it seems appropriate to discuss several sites of representation at once, with a view to taking account of their activity. Lesbians make up about ten per cent of the population, making them far more numerous than Aboriginal women and not much less numerous than women with disabilities. These other categories of women are considered legitimate subjects and objects of public policy. Why then are lesbians more or less invisible to the state?

⁵Burt contrasts public policy analysis to gender analysis but does not use the “strong gender analysis” conception I propose here. I wish to argue that a form of gender

analysis has been used for the last 25 years but that it has been “weak” in certain ways. This is true, especially in its forms as institutionalized by governments, as opposed to the styles of more overtly feminist, woman-centred analysis conducted by feminist academics, women's groups, and quasi-independent bodies such as the now defunct Advisory Council on the Status of Women. Therefore, Burt's analysis fits mine but not her vocabulary.

⁶If women did not marry, they were presumed to have wished to do so and, at that time, up to 90 per cent of them did marry. Just as the category of “single women” does not stand exclusively for that of “lesbian women,” the category “married women” includes women who are also lesbians, bisexual, or omnisexual.

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