
**CANADIAN BROADCAST STANDARDS COUNCIL
NATIONAL SPECIALTY SERVICES PANEL**

Comedy Network re *Comedy Now* (“Gord Disley”)

(CBSC Decision 05/06-0290)

Decided January 20, 2006

R. Cohen (Chair), E. Duffy-MacLean, M. Harris, M. Hogarth, V. Houle, P. O’Neill

THE FACTS

Comedy Now is a half-hour program that showcases a different stand-up comedian in each episode. The Comedy Network broadcast a “Gord Disley” segment (apparently recorded five years before) on September 6, 2005 from 8:30 to 9:00 pm. Towards the end of his routine, Gord Disley performed the following routine:

So Pride Day’s coming up, huh? I’m not a fag myself; if I was, I’d tell ya. I can’t, so I won’t. I mean, really, homophobia in the year 2000 looks particularly stupid, doesn’t it? ’Cause it’s the year 2000. And we’re all in the same freaking boat, so just get over it. This is what I tell people that I come across that I don’t want to bother with, who are homophobic.

Fags renovate like a [muted phrase: “son of a bitch”]. Me, I’m not good with tools. I mean, renovating for me is putting a candle in a bottle, you know. Am I in the right apartment? Homosexual men have projects around the house. You hand a fag a square foot and say “make it attractive”, no problem. I mean I know men with bachelor apartments and sliding doors. Like French doors. Window boxes, hardy cacti. Man, you walk into a house full of straight boys and suggest a project, you know what you get? “Uhh, you mean like take the empties back? I’ve got some popsicle sticks; you can build a birdhouse. What?”

The CBSC received a complaint about that joke on September 16. In the e-mail, the complainant provided a copy of an e-mail he had sent directly to the Comedy Network on September 6 and the Comedy Network’s response of September 16. The relevant portions of that correspondence are as follows (the full text of all correspondence can be found in the Appendix):

Below is the complaint and reply regarding a particular subject and program aired on the Comedy Network. I wish to lodge a complaint regarding the issue.

[...]

I finished watching *Comedy Now/Uncensored - Gord Disley* on the Comedy Network a short while ago, and I wish to complain as strongly as possible.

During his act, Mr. Disley used the word "FAG" in reference to gay men. "FAG" is a word of hate used to berate gay men. I was surprised to hear him use the word once, but after the third time he said it, I was totally appalled and offended that your station had allowed it to be used even the first time, let alone so many times.

Mr. Disley started off his dialogue on gay men with a preface that homophobia in the year 2000 was ridiculous and gave a lame reason for it and then went on to do his act using words of hate towards gay men, as if it was okay because he said homophobia was ridiculous. That would be like endorsing racial hatred by qualifying it beforehand with "racism is ridiculous" and then using words like "nigger" or "chink" to describe people of African Canadian or Chinese Canadian backgrounds. At no point did he say homophobia was wrong otherwise that would be admitting the rest of his act was wrong.

At one point "FAG" and "son of a bitch" were used in the same sentence. "FAG" was audibly left in, but "son of a bitch" was blanked out. Why was the word "FAG" not blanked out like some other words? Apparently the people at the Comedy Network don't think hatred is as offensive as swearing! I am sure that if the monologue included any words of hate involving racial minorities or women it would have been edited out completely.

How embarrassing that this still persists today, and that this station is a part of it! The programming people there should be ashamed. There is no excuse for it, whether the program is called uncensored or not, (which is not the case otherwise the swearing would have been left in as well). This is certainly an issue that the CRTC will know about. We are all protected from hate, and this station is not exempted from its obligation to ensure that no one is subjected to hatred of any kind, whether under the guise of "entertainment" or not.

The Comedy Network responded on the same day and this response was included as a part of the complainant's initial e-mail of complaint.

Thank you for your email concerning our programming and in particular the program *Comedy Now: Gord Disley*. From the beginning, The Comedy Network has set out to present a program schedule that is adult, irreverent, politically incorrect and alternative to much of the mainstream comedy that is available on conventional broadcasters. As a consequence, our programming tends to be more risqué and controversial.

In regards to your specific concerns, we do not believe Mr. Disley is promoting or approving of negative homosexual stereotypes. In this piece, and as you mentioned, Mr. Disley begins by condemning homophobia. Mr. Disley uses his comedy to push socially accepted boundaries and deal with touchy subject

matter. Although it is not always dealt with in a politically correct fashion, it is his style of humour.

With this said, it is never our intention to offend our audience. However, we do realize that comedy is subjective and what one person finds funny, another may not. We compile viewer feedback and consider trends and suggestions and we make programming decisions with this knowledge in mind.

Thank you again for taking the time to express your concerns.

The Comedy Network.

The Comedy Network is a member in good standing of the Canadian Broadcast Standards Council and follows the Council's guidelines. If you are at all dissatisfied with our response to your concerns, please be aware that you may contact the CBSC at complaints@cbsc.ca.

Once the CBSC became involved, the Comedy Network responded a second time, on October 11:

From your comments, we appreciate that you take strong exception to the use of the word "fag" by the stand-up comedian Gord Disley; however, this is a comedy series and comedy programming can be risky. Most stand-up comics create material from their experiences and scope of reference. They also tend to draw their material from all segments of society and frequently, this can include material that is controversial or challenging for an audience. Mr. Disley's use of the word "fag" was not intended as a word of hate against gay men. As you point out, the whole context of this portion of his material was that homophobia in the year 2005 was ridiculous. And comedy is subjective. What one viewer may find funny, another may not. Any topic covered in any episode runs that risk.

We are truly sorry that you were offended by this program; it is certainly not our intention to offend our viewing audience. We appreciate the time you have taken to express your view.

The complainant submitted his Ruling Request on October 13 with a copy of his reply to the Comedy Network:

The main thing that you and the Comedy Network are overlooking and not admitting is that the word "FAG" is a word of hate, plain and simple. Why do you not understand that? You can gloss over the statement as much as you like or try to justify it however you see fit, but "FAG" is a word of hate, just as the words "nigger" or "chink" are words of hate used against people of African Canadian and Chinese Canadian backgrounds. I am certain that if any comic used either of those words in any context of their routine you would (fortunately) blank it out, or bleep it, or more than likely completely cut out. [...] ... Intent or not, it is a word of hate! The word is paramount to verbal assault.

Let's be clear: Mr. Disley did not condemn homophobia, he made a passing comment that it was "ridiculous" thereby justifying the statements in the rest of his routine. He first qualified his routine about "FAGs" and then proceeded with statements of hate, not in the clichés about decorating and other stereotypes associated to gay men, but with the use of "FAG" to identify gay men. We are all granted the freedom of speech, however that freedom does not include hate.

Your email didn't address another important issue. Apparently you are also overlooking the fact that, as "irreverent and adult" as the Comedy Network professes to be, that it still blanked out the words "son of a bitch" but left the word "FAG" intact, even when used in the same sentence. "Son of a bitch" is definitely derogatory and implies hatred towards women, but "FAG" doesn't seem to be much of a concern. So it shows that the Comedy Network deems some words to be offensive. Who at the Comedy Network determines what words are worse than others that it selectively censors hatred?

The platitudes in your response regarding "We are truly sorry that you were offended by this program; it is certainly not our intention to offend our viewing audience" do not take responsibility for the situation. [...] By allowing words of hate, intended or not, the Comedy Network is condoning hatred instead of eliminating it. My offence was not only in that portion of the program, but that the Comedy Network would allow hatred to be used, and not only used but then to allow it to be aired without considering that it contained words of hate. Forget offending, where is your responsibility to protect your viewing audience?

THE DECISION

The National Specialty Services Panel examined the complaint under Clause 2 (Human Rights) of the Canadian Association of Broadcasters' (CAB) *Code of Ethics* which reads as follows:

Recognizing that every person has the right to full and equal recognition and to enjoy certain fundamental rights and freedoms, broadcasters shall ensure that their programming contains no abusive or unduly discriminatory material or comment which is based on matters of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status or physical or mental disability.

The National Specialty Services Panel Adjudicators reviewed all of the correspondence and viewed a tape of the *Comedy Now* episode in question. The Panel concludes that the broadcast did not violate the aforementioned Code provision.

Comedy with a discriminatory edge

Much modern comedy has a discriminatory edge, taking advantage of the propensity of individuals to find humour in difference. The humour may be proposed by individuals poking fun at others or indeed at themselves for the benefit of others. In either case, it is not all discriminatory humour that will be in breach of Clause 2 of the *CAB Code of Ethics*; it is only such humour as goes over the edge. After all, as the Quebec Regional Panel said in *CKTF-FM re Voix d'Accès* (CBSC Decision 93/94-0213, December 6, 1995), "It would be unreasonable to expect that the airwaves be pure, antiseptic and flawless. Society is not." The goal of the Human Rights Clause, of the CBSC and of the

National Specialty Services Panel is not to ensure *purity* on the airwaves; it is to protect against *harmful* speech. It is not to avoid *any* tasteless reference on the airwaves, it is to avoid *costly* references. The task of the CBSC is to balance cost and freedom, freedom and cost. It is a difficult endeavour but not a thankless one. When the afflicted are protected, the laughers moan. When the laughers are protected, the afflicted suffer. In the measure of such discriminatory comments, the Panel still finds no better exposition of the issue than that chosen by the Ontario Regional Panel in *CHFI-FM re The Don Daynard Show* (CBSC Decision 94/95-0145, March 26, 1996), namely, that the joke told in that challenged broadcast, “while ethnically pointed, was neither demeaning nor abusive. [...] It poked fun but did not bludgeon. It tickled but was not nasty.”

In the matter at hand, the humour appeared to be aimed, if anywhere, at straight men, rather than gays, at the creatively-challenged rather than at the creatively adept. To the extent that the decorative barbs were aimed at both groups, the Panel considers that they were, at worst, equally weighted. The Panel finds that the humour was distinctly un-nasty. The question, then, is appropriateness of use of the word “fag”, which is the cornerstone of the complainant’s concern. Does its presence in the segment colour the skit? Does it turn an anodyne presentation into a heavy-handed, bludgeoning or nasty one? Is the term “fag” the equivalent of some of the well-publicized racial epithets that are *per se* unacceptable? The Panel considers that the word is not the equivalent. As the Ontario Regional Panel said in *CILQ-FM re Parody Skit* (CBSC Decision 95/96-0218, May 8, 1997),

While possibly an unflattering term, it does not, in the Council's view, rank with certain racial or ethnic epithets (which it does not wish to repeat here), particularly since members of the gay community use the word themselves from time to time in a non-discriminatory fashion.

This is not to suggest that there might not be circumstances in which it might be presented in a sneering, derisive, nasty tone but that is not what the Panel considers the present usage to be. It is benign, light-hearted, distinctively tickling. The Panel finds no breach of the Human Rights Clause in any aspect of the broadcast under consideration.

Inappropriate Muting?

The Panel notes that there is another aspect of the complainant’s concern to address, namely, the relation between the muting of “son of a bitch” and the retention of “fag”. The complainant’s conclusion was that “the people at the Comedy Network don’t think hatred is as offensive as swearing!” In the light of its own conclusions regarding the word “fag”, the Panel does not agree with the complainant. It does not consider the word “fag” to be either *inherently* hateful, abusive or unduly discriminatory. Based on the Comedy Network’s correspondence, it appears that the broadcaster holds a similar view of the word

“fag”. Consequently, there was no reason for it to bleep or mute the word. What, therefore, the broadcaster chose to do with the phrase “son of a bitch” was its own business; it has no connection with, or bearing upon, hate speech or discriminatory content. The Panel considers that there is no fault to be imputed to the Comedy Network’s choice in this regard.

Broadcaster Responsiveness

The obligation that a broadcaster be responsive to a letter of complaint sent by a member of the public is a meaningful component of its membership requirements in the CBSC. Such responsiveness is an essential part of the dialogue by which the CBSC considers that matters that trouble members of the public sufficiently to compel them to write are often successfully resolved. When accomplished in thorough and sensitive ways, such correspondence is also a means of letting the public know that broadcasters care about their audience’s concerns. In the present case, the two e-mails from the Comedy Network were focussed on the complainant’s concerns and constituted complete fulfilment of the broadcaster’s obligation of responsiveness on this occasion.

This decision is a public document upon its release by the Canadian Broadcast Standards Council. It may be reported, announced or read by the station against which the complaint had originally been made; however, in the case of a favourable decision, the station is under no obligation to announce the result.

APPENDIX

CBSC Decision 05/06-0290 Comedy Network re *Comedy Now* ("Gord Disley")

The Complaint

The CBSC received the following e-mail on September 16, 2005. In the e-mail, the complainant provided a copy of an e-mail he had sent directly to the Comedy Network on September 6 and Comedy's response of September 16.

Below is the complaint and reply regarding a particular subject and program aired on the Comedy Network. I wish to lodge a complaint regarding the issue. Could you please advise me what steps I need to take regarding it?

-----Original Message-----

Good evening,

I finished watching *Comedy Now/Uncensored - Gord Disley* on the Comedy Network a short while ago, and I wish to complain as strongly as possible.

During his act, Mr. Disley used the word "FAG" in reference to gay men. "FAG" is a word of hate used to berate gay men. I was surprised to hear him use the word once, but after the third time he said it, I was totally appalled and offended that your station had allowed it to be used even the first time, let alone so many times.

Mr. Disley started off his dialogue on gay men with a preface that homophobia in the year 2000 was ridiculous and gave a lame reason for it and then went on to do his act using words of hate towards gay men, as if it was okay because he said homophobia was ridiculous. That would be like endorsing racial hatred by qualifying it before hand with "racism is ridiculous" and then using words like "nigger" or "chink" to describe people of African Canadian or Chinese Canadian backgrounds. At no point did he say homophobia was wrong otherwise that would be admitting the rest of his act was wrong.

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How embarrassing that this still persists today, and that this station is a part of it! The programming people there should be ashamed. There is no excuse for it, whether the program is called uncensored or not, (which is not the case otherwise the swearing would have been left in as well). This is certainly an issue that the CRTC will know about. We are all protected from hate, and this station is not exempted from its obligation to ensure that no

one is subjected to hatred of any kind, whether under the guise of "entertainment" or not.

Thank you for your email concerning our programming and in particular the program *Comedy Now: Gord Disley*. From the beginning, The Comedy Network has set out to present a program schedule that is adult, irreverent, politically incorrect and alternative to much of the mainstream comedy that is available on conventional broadcasters. As a consequence, our programming tends to be more risqué and controversial.

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With this said, it is never our intention to offend our audience. However, we do realize that comedy is subjective and what one person finds funny, another may not. We compile viewer feedback and consider trends and suggestions and we make programming decisions with this knowledge in mind.

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The Comedy Network.

The Comedy Network is a member in good standing of the Canadian Broadcast Standards Council and follows the Council's guidelines. If you are at all dissatisfied with our response to your concerns, please be aware that you may contact the CBSC at complaints@cbsc.ca.

Broadcaster Response

Once the CBSC became involved, the Comedy Network responded a second time, on October 11:

The Canadian Broadcast Standards Council has forwarded to us a copy of your electronic correspondence of September 6, 2005 regarding the program *Comedy Now* which aired on The Comedy Network that evening.

From your comments, we appreciate that you take strong exception to the use of the word "fag" by the stand-up comedian Gord Disley; however, this is a comedy series and comedy programming can be risky. Most stand-up comics create material from their experiences and scope of reference. They also tend to draw their material from all segments of society and frequently, this can include material that is controversial or challenging for an audience. Mr. Disley's use of the word "fag" was not intended as a word of hate against gay men. As you point out, the whole context of this portion of his material was that homophobia in the year 2005 was ridiculous. And comedy is subjective. What one viewer may find funny, another may not. Any topic covered in any episode runs that risk.

We are truly sorry that you were offended by this program; it is certainly not our intention to

offend our viewing audience. We appreciate the time you have taken to express your view.

Additional Correspondence

The complainant submitted his Ruling Request on October 13 with a copy of his reply to the Comedy Network:

The main thing that you and the Comedy Network are overlooking and not admitting is that the word "FAG" is a word of hate, plain and simple. Why do you not understand that? You can gloss over the statement as much as you like or try to justify it however you see fit, but "FAG" is a word of hate, just as the words "nigger" or "chink" are words of hate used against people of African Canadian and Chinese Canadian backgrounds. I am certain that if any comic used either of those words in any context of their routine you would (fortunately) blank it out, or bleep it, or more than likely completely cut out. I am not militant about this, but as a Gay Man, I have been subjected to hate and discrimination and prejudice all of my adult life, and no matter how you word it or try to justify it ... Intent or not, it is a word of hate! The word is paramount to verbal assault.

Let's be clear: Mr. Disley did not condemn homophobia, he made a passing comment that it was "ridiculous" thereby justifying the statements in the rest of his routine. He first qualified his routine about "FAGs" and then proceeded with statements of hate, not in the clichés about decorating and other stereotypes associated to gay men, but with the use of "FAG" to identify gay men. We are all granted the freedom of speech, however that freedom does not include hate.

Your email didn't address another important issue. Apparently you are also overlooking the fact that, as "irreverent and adult" as the Comedy Network professes to be, that it still blanked out the words "son of a bitch" but left the word "FAG" intact, even when used in the same sentence. "Son of a bitch" is definitely derogatory and implies hatred towards women, but "FAG" doesn't seem to be much of a concern. So it shows that the Comedy Network deems some words to be offensive. Who at the Comedy Network determines what words are worse than others that it selectively censors hatred?

The platitudes in your response regarding "We are truly sorry that you were offended by this program; it is certainly not our intention to offend our viewing audience" do not take responsibility for the situation. The Comedy Network, just as any other organization, has a responsibility to make sure that it operates within the guidelines of the Charter of Rights and the Human Rights Commission. By allowing words of hate, intended or not, the Comedy Network is condoning hatred instead of eliminating it. My offence was not only in that portion of the program, but that the Comedy Network would allow hatred to be used, and not only used but then to allow it to be aired without considering that it contained words of hate. Forget offending, where is your responsibility to protect your viewing audience? Thank you for replying, however I believe this is an issue for the Human Rights Commission. I await a reply from [the Correspondence Officer] of the CBSC, and then I will decide which steps to pursue next.

In response to that message, the CBSC informed the complainant that he could choose to pursue his complaint with the CBSC or with the Human Rights Commission, but not in both venues concurrently. The complainant wrote back indicating that he wanted the CBSC to deal with the matter.