

## **To Forgive and Forget?: Homonationalism, Hegemony, and History in the Gay Apology**

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As a historian, it's not every day that the archival records in which you've spent nearly thirty years researching become the focus of public-political discussion, from the pages of the press to the prime minister's office. For the past almost three decades, I've been working with and writing queer history based on the court records of same-sex offences between men in Ontario from 1880 to 1940. What has focussed media and political attention on these records (and similar documents in other provinces) is, of course, the call for the federal government to review and potentially pardon or expunge the records of those charged or convicted of homosexual offences, part of the process of what has been dubbed the gay apology. I've been continually struck by the disjuncture between the public/political discussion of these records – their extent and content – and what I know to be in them, so much so that I've wondered whether many of those involved have ever seen an actual historical court record for gross indecency or buggery? Given how so much of the call for an apology rests upon historical documentation, these problems are not insignificant, and I will highlight a few of them in what follows. But I also want to pose a broader historical question and, that is, why now? Why the gay apology now?

This is not the first time an apology has been called for. Almost exactly twenty years ago, Gary Kinsman and Patrizia Gentile, along with their team, produced a preliminary report on their research into the postwar purges of queer people from the Canadian civil service and military.<sup>1</sup> Among its recommendations, their report called for an official state apology. Prime minister at the time, Brian Mulroney, condemned the purges but stopped far short of offering an apology. Two decades later, our pride-parade-loving prime minister with the good hair has committed to making an official apology. So, again, why now? Why not in 1998? Is it the change in political parties in power, from the Conservatives to the Liberals? Is it, as some suggest, filial honour, an indication that "Justin Trudeau has decided to complete a process begun by his father almost 50 years ago?"<sup>2</sup> I want to suggest that a better answer is to be found in the changed historical context of queer politics then and now, and more specifically to what has been identified as the rise of homonormative and homonational politics. Barely emergent two decades ago but now fully in the saddle, homo-normative/national politics developed in tandem with neoliberalism. It is a politics that does not resist *heteronormative* practices and institutions but seeks inclusion within them.<sup>3</sup> It is what Egale, the nation's LGBTQ lobby group, or "human rights trust," to use the organization's preferred name, calls "progress through inclusion." (Egale even offers an "LGBTQ Inclusion Pocket Guide" – "the perfect gift for anyone seeking to improve their inclusive outlook" – for the low price of \$15, "discounts available on bulk orders.")<sup>4</sup> It is this congruence of interests – the queer bid for national inclusion coupled with the eagerness of the

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<sup>1</sup> Gary Kinsman and Patrizia Gentile, *"In the Interests of the State": The Anti-Gay, Anti-Lesbian National Security Campaigns in Canada – A Research Report* (Sudbury: Laurentian University, 1998).

<sup>2</sup> *Globe and Mail*, 11 Aug 2016.

<sup>3</sup> See, for example, Tim McCaskell, *Queer Progress: From Homophobia to Homonationalism* (Toronto: BTL, 2016).

<sup>4</sup> <https://egale.ca/shop/lgbtq-inclusion-pocket-guide/>

liberal state to improve its own inclusive outlook – that makes the gay apology all but a done deal. As a contribution toward developing a critical framework in which to understand the gay apology and the homonormative/national politics it both reflects and helps to reproduce, this paper should be considered part of the process of “disrupting queer inclusion.”<sup>5</sup>

### Movement, What Movement?

We can begin with the fact that there is no mass movement calling upon the federal government for a gay apology. In this way, the gay apology reflects one of the central features of politics in these homo-normative/national times: a demobilized queer constituency. It is now commonplace to lament the decline if not outright disappearance of a broad-based, grassroots queer movement in North America since the waning of AIDS activism in the mid-1990s. The struggle has shifted from mass meetings and direct-action tactics in the streets to human-rights strategies in the courtrooms. While court challenges and legal battles have been around for decades, co-existing sometimes in concert and sometimes in conflict with the movement, over the past two decades legal strategies have come to supplant or stand in for the movement. This reached its pinnacle in the successful legal fight for same-sex marriage in 2005, which some critics argue highjacked and halted the movement. We see it now, when, in response to the government’s slow pace of action on the gay apology, a class action lawsuit was launched in November 2016 on behalf of those who lost their jobs in the military and public service for being gay. *The Just Society Report* (hereafter JSR), a document on the gay apology prepared by Egale for the government, acknowledges as much: “many of our recent battles for equality have ended in the courtroom.” Written in the wake of the Orlando massacre, the JSR continues: “Now it is clear the war on our community has entered a new theatre. Our movement must come together, and move forward with the robust and inclusive action plan Egale has put forward.” But what and where is this movement the JSR frequently invokes? The JSR further suggests that Egale “should not take on this challenge alone. There are many allied organizations, including unions, student groups, AIDS Service Organizations, First Nations groups and others who should be mobilized to work together on this great social project.”<sup>6</sup> It is a nice vision, but with Egale’s energies directed toward the federal government and the courts, who is going to do the hard groundwork to make “our movement” come together, let alone the even more difficult work of building coalitions with other groups?

If not a movement, then what? If we are to believe the *Globe and Mail*, the entire gay apology campaign owes its existence to the paper. This began in February 2016 with John Ibbittson’s articles on Everett Klippert, whose wrongful designation as and imprisonment for being a ‘dangerous sexual offender’ played a part in pushing Pierre Trudeau to partially decriminalize homosexuality in 1969. The *Globe* cannot stop congratulating itself for doing its job: “Mr. Trudeau decided to recommend the pardon and order the review after the *Globe and Mail* raised Mr. Klippert’s case with the government”; “Mr. Trudeau decided to pardon Mr. Klippert after his office was apprised of the case last week by The *Globe and Mail*”; “After a *Globe* investigation into Mr. Klippert’s case, the government said it will pardon men imprisoned

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<sup>5</sup> *Disrupting Queer Inclusion: Canadian Homonationalisms and the Politics of Belonging*, ed., OmiSoore Dryden and Suzanne Lenon (Vancouver: UBC Press, 2015).

<sup>6</sup> *The Just Society Report* (Ottawa: Egale, 2016), 11 and 85. It should be noted that one of the Report’s lead authors is also one of the lead lawyers in the class action.

for being gay.”<sup>7</sup> The *Globe* also takes credit for prodding Egale into action: “The *Globe* series prompted Egale to produce a report on how the federal government could comprehensively respond to past and current injustices directed at members of sexual minorities.”<sup>8</sup> Egale was indeed caught off guard by the *Globe* investigation and the government’s response. Helen Kennedy, executive director of Egale, reported that “I was quite taken aback.”<sup>9</sup> Scrambling to play catch up, Egale produced the JSR, which begins by acknowledging “our desire to assist the Government with a process we knew had begun when triggered by John Ibbitson’s superb articles on Everett Klippert.” The following page of the report continues, “We also wish to acknowledge the *Globe* and *Mail* for reviving interest in Klippert’s story and the injustices done to our communities.”<sup>10</sup> What does it mean when the call for a federal government apology to Canada’s queer citizens and/or the reviving of interest in the injustices to our communities originates with a newspaper and not from the country’s national queer lobby group?

One thing it means is the understanding of even recent queer history is going to suffer. The campaign broadened from a call for a pardon to the call for an apology, and to include those caught up in the postwar purges of queer people from the civil service and military. The widened scope of the campaign, we are told, “stem[s] from a series of *Globe* stories that examined the cases of people who were imprisoned or who were persecuted with the public service and the military because of their sexuality.”<sup>11</sup> The truth, of course, is that we know about the civil service and military purges, along with the idea for a state apology, thanks to Kinsman and Gentile, not the *Globe*.<sup>12</sup> To take another example, in his first profile of Klippert, Ibbitson frames his piece with the claim that Klippert has been “virtually forgotten. Until now.”<sup>13</sup> Klippert may have been forgotten by the *Globe* but not by queer people. He was known by homophile groups, such as the Association for Social Knowledge, in the 1960s; his case was covered during the 1960s in the early homophile press and in the mainstream media well beyond the pages of the *Globe*; he was a figure known to gay-liberation activists from the 1970s on; his case was analyzed in the first edition of Gary Kinsman’s *The Regulation of Desire* (1987); and Klippert’s story has been kept alive in queer community history projects and theatre productions. To suggest Klippert was virtually forgotten “until now,” that is, until Ibbitson, is silly. Ibbitson briefly mentions a couple of these earlier efforts but only in passing; a little more humility on the part of Johnny-Ibbitson-come-lately would not be out of order.

In addition to journalists, there are also of course the politicians. Eight months after the initial call for a pardon/apology, Trudeau appointed MP Randy Boissonnault to advise the government on the gay apology and related issues. Never missing the chance to blow its own horn, the *Globe* noted that the “government created this one-person task force in response to a series of articles by The *Globe* and *Mail* that examined past injustices to members of sexual minorities in Canada, which led to a report by Egale.” Commenting on his appointment, Boissonnault said “I look forward to collaborating closely with Egale and other organizations in

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<sup>7</sup> *Globe and Mail*, 27 February 2016; 29 February 2016; 1 March 2016.

<sup>8</sup> *Globe and Mail*, 11 August 2016.

<sup>9</sup> *Globe and Mail*, 29 February 2016.

<sup>10</sup> *The Just Society Report*, 8 and 9.

<sup>11</sup> *Globe and Mail*, 11 August 2016.

<sup>12</sup> Gary Kinsman and Patrizia Gentile, *The Canadian War on Queers: National Security as Sexual Regulation* (Vancouver: UBC Press, 2010).

<sup>13</sup> John Ibbitson, “In 1965, Everett Klippert was sentenced to a life behind bars. His crime? Being gay,” *Globe and Mail*, 27 February 2016.

the coming months to advance the government's agenda for equality."<sup>14</sup> The language is telling. The agenda is not being set by Egalé or movement-based organizations. It is the government's agenda that is being advanced with Egalé positioned in the role of collaborator. (Oh for the days of the 'gay agenda'!)

In the campaign for the gay apology, then, we have lawyers and lobby groups, the press and politicians. If this is a movement, it is a very top-down version of one. And what do we know about its leaders? Before his work on the apology, Ibbitson was best known as the Mike Harris / Stephen Harper-loving cheerleader for small government, lower taxes, and the free market. It's also entirely possible to read Ibbitson's now-voluminous newspaper output on the apology without even knowing he's gay. This is explained away by the quaintly liberal notion that his private life has no bearing on his public persona or work.<sup>15</sup> As for Boissonnault, he's been described as an "animated business-consultant-turned-rookie-MP." He describes himself as "a successful entrepreneur" with "a strong record of leadership in business." In fact, he tells us, "I love business and wealth generation ... I made the choice to stop working full time for other people because I was excited for the freedom that owning my own business allowed." If freedom can be found through business, business aspirations can also apparently curtail your freedom. While at Oxford as a Rhodes Scholar in the mid-1990s, Boissonnault made sure to leave campus on Thursdays nights. This was the night the queer group on campus met, and Boissonnault, in the closet at the time, wanted to keep his distance. "I thought if I came out, I wouldn't have any career prospects."<sup>16</sup> If you want as poster boys for your movement what Gary Kinsman has dubbed "neoliberal queers," look no further. Put less sarcastically, homo-normative/national politics not only demobilizes queer constituencies, it comes with its own form of queer subjects.

### The Happy Homo-normative/national Homosexual

Coincident with the rise of homo-normative/national politics has been the emergence of the respectable same-sex couple – married, monogamous, mortgaged or otherwise ensconced in the domestic sphere, age-appropriate, law-abiding, and fully plugged into the circuits of consumer capitalism.<sup>17</sup> In a certain way, the respectable same-sex couple is the latter-day realization of Pierre Trudeau's vision for homosexuality: homosexual acts performed by two, and no more than two, consenting adults in the privacy of their bedroom. This respectable same-sex couple is everywhere present in the gay apology campaign. We can look at just one journalistic feature on the apology to find several examples. In the piece, one woman, dismissed from the Canadian Forces, is described this way: "She got married in April and along with her wife ... is raising a daughter ... The couple is expecting a second child in November." About one man, also dismissed from the Forces, it is noted that "He's been in a loving relationship for almost 12 years."<sup>18</sup> What does current relationship and reproductive status have to do with having historically been purged from the military and making a claim upon the state for damages? On

<sup>14</sup> *Globe and Mail*, 15 November 2016; 14 November 2016.

<sup>15</sup> Berry Hertz, "Being John Ibbitson," *Ryerson Review of Journalism*, 1 August 2006.

<sup>16</sup> *Globe and Mail*, 15 November 2016; <http://rboissonnault.liberal.ca/news-nouvelles/comments-on-proposed-tax-changes/>; Joanna Smith, "Randy Boissonnault, Trudeau's LGBTQ2 Advisor, Lauds Canada's 'Amazing' Progress," *HuffPost*, 18 April 2017.

<sup>17</sup> Mariana Valverde, "A New Entity in the History of Sexuality: The Respectable Same-sex Couple," in *Queerly Canadian: An Introductory Reader in Sexuality Studies* (Toronto: CSP, 2012).

<sup>18</sup> Ryan Maloney, "LGBT Canadians Purged from Military and Public Service Await Overdue Apology," *HuffPost*, 17 September 2017.

one level, nothing of course. On another level, it provides the happy ending to a story that began as trauma. “Were some people so traumatized by being hounded out of their job that they have never fully recovered?” asks one report, which goes on to state that “some became depressed, some developed addictions, some committed suicide.”<sup>19</sup> I don’t want in any way to discount the real harm experienced by people. But I do want to note two things. First, the discourse of trauma roots people and their claims, not in a queer right to a workplace free from discrimination and harassment, but in the reigning neoliberal rhetoric of therapeutics, one which obscures systemic problems by reducing them to individual pathologies and remedies. The state is being asked not to recognize and reform an oppressive practice but to repair harmed individuals. Second, the repetition of these redemption narratives, from brokenness to wholeness via the reparative power of gay marriage and family life, helps to establish the respectability and homonormality of those involved, thereby making them sympathetic, perhaps especially in the view of straight society, and therefore all the worthier of apology.

Respectability and normality, but also national loyalty. “Even hearing the national anthem can bring back humiliating memories. ‘It was a lifetime dream to serve my country,’” explained one woman, who was let go from the military for being a lesbian. “It took me a long time before I regained my pride in Canada,” another person tells us, “It probably took me 20 years before I was able to sing the words to ‘O Canada.’” Even after being fired from the military, another woman states that she “has never regretted signing up to serve her country.”<sup>20</sup> My point in offering these examples is not to single out individuals but to point to a structure of feeling under homonational politics, and to suggest that the feeling – call it what you will, national pride, “true patriot love” – is what allows for the mutual embrace between queer citizens and the liberal state that is the gay apology.

The romance between citizen and state at the heart of homonationalism can be found well beyond the individual, and it travels in both directions, by which I mean it’s not simply a case of the queer citizen pining for the nation’s love; the state can also send its seducers right into the queer nation. I remember a Toronto Pride several years ago at which both CSIS and the RCMP were recruiting. More recently, much has been made of Canada’s top soldier, Gen. Jonathan Vance, joining Justin in the Ottawa Pride parade this past August, complete with the Canadian Forces brass band playing Abba’s “Dancing Queen.” As Vance rather awkwardly explained, “For me, being here today is a sign of solidarity and leadership for people of the armed forces who are of this community.” In the midst of the apology campaign (and lawsuit) to get the military to own up to its history of firing service people for being queer, Vance wanted to reassure queer people that “the armed forces is a great place to work and a welcoming environment.” He suggested that his presence among the LGBTQ community was important, for “it binds the armed forces more closely to the country,” and presumably it binds queer people more closely to the armed forces, yet another moment in the making of homonationalism.<sup>21</sup>

The increasingly deep imbrication between queer politics and the state is also in evidence in the gay apology. For its part, the government is using the gay apology to burnish its reputation as the guarantor of those fundamental liberal values of human rights, equality, diversity, and protection of minorities. Barely a press release or news story on the gay apology goes by without the government trotting out these talking points. In February 2016, the government proclaimed:

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<sup>19</sup> *Globe and Mail*, 13 August 2016.

<sup>20</sup> *Globe and Mail*, 13 August 2016; *HuffPost*, 17 September 2017.

<sup>21</sup> David Akin, “Canada’s top general makes history in joining Justin Trudeau at gay pride parade,” *Global News*, 27 August 2017. (<https://globalnews.ca/news/3699703/ottawa-pride-parade-trudeau-general-vance/>)

“As Canadians, we know that protecting and promoting fundamental human rights must be an imperative for governments and individuals alike – and this includes gender identity, gender expression, and sexual orientation ... Canadians know our country is made stronger because of our diversity, not in spite of it.” In August 2016, the Prime Minister’s press secretary said, “We have committed to working with Egale and other groups on an ongoing basis to bring an end to discrimination and further guarantee equality for all citizens,” and several months later Ibbitson referred to “The Trudeau government’s commitment to protecting the rights of sexual minorities.”<sup>22</sup> For its part, the Egale report returns the favour, taking up the language of L/liberalism to name and describe its queer project, from its title to the full-page excerpt from Trudeau’s 1968 speech on “The Just Society.” Indeed, Trudeau, described as forward-thinking and visionary, emerges as one of the report’s main heroes. And not just Trudeau. We also learn that “Comprehensive apologies and inclusive pardons would cement Canada’s leadership in international human rights, and revive the golden age of Canadian diplomacy led by Prime Minister Lester B. Pearson, recipient of the Nobel Peace Prize in 1957.”<sup>23</sup> Why the gay apology, as pitched by a queer organization, should be involved in reviving a supposed golden age of Pearsonian diplomacy entirely escapes me. But the mutual interests at work are evident. Another press release from the PMO states: “The government of Canada welcomed [the Egale] report, supports the values, principles and objectives it espouses, and will work with Egale and other partners to take action against the discrimination the report describes.”<sup>24</sup> Here we have a Liberal government claiming to support the values of a queer group as outlined in its report, while that same report can be read as a love letter to the Liberal Party.

At this point, one might say, so Egale and the government are in bed together, what’s the big deal so long as it produces the desired result? From my perspective, the problem is how the gay apology serves to bind queer citizens to the project of liberal hegemony rather than using the apology as an opportunity to expose the liberal state’s contradictions and limitations. Let me give an example. The gay apology is a call to rectify the excesses of the state in the treatment of one of its minorities, not to call into question the practices of the state that made such treatment possible in the first place. In the case of the civil service purges, for instance, we know the state relied on spies and hired informants along with all manner of other odious practices, such as the infamous Fruit Machine. But the call for an apology does not critique or question state surveillance and security practices. Rather the goal is to get an apology for queer people so that their national loyalty can be re-secured and their inclusion within the nation restored. This is how hegemony works. Meanwhile, the apparatus of the security state, left untouched by the gay apology, can be trained on other minority or dissident groups.

### History, Truth and Rehabilitation

With that as some political context and critique, I want to now to turn to the historical. What is the status of ‘history’ in the gay apology? There seems to be widespread agreement that the apology itself will be the stuff of great history. The apology will “represent one of the greatest advances for sexual minorities in Canada’s history”; “The reforms that the Liberal government plans to enact over the coming months and years are among the greatest advances for sexual minorities in this country’s history, and place Canada at the forefront of countries addressing this

<sup>22</sup> *Globe and Mail*, 27 February 2016; 11 August 2016; 14 November 2016.

<sup>23</sup> *The Just Society Report*, 111.

<sup>24</sup> *Globe and Mail*, 14 November 2016.

issue.”<sup>25</sup> But the actual place of ‘history’ in the gay apology is more ambivalent. On the one hand, history is absolutely integral. It is the grounds and justification for apology. On the other hand, no sooner is history evoked than it is rushed off stage, what the JSR describes as “banishing these crimes to the history books.”<sup>26</sup> Indeed, one of the effects of national dramas of contrition, and one of the primary benefits for the state, is that once a shameful past is acknowledged and apologized for, that past is banished or disappeared. We’ve all been there; “are you really bringing that up again? I already said I’m sorry.” When is the last time you heard the government say anything substantive about the Japanese internment or the Chinese head tax, two communities that received national apologies in 1988 and 2006, respectively? A real impatience with the past seems to surround national apologies. As Boissonnault put it, “We have to address the wrongs of the past, because they are real and substantive. But we also have to pay attention to how do we build going forward.”<sup>27</sup> We are being asked to get over and on with it before the apology is even offered.

One way to counter the forgetting that seems to follow an apology is to use the apology process as a means to collect and preserve historical evidence. The JSR has underscored the importance of “record[ing] stories for posterity,” while Boissonnault has insisted “these stories have to be told and become part of the official record.” It is “our community’s truth and reconciliation opportunity for people to speak their truth.”<sup>28</sup> Boissonnault’s analogy with the TRC is instructive in light of the recent, and in my view regrettable, Supreme Court decision allowing for the destruction of 38, 000 accounts of residential school survivors, an invaluable historical record generated by the TRC. What concrete plans do Boissonnault and his advisory council have for encouraging and collecting stories, and what will be their fate after the apology process? One of the demands the gay apology should make of the government is for sufficient financial and other resources to facilitate queer historical research, beginning with the release of all historical documents related to the civil service and military purges, followed by the necessary funding of federal and provincial archives to make available their huge backlogs of unprocessed court records. Which brings me finally to the archival court documents of same-sex offences between men in which I’ve spent so many years researching and which are at the center of the gay apology.

The challenges presented by the historical court records are numerous and varied, and the idea of federal bureaucrats with little or, more likely, no historical training searching for and rummaging through old court documents is both comical and frightening. One internal government report indicates that the oldest case they located dates back to October 1939.<sup>29</sup> 1939? How is this possible when buggery entered Canadian law in 1859 and gross indecency in 1890? In my own research, I’ve turned up close to 400 cases, involving nearly 800 men, and this just for the period 1880-1940, and for Ontario alone. As one commentator has explained, “It may be practically impossible to conduct individual reviews of the files of the hundreds, or more likely thousands – no one really knows – of cases of gay men who were convicted of gross indecency or buggery. While police databases could provide the names of those still living, the records of those who have died would be in local courthouses or provincial archives. Many might have

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<sup>25</sup> *Globe and Mail*, 12 August 2016 and 13 August 2016.

<sup>26</sup> *The Just Society Report*, 65.

<sup>27</sup> *Globe and Mail*, 15 November 2016.

<sup>28</sup> *The Just Society Report*, 85; *Globe and Mail*, 15 November 2016.

<sup>29</sup> Dylan Robertson, “Liberal government may not compensate men convicted under anti-gay laws, FOI suggests,” *Daily Xtra*, 3 November 2016.

been thrown out; others would be incomplete. The obvious alternative would be a blanket pardon, although that might inadvertently include someone who used violence or who had sex with a minor.”<sup>30</sup>

It is true that many of the surviving records are fragmentary and incomplete. Many contain nothing more than the names, dates, and the decision. In many instances, there are no depositions or trial transcripts to reveal the details of the case. That said, who and what do we find in the court documents? Is it someone who led an otherwise exemplary life save for the misfortune of getting caught up in the state’s draconian anti-gay apparatus? Sometimes, and I suspect it is this respectable homosexual most Canadians imagine Justin will be apologizing to on their behalf. But in reality this figure doesn’t often surface in the court records precisely because he lived a careful, discreet life, never coming the attention of the police and the law and thus not turning up in the historical records. Who, then, do we find in the court documents? There were men who used their physical strength to force themselves upon others, often young boys, or it might have been a man who used the allure of his body and the promise of sex to entice another man whom he then robbed and/or beat up. There were cases in which men used their positions of power within institutions, from schools to churches and the Children’s Aid Society, to gain sexual access to male youth. They might be cases in which boys and male youth traded sexual favours with adult men in exchange for money, admission to the theatre, or a hockey stick. A good many cases involved so-called public sex in parks, laneways, and lavatories, which often involved more than two men. In short, we find in the court records almost the mirror opposite of Pierre’s respectable homosexual couple: in place of consent, there was coercion; along with adults, there were many boys and male youth; in addition to couples, there was group sex; in place of privacy, sex often occurred in public.

What is often referred to in discussions of the gay apology as the “obstacles” thrown up by the historical records, as if these obstacles can somehow be easily gotten around, turn out to be more like an evidentiary/interpretive brick wall. Given the nature of the legal contest, sexual encounters that may in fact have been consensual were presented in court as something else; similarly, sexual encounters that involved coercion were presented as having involved consent. In many cases, the court relied on little more than the testimony of the police, hardly a disinterested party, to provide the details of the case and convict men. Because gross indecency criminalized all sexual relations between male persons, whether in public or private, regardless of the ages of those involved or the circumstances of the sexual encounter, it was very common for both parties to be punished. So in a case that involved an adult man who used his position within an institution to facilitate sex with a male youth, the youth was not regarded as a victim but as what the law termed an “accomplice” to sexual crime, and many were sent to reformatories and training schools. Keeping in mind this was a period before the law drew distinctions about the misuse of positions of trust and authority, are we apologizing to both the man and youth? In cases involving coercion or violence, both victim and aggressor were sent to jail. What happens when, in the he said vs. he said of a trial, we can’t tell them apart? Are we apologizing to both? Twenty years ago, I wrote that the methodological and interpretive challenges presented by the court records make it nearly impossible to reveal ‘the truth’ of individual cases.<sup>31</sup> It is only by studying the archival records as a whole, teasing out the repetitive rhetorical devices employed by lawyers, the police, and the men, and through the time-

<sup>30</sup> *Globe and Mail*, 29 February 2016.

<sup>31</sup> Steven Maynard, “‘Horrible Temptations’: Sex, Men, and Working-Class Male Youth in Urban Ontario, 1890-1935,” *Canadian Historical Review* 78, 2 (June 1997).



consuming process of linking court records with other existing sources, that we can glimpse some of the recurrent, common features of the queer past. And yet the review of the historical record for the purpose of pardons or expungement relies on the review of individual cases. Good luck.

An equally formidable challenge posed by the historical documents hovers of the ‘gay’ in the gay apology, that is, over the question of identity. Gross indecency and buggery did not criminalize sexual identities, they criminalized sexual acts. Over three decades of queer historiography has marshalled massive amounts of empirical evidence to demonstrate that many, if not most, men who engaged in sexual relations with other men in the 19<sup>th</sup> and for most of the 20<sup>th</sup> century did not adopt a gay or homosexual identity. In public discussions of the gay apology, both in the press and in the JSR, the crucial distinction between same-sex acts and homosexual/gay and other identities is insufficiently elaborated, its conceptual confusion often evident in even a single sentence. Take just one example: PM Trudeau “should pardon thousands of gay men who were convicted of gross indecency before homosexual acts were decriminalized in 1969. Their only crime was being who they were.”<sup>32</sup> We go from sexual identity (gay men) to a criminal code category (gross indecency) to sexual acts (homosexual acts) and back to identity (being who they were). This is more than mere semantics. It’s about presuming to know the sexual subjectivities of historical actors, of somehow having access to a magical methodology that will force these often frustratingly fragmentary records to give up their sexual secrets. After nearly thirty years of immersion in these historical records, I’m still uncertain about what, if anything, they can reveal about gay or homosexual identity, other than to say many men did not have one. What does it mean, then, when discussions of the gay apology confidently assert and project back in time “persecuted gay Canadians” or the “past persecution of homosexuals?”<sup>33</sup> For much of the pre-1969 period the very subject to whom the gay apology is addressed is MIA.

There is some acknowledgement that a blanket pardon would be riddled with problems. But what about the blanket apology? When Justin stands up in the House of Commons to deliver the apology, at least the part of it pertaining to men convicted prior to 1969, is he going to take us through all these historical distinctions? Are queer people themselves ready to really reckon with the queer past, warts and all? Are most straight Canadians prepared to apologize to, for instance, the men engaged in a group masturbation scene in the dank, stinking toilet underground in Union Station, or to the mild-mannered Boy Scout leader who penciled on a piece of birch bark a love note to the young object of his affection? I fear not, which brings me to the one expression in the JSR that sticks most in my craw: “truth and rehabilitation.”

The JSR takes its inspiration from and refers to its goal as akin to “the Truth and Rehabilitation Report of Senator Sinclair,” a reference of course to the chair of the TRC.<sup>34</sup> I am unaware of any report by the TRC that goes by the name “rehabilitation.” It’s a curious slippage. The actual TRC term, reconciliation, while presupposing a mutual understanding of the past, places the accent on present and future efforts to reconcile. Rehabilitation, by contrast, suggests a more active intervention into or manipulation of the past. The term has legal or quasi-legal meanings: the action of restoring former privileges or reputation after a period of disfavour, or preparing someone for re-entry into society after a period of imprisonment. But it can also mean more generally “restoring a person to health or normal life,” and it is this normalizing aspect of rehabilitation that bothers me. We can see it at work in the case of Everett Klippert. In Ibbitson’s

<sup>32</sup> *Globe and Mail*, 18 May 2016.

<sup>33</sup> *Globe and Mail*, 13 August 2016; 12 October 2016.

<sup>34</sup> *The Just Society Report*, 3.

first profile of Klippert, we learn that “he hooked up with teenagers ... He would offer a couple of bucks for the hand jobs there were, typically, all that were offered.” We further learn that Klippert liked to hang around “boxing and wrestling matches, and visited local swimming pools. He also allowed young men on his bus for free, and even slipped them a \$2 bill now and then in exchange for their favours later on ... He [also] had a car, and younger guys loved to go for a ride in it. They’d find a remote road, have a beer and get to talking, and the talk would turn to sex” and Klippert eventually “would propose they masturbate together.”<sup>35</sup> In many ways, Klippert’s sexual life sounds remarkably similar to many of the cases from much earlier in the century that I discovered in my research. But look what happens in subsequent reports on Klippert’s case. We’re told that Klippert’s only crime was that he “had sought out men for sex”; that he spent time in prison “because he refused to stop having sex with men”; that he was sentenced to indefinite detention “for repeatedly having sex with other men.”<sup>36</sup> Teenagers, the exchange of money, bus and car rides, and the rituals of homosexual seduction all disappear from the story. Let me be clear: I am not trying to suggest Klippert was a pedophile; I actually think Ibbitson got this part exactly right. What I’m trying to get at is how descriptions of Klippert’s “sex with men” obscure from view the complex moral economy of sexual relations between working-class men and male youth, a major component of the queer past. Why does it disappear? Ibbitson begins his profile of Klippert with the admission that he was “no saint,” but as the story unfolds we learn that later in life Klippert married (a woman) and was surrounded by a loving family. By the last paragraph of the piece he has become “a great martyr for our cause.” This has been called a “long, late redemption,” the “rehabilitating [of] the reputation of Everett Klippert.”<sup>37</sup> How much of Klippert’s rehabilitation and redemption rest upon downplaying the details of his earlier sexual life?

Could this be done with other cases from the pre-1969 past, cases like those in my research? Probably. But I, for one, am not interested in rehabilitating the queer past. It is historically problematic and, for me, politically unpalatable. Klippert, who took a pass when gay activists asked him to tell his story and refused invitations to participate in Pride parades, did not ask to be rehabilitated or redeemed by the gay movement. His surviving family seems pleased enough by the rehabilitation, but I wonder about Klippert. None of the nearly 800 men who turned up in my research have a say in whether they wish to be rehabilitated or apologized to. Maybe many of these men wouldn’t feel they did anything that requires redemption. Politically, the rehabilitation of the queer past seems a lot like the periodic calls by gay business owners and associations to purge the Church-Wellesley village of street people and sex workers. It’s a clean-up operation, a sweep of the past – dressing it up and making it look respectable for its appearance on the national stage to receive its apology.

Just as the Canadian state once believed it was necessary to purge the government of queer people, it is now necessary for the government to purge, by apologizing for, the historical record of its past practices. How else to maintain in the present its image, which is to say its political future, as guarantor and protector of minority rights, diversity, and an inclusive Canada? And here is where the government and gay agenda conveniently overlap, for a homonormative-driven politics predicated upon the respectable, nation-loving queer citizen needs to erase or suppress the historical equation between homosexuality and criminality. But queer history, like queer desire itself, is a messy mix of pleasure and pain, of giving and taking, of identity and non-

<sup>35</sup> Ibbitson, *Globe and Mail*, 27 February 2016.

<sup>36</sup> *Globe and Mail*, 29 February 2016; 13 August 2016; 14 November 2016.

<sup>37</sup> Ibbitson, *Globe and Mail*, 27 February 2016; 13 August 2016; 14 November 2016.

identity, of recognition and repudiation, of saints and sinners. The lesbian poet, Brenda Brooks, in a lovely meditation on queer history, once called it “the stubborn, wilful evidence.”<sup>38</sup> No amount of apologizing, pardoning, expunging, or rehabilitating will ever change that.

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<sup>38</sup> Brenda Brooks, *Somebody Should Kiss You* (Charlottetown: Gynergy Press, 1990).