
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.

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 woman 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.

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.

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.