



Presents
The Kissing Game
By Rhiannon Collett

Study guide created by Rhiannon Collett

Available in PDF at youthatre.ca



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Founded in 1968, Youtheatre's main goals and artistic objectives are stated in its current mandate:

Youtheatre's aim is to engage its audience through compelling theatre that provokes, questions, challenges and entertains. Our major area of focus is the creation, development and production of new works for young people by the finest Canadian playwrights.

More recently, work such as *Dreaming Now and Delete* reflect Artistic Director Michel Lefebvre's current preoccupation with new media. By integrating new technologies, he hopes to make theatre for young audiences relevant and contemporary.

Each year, the company produces work for local audiences and frequently tours nationally and internationally. Since 2000, Youtheatre has also been successfully producing work in French.

Youtheatre has performed at many important venues in Canada including the National Arts Centre, Young People's Theatre, Grand Theatre, Imperial Theatre, Manitoba Theatre for Young People, Théâtre la Catapulte and Théâtre du Nouvel Ontario in Sudbury.

On an international level, Youtheatre has performed at The Birmingham Rep, Unity Theatre, Sherman Theatre and The Grand Theatre in Swansea, Wales.

Youtheatre operates under the jurisdiction of both the (CAEA) Canadian Actors' Equity Association and (UDA) Union des artistes and is a member of (PACT) Professional Association of Canadian Theatres and (TUEJ) Théâtres Unis Enfance Jeunesse.

The Kissing Game was developed with the support of Young People's Theatre through the Leaps and Bounds Program and the Banff Centre for Creativity as a part of the 2018 Playwrights Lab.

ABOUT THIS GUIDE

This guide is meant to be used as a starting point for discussions and to encourage students to get the most out of their experience. We recommend that students be introduced to the show's themes before viewing the production. The discussion topics and post-show activities should follow the performance in order to enhance the students' complete understanding of the subjects involved. Feel free to adapt the activities to suit your students and your goals as a teacher. You may photocopy any of the material in this guide.



THE KISSING GAME PRODUCTION TEAM

Written by Rhiannon Collett
Directed by Michel Lefebvre
Set and Lighting by Martin Sirois

Featuring Rhiannon Collett

CHARACTERS

Sam

Sam is a 16-year-old girl who lives in the suburbs with her mother and brother. Her parents are currently going through a nasty divorce. She's a bit of an outsider at school and spends most of her time alone or with her older brother, Roger. Sam is unsure about her sexual identity, and her parent's divorce is complicating things.

Kate

Kate is a 16-year-old girl who lives with her older sister, Frankie in one of the trendier neighbourhoods in town. She's fiercely independent and protective of her family. Kate is extremely smart. She's an outsider too, but in a cool way.

Roger

Sam's older brother. Roger is a homophobic and angry presence. He thinks Kate is hot but has a tendency to act out when things don't go his way.

Frankie

Kate's older sister. A queer activist.

SYNOPSIS

Kate and Sam are best friends, but there's a tension building in their relationship. When Kate's sister falls victim to an act of violence, Kate is determined to bring the perpetrator to justice. But her actions have strange consequences, and the girls are left to ask, "What is the cost of retribution? Are any of us truly worthy of forgiveness?" The Kissing Game is an urban fantasy that explores love, betrayal, friendship, and identity.

PRE-SHOW ACTIVITY

English Language Arts

What is Magical Realism?

Magical Realism is a genre that seems to contradict itself; it encompasses both realism and fantasy without veering too far off into either genre. It often has a very matter of fact tone: magical things happen but the characters don't react as they might in a purely realistic narrative. In light of strange events they tend to go along with it, because that's just the way things work in their world. Fantasy tends to take place in a mythical setting such as Narnia or the Shire - where the world has different rules from our own (and dragons, elves, talking lions etc). Realism takes place in our world, and follows the rules as we know them to be in our day to day lives. Magical realism is a little bit of both - all of the magic with none of the distance.

Authors use magical realism to unsettle their audiences, and cause them to reconsider what they know to be "true" or "real." When magical elements are presented as normal, the standard structure of day to day life is put into question, causing the audience to reconsider the structures they take for granted as normal (ie. political regimes, gender roles etc). Magical realism also encompasses **fabulism**, the re-telling of fables in a modern setting and **surrealism**, which seeks to subvert the realities of the mind and the inner-self (see Salvador Dali's paintings for example).

Examples of magical realism in literature :

One Hundred Years of Solitude by Gabriel García Márquez
Beloved by Toni Morrison
Skellig by David Almond
Bridge to Terabithia by Katherine Paterson
Like Water for Chocolate by Laura Esquivel
Midnight's Children by Salman Rushdie
The Wind-Up Bird Chronicle by Haruki Murakami
The Metamorphosis by Franz Kafka

Examples of magical realism in film :

Pan's Labyrinth (2006)
Midnight in Paris (2011)
Amélie (2001)
Big Fish (2003)
Beasts of the Southern Wild (2012)

Magical Realism as Political Subversion

Magical realism is rooted in the literary traditions of Latin America, and is often viewed as a genre of political subversion. Many Magical Realists lived under oppressive regimes and dictatorships; they were unable to make political commentary for fear of their lives. Magical realism proved an excellent way to disguise their views; what seemed to be harmless fantasy was actually sharp political criticism to the more knowledgeable reader. Living under a dictatorship was a surreal experience in and of itself, so oftentimes, the fantastical elements of magical realism communicated the emotional experiences of the authors in a more intimate, visceral way.

SOURCE : [<https://bookriot.com/2018/02/08/what-is-magical-realism/>]

SOURCE : [<https://www.shmoop.com/magic-realism/>]

PRE-SHOW ACTIVITY

Close Reading : The Metamorphosis by Franz Kafka

The following passage is one of the most famous openings to a book in the English language. Kafka was notorious for writing surreal, and often frustrating works of fiction where everything seemed normal until it most definitely was not. The term *Kafkaesque* is a adjective used to describe work that is characteristic or reminiscent of the oppressive or nightmarish qualities of Franz Kafka's fictional world. At his death in 1924, he wrote a letter to his best friend, begging him to burn all of his novels. That didn't happen, and what he left on this earth are some of the most surreal and disturbing pieces of modern literature.

One morning, when Gregor Samsa woke from troubled dreams, he found himself transformed in his bed into a horrible vermin. He lay on his armour-like back, and if he lifted his head a little he could see his brown belly, slightly domed and divided by arches into stiff sections. The bedding was hardly able to cover it and seemed ready to slide off any moment. His many legs, pitifully thin compared with the size of the rest of him, waved about helplessly as he looked.

"What's happened to me?" he thought. It wasn't a dream. His room, a proper human room although a little too small, lay peacefully between its four familiar walls. A collection of textile samples lay spread out on the table - Samsa was a travelling salesman - and above it there hung a picture that he had recently cut out of an illustrated magazine and housed in a nice, gilded frame. It showed a lady fitted out with a

fur hat and fur boa who sat upright, raising a heavy fur muff that covered the whole of her lower arm towards the viewer.

Gregor then turned to look out the window at the dull weather. Drops of rain could be heard hitting the pane, which made him feel quite sad. "How about if I sleep a little bit longer and forget all this nonsense", he thought, but that was something he was unable to do because he was used to sleeping on his right, and in his present state couldn't get into that position. However hard he threw himself onto his right, he always rolled back to where he was. He must have tried it a hundred times, shut his eyes so that he wouldn't have to look at the floundering legs, and only stopped when he began to feel a mild, dull pain there that he had never felt before.

Questions

On a separate piece of paper, answer the following questions :

1. What defines this piece as magical realism and not fantasy?
2. Samsa is a travelling salesman who is transformed into a cockroach. Take a minute and unpack this metaphor - what does it mean for a man to become a "horrible vermin"?
3. How does Kafka manage to make this monstrous transformation seem natural? Choose two sentences that integrate Samsa's new insect body with his previous life as a man, and show how Kafka weaves the two together.



POST-SHOW ACTIVITY Questionnaire

Identify the elements of magical realism found in *The Kissing Game*.

Why do you think the playwright chose to use magical realism instead of sticking to realism?

Identify two examples of imagery in the play.

1. _____

2. _____

What do you think these images represent in the larger meaning of the play? To the girls?

Why do you think Sam ignores Kate after they kiss?

What do you think would have happened if magical realism hadn't been a part of the story?

POST-SHOW ACTIVITY

Ethics

"I'm the bait, she says. And you're the justice."

In *The Kissing Game*, Kate and Sam are given a supernatural opportunity to avenge themselves against the man who assaulted Kate's sister, Frankie, at the bar. Kate feels justified in her anger towards him, and in the violence that comes out of their interaction. By stealing his heart, she feels that she has enacted justice upon him.

"A man like that doesn't need a heart. He doesn't get one."

In a group of three or four students, discuss the following questions. Use the space below to take notes :

- What does stealing someone's heart in the play represent for you?
- Do you agree with Kate that the assaulter doesn't deserve a heart?
- Do you think stealing someone's heart is justice or revenge?
- If you think it's revenge, do you still think it's justified?

5 Key Differences Between Justice and Revenge by Leon Seltzer, Ph.D.

1. Revenge is predominantly emotional; justice primarily rational. Revenge is mostly about “acting out” (typically through violence) markedly negative emotions. At its worst, it expresses a hot, overwhelming desire for bloodshed. As perverse as it may seem, there’s actual *pleasure* experienced in causing others to suffer for the hurt they’ve caused the avenger, or self-perceived victim.

Justice—as logically, legally, and ethically defined—isn’t really about “getting even” or experiencing a spiteful joy in retaliation. Instead, it’s about righting a wrong that most members of society (as opposed to simply the alleged victim) would agree is morally culpable. And the presumably unbiased (i.e., *unemotional*) moral rightness of such justice is based on cultural or community standards of fairness and equity. Whereas revenge has a certain selfish quality to it, “cool” justice is selfless in that it relies on non-self-interested, established law.

2. Revenge is personal; justice is impersonal, impartial, and both a social and legal phenomenon. The driving impetus behind revenge is to get even, to carry out a private vendetta, or to achieve what, subjectively, might be described as *personal* justice. If successful, the party perceiving itself as gravely injured (though others might not necessarily agree) experiences considerable gratification: their retaliatory goal has been achieved—the other side vanquished, or brought to its knees. Just or not, the avenger *feels* justified. Their quest for revenge has “re-empowered” them and, from their biased viewpoint, it’s something they’re fully entitled to.

On the other hand, *social* justice is impersonal. It revolves around moral correction in situations where certain ethical and culturally vital principles have been violated. When justice is successfully meted out, the particular retribution benefits or protects *both* the individual and society—which can operate effectively only when certain acceptable behavioral guidelines are followed.

3. Revenge is an act of vindictiveness; justice, of vindication. The intense effort to avenge oneself or others can easily become corrupting, morally reducing the avenger’s status to that of the perpetrator. Two wrongs do not make a right and (ethically speaking) never can. Degrading another only ends up further degrading oneself. Even if a *kind* of justice might be served through an act of revenge, it could still be argued that there’s nothing particularly

admirable or evolved in retaliating against a wrong by committing a “like” wrong. Or (to put it more emphatically) to behave vengefully is, at best, to take the low road to justice.

In opposition, justice is grounded in assumptions, conventions, and doctrines having to do with honor, fairness, and virtue. Its purpose really isn’t vindictive. That is, blood thirstiness has no part—or *should* have no part—in precepts of justice, at least not in the way the term is presently employed. It’s based on established law, and its proceedings are designed to dispense to individuals precisely what is deserved: nothing more, and nothing less.

4. *Revenge is about cycles; justice about closure.* Revenge has a way of relentlessly repeating itself—and ever more maliciously at that. Revenge typically begets *more* revenge. Whether it’s an individual or an entire nation, it takes place within a closed system that seems able to feed on itself indefinitely. Unlike tic-tac-toe, tit for tat is a game without end. One side gets satisfaction, then the other is driven to get *its* satisfaction, and then... theoretically, forever. There can be no resolution, no compromise. Each group has its own sense of right and wrong. And the righteous rigidity of each side usually demands that some trusted outsider intervene if matters are ever to be settled.

Justice, in contrast, is designed (by individuals or officials generally not linked to the two opposing camps) to offer a resolution far more likely to eventuate in closure—especially if, in fact, it *is* just (i.e., equitable). And when justice is done (and I use that word advisedly) so is the conflict that led up to it. Beyond that, punishments for wrongdoing carry an agreed-upon authority lacking in personal vengeful acts, which are calculated solely to “get back” at the assumed perpetrator. Technically speaking, so-called “vigilante justice” isn’t really justice, or social justice, at all—though at times it may appear to be. Taking matters into one’s own hands may sometimes seem justified, but it hardly meets the more rigorous criteria for consensual, or community, justice.

5. *Revenge is about retaliation; justice about restoring balance.* The motive of revenge has mostly to do with expressing rage, hatred, or spite. It’s a protest, or payback, and its foremost intent is to harm. In and of itself, it’s not primarily about justice but about victims’ affirming their inborn (but non-legal) right to retaliate against some wrong done to them.

And because it’s so impassioned, it’s typically disproportionate to the original injury—meaning that it usually can’t be viewed as just. The punishment *may* fit the crime, but it’s often an exaggerated response to another’s perceived offense.

On the contrary, justice is concerned with dispassionately restoring balance through bringing about equality—or better, *equity*. It centers on proportion as it equates to fairness. Not driven by emotion, restorative justice—meted out by a court of law—seeks to be as objective and even-handed as possible. It's *not*, as is so much of revenge, about doing the other side “one better” but about equitably—or properly—punishing wrongdoing. In fact, the ancient “law of the ‘talion’” (an ethical standard originating in Babylonian law and present as well in the Bible and early Roman law) focuses on what is commonly known (but, hopefully, only metaphorically!) as the “eye for an eye” conception of justice. In brief, the *kind* or *magnitude* of justice meted out is contrived to “correspond” as exactly as possible to the gravity of the original injury.

SOURCE :

[\[https://www.psychologytoday.com/ca/blog/evolution-the-self/201402/don-t-confuse-revenge-justice-5-key-differences\]](https://www.psychologytoday.com/ca/blog/evolution-the-self/201402/don-t-confuse-revenge-justice-5-key-differences)

POST-SHOW ACTIVITY

Ethics

On a separate piece of paper answer the following questions. Be prepared to share your answers with the group!

- Having read this article, do you think that Kate and Sam’s actions constituted justice or revenge?
- If you think it’s revenge, do you think their actions are justified?
- If you think it’s justice, what kind of the justice system they are acting out of? Is this vigilante justice?
- Are they acting out of a need that isn’t met by the current justice system?

POST-SHOW ACTIVITY

Understanding Bias in the Legal System

There are a number of factors that make true justice impossible within our current legal system. Most of them are centered around racial and gender bias. Sam and Kate (as played by me, the white playwright) do not experience racial bias. They do, however, both experience homophobia and sexism in their day to day lives. The following article on racial bias applies to gender and sexuality as well, and is important to consider when looking at the legal system.

5 Steps to Understanding Racial Bias By John Fitzgerald Gates, Ph.D.

The racial discord that has gripped the nation in cities from Ferguson to Cleveland has resurrected an old term. People are once again talking about “bias.”

Bias in policing, economic and health disparities and social policy are topical in the media, corporate dining halls and on college campuses. Yet, a review of the literature and media coverage suggests insufficient understanding of the nuances of racial bias.

While some researchers contend bias can be either negative or positive, I disagree. Rather, I see bias as a negative supposition or attitude toward someone or something. The opposite of bias is “preference” — favoritism toward someone or something.

Racial bias is a harmful aversion to, stereotyping of, or discrimination against a race. Much focus has been given to “unconscious bias” and “implicit bias” as interchangeable forms of bigotry, when in fact they are two separate manifestations of the same phenomenon. My research points to five distinct categories of bias that impact race and other forms of diversity: explicit, implicit, unconscious, internalized and externalized.

- **Explicit bias** is overt intolerance based on social, religious or political views that cause some people antipathy toward others. Abortion and gay rights historically have been areas rife with explicit bias in which people hold fixed views of right and wrong. Recent cases of businesses refusing to provide services for gay couples or churches refusing to marry them are forms of explicit bias resulting in discrimination.

- **Implicit bias** is an understood, implied and otherwise unspoken prejudice. While implicit bias can and does operate at the level of individual actors, it often occurs at the systems level through practices and policies applied to classifications of people. Data indicate implicit racial bias is systemic in hiring and promotion of minorities across many industries; policing and justice; housing; media coverage; and local, state and federal policies toward urban America, including disproportionate public school funding, to name

a few. So too, implicit bias occurs when protesters are called ‘thugs’ by politicians and media, when minorities are followed through stores as presumptive thieves by security guards, and when women are paid less than men for the same job and performance.

- **Unconscious bias** is prejudice born from personal experiences, perceptions and attitudes that is unrecognized by the perpetrator. In this sense, unconscious bias is a byproduct of experience in which an absence of clear prejudicial intention nonetheless results in bigotry. Less about right and wrong than intolerant perspectives, unconscious bias occurs at the level of individual agency rather than systems, as people hold views that inform systems, whose biases are either explicit or implicit.
- **Internalized bias** is an acceptance of external bias by those against whom it is perpetrated. It is a belief in the validity of one’s own degradation — a submission to negative messages about oneself, such as when a child is told that he’s no good and then comes to believe in that assessment of his value. Internalized bias is a form of self-hatred that can extend to hatred of one’s race, family, social groups or national identity.
- **Externalized bias** is the externalization of hate onto the systems, tenets and actors of one’s perceived oppression. Operating on the fringe of society, externalized bias is associated with mental illness, rage, substance abuse and violence (see “[Institutionalized Racism: National Security Threat and Mental Health Crisis](#)“ in The Huffington Post). Cases of externalized bias include homegrown terrorists, violent extremists abroad, and some whose intensity of disagreement with their government is deeply hostile.

SOURCE :

[\[https://www.huffingtonpost.com/john-fitzgerald-gates-phd/5-steps-to-understanding-racial-bias_b_7446510.html\]](https://www.huffingtonpost.com/john-fitzgerald-gates-phd/5-steps-to-understanding-racial-bias_b_7446510.html)

By nature of their identities, Sam and Kate both experience sexism (gender bias) and homophobia in their lives. This leaves them unable (or unwilling) to seek legal justice. In situations of sexual assault or racialized hate crimes, justice is sought according to the law, but the perpetrators are often allowed to walk free. Examples of this include the Jian Ghomeshi trial, as well as the acquittal of Gerald Stanley in the Colten Boushie case.

With your new understanding of bias, consider the following articles.



I am Colten Boushie.
Canada is the all-white jury that acquitted his killer
by *Julian Brave NoiseCat*

The court's decision after the shooting of a 22-year-old Cree man in Saskatchewan is part of a long history of injustice

On 9 August 2016, when he was 22, Colten Boushie, a Cree man from the Red Pheasant First Nation was shot in the head by Gerald Stanley, a white farmer. Earlier this month, beneath a portrait of Queen Elizabeth II in Battleford, Saskatchewan, in Canada's prairies, an all-white jury in a court presided over by a white judge found Stanley not guilty of second-degree murder and also not guilty of the lesser charge of manslaughter.

According to the Stanley family, Boushie and his friends were trying to rob their farm. After an altercation, Stanley fired three shots. The third hit Boushie in the back of the head and killed him. Stanley claimed that the point-blank shot to Boushie's head was a "freak accident", possibly the result of an unlikely mechanical failure known as hang fire, according to his defense.

That evening, a dozen law enforcement officers arrived at the home of Boushie's mother, Debbie Baptiste. They told Baptiste that her son was "deceased", accused her of drinking, and commenced an unwarranted search of her trailer. "My son was the victim," Baptiste later told the Globe and Mail. "But I thought that we did something wrong."

To reach its verdict, the jury revisited the events of that August day. But to understand what that verdict means, we must go back much further.

The land where Boushie was slain is governed by Treaty Six which was negotiated between the Crown and the Cree and Assiniboine peoples from 1876 to 1898. The treaty was met with apprehension by many Indigenous leaders, including the Cree chief Wuttunee, who sent his younger brother, Red Pheasant – for whom the Red Pheasant First Nation is named – to sign in his stead.

"We want none of the Queen's presents," said Chief Big Bear, a Cree dissident at the time. "It was not given to us to have the rope about our necks."

As settlers massacred the last buffalo, famine and disease spread among the defiant first peoples of the northern plains. Outspoken leaders like Big Bear had to sign so their people would not



starve. When rations proved inadequate, the Indigenous turned to petty theft and prostitution to get by.

By the spring of 1885, many proud warriors had had enough. They turned on their overseers, and in the aftermath of the insurrection, the Crown hanged eight Cree men at Battleford, Saskatchewan. “The executions of the Indians ought to convince the Red Man that the White Man governs,” remarked the then prime minister, John MacDonald. The hanging remains the largest mass execution in Canadian history.

In 2016, 26% of Red Pheasant residents were unemployed versus just 6% for their broader census division, according to Statistics Canada. Median household income on the reserve was \$25,000, compared with more than \$75,000 in surrounding communities. More than half of Red Pheasant’s adult residents did not graduate high school. Maclean’s magazine named North Battleford, just across the North Saskatchewan river, the most dangerous place in Canada.

This is the landscape that Boushie, his girlfriend Kiora Wuttunee and their friends Eric Meechance, Belinda Jackson and Cassidy Whitstone set out from for a day of swimming and drinking on 9 August 2016.

On the way home, the group’s Ford Escape punctured a tire. At this point in their road trip, according to toxicology reports, Boushie had a blood alcohol content three times the legal driving limit and was so drunk that he was probably passed out in the backseat.

I can imagine the five friends now, riding on three wheels and a rim like characters cut straight from a Sherman Alexie novel, pulling on to the Stanley homestead and into danger.

When I was 22, the age that Boushie was killed, I stumbled across Cree leader Harold Cardinal’s book *The Unjust Society*. Penned in 1969 as a rebuke to the then Canadian prime minister Pierre Trudeau’s campaign promise to deliver a “Just Society” for all Canadians, the book shook me. Its words could have been written today.

“The history of Canada’s Indians is a shameful chronicle of the white man’s disinterest, his deliberate trampling of Indian rights and his repeated betrayal of our trust,” wrote Cardinal. “[T]he native people of Canada look back on generations of accumulated frustration under conditions which can only be described as colonial, brutal and tyrannical, and look to the future with the gravest of doubts.”



Erasure and denial haunt the first peoples of Canada. Loved ones like Boushie, whose family nicknamed him “Coco”, who tended the ceremonial fire at community gatherings, are fit with a mask of criminality, their talents and ambitions displaced by a ghoulish caricature. Their lives are deemed dispensable. Their justice – our justice – is denied.

I know and love many Colten Boushies – fathers, uncles, cousins, nephews and friends who never got a fair shake. I’ve even been wrongfully accused of stealing a car in the backwaters of western Canada simply because of my race.

I am Colten Boushie. My people are Colten Boushie. And the uncomfortable truth is that Canada is the all-white jury that acquitted Stanley.

Canada starved Indigenous people until they signed treaties because there was no other option. Canada hanged eight of Boushie’s Cree forefathers in 1885. And Canada today is a wicked apartheid landscape that set a car of Red Pheasant daytrippers careening into the Stanley farm and the line of fire.

“The Indian has reached the end of an era,” wrote Cardinal of this unjust society half a century ago. “[W]e will not be silenced again, left behind to be absorbed conveniently into the wretched fringes of a society that institutionalizes wretchedness.”

While the fire that Coco kept spreads across this continent, let us pray that this wretched era is done at last.

Julian Brave NoiseCat is an enrolled member of the Canim Lake Band Tsq’escen in British Columbia

SOURCE :
[<https://www.theguardian.com/commentisfree/2018/feb/28/colten-boushie-canada-all-white-jury-acquitted>]

On Sexual Assault and the Carceral State by Katie Toth

“I find Mr. Ghomeshi not guilty on all these charges,” a judge said yesterday morning in an Ontario court. Just over a month earlier, Jian Ghomeshi—the former radio host who had been a feminist hero to those of us who only knew him by his interviews with the likes of Toni Morrison and Joni Mitchell—had been at the centre of a trial for allegations of multiple counts of sexual assault and choking.

Before Ghomeshi was acquitted, there was already a general sense from the disastrous proceedings that he was not going to be found guilty of any crime. For presiding Judge Horkins, a stream of new evidence on the stand that witnesses hadn’t remembered or discussed with lawyers first called their credibility into question. Reporters, including me, wondered why the Crown hadn’t asked the witnesses more questions or investigated more thoroughly before bringing a case forward—if not for themselves, then for the witnesses’ sake. At the very least, why had they not prepared better to prevent wasting the time of a busy court system?

In response to the low rates of conviction in Canadian sexual assault cases, some legal commentators have suggested changing the standard of proof for these crimes from a beyond-a-reasonable-doubt standard to a balance of probability, with reduced penalties. Another suggestion has been to increase limits on the ability of defense lawyers to do their job, which is, by definition, poking holes in the trustworthiness of any accusations levelled against their client and keeping them out of prison. Other experts have dug in their heels, pointing out that conviction and acquittal rates for sexual assault are similar to other violent crimes, describing the courts’ adversarial approach to fact-finding and burden of proof as “one of the very institutions that makes civil society possible.”

Meanwhile, I have been wondering: *Is this it? Are these our only choices?*

Ardath Whynacht, a professor of sociology at Mount Allison University specializing in criminal justice, is asking herself the same questions.

Whynacht says a guilty verdict of a high-profile figure accused of assault would have felt “like a ‘win’ for victims” of sexual assault around the country who don’t see their experiences taken seriously. “And I don’t want to minimize how important that is,” she says, in an email. “But at the same time, I think we need to question whether or not a guilty verdict is ‘justice’ for sexual assault.”



“Does it help us heal? Does it help the offender come to recognize how and why they learned that this behaviour was acceptable? Does it empower both the victim and offender to transform their communities?”

There are other options. Lauren Chief Elk, an Assiniboine feminist who co-founded the hashtag #GiveYourMoneyToWomen, says she’d like to see more “monetary justice”—compensation to victims of sexual assault, directly from the people who perpetrated violence. (That’s something that some Canadian lawyers have explored, too; they’ve suggested letting the Crown pursue civil cases against sex offenders and sue for monetary compensation on behalf of victims in court).

“People don’t see the actual financial cost to being raped,” she says. Therapy for PTSD is expensive. You can lose your job or your scholarship when you’re falling down the rabbit hole of trauma. If you were close to your attacker and need to get away from them for your safety, restarting your life can mean a plane ticket, a damage deposit, two months’ rent up front. “This is an actual tangible material means of justice. Money can fix the wrongs that have been done more than a prison sentence can.”

Elk also wants to see people respond to sexual assault by “building support networks and systems of friends and family” who will focus their efforts on helping the victims they know, instead of convicting perpetrators. “Literally, just asking victims, what would you like to do?”

In some communities, survivor support networks are set up so that people can try to find support or protection outside of the courts. In Philadelphia, members of the Philly Survivor Support Collective work with people who’ve been sexually assaulted to help them figure out what they want, like safety or money for therapy, and how the community can rally to help make that happen.

Then there’s the task of rehabilitating perpetrators of violence. It’s difficult and emotionally draining, but it works.

Canada, for example, has a world-renowned program called Circles of Support and Accountability (CoSA), which provides group counselling for sex offenders and keeps an eye on the offenders in the community, to make sure they don’t reoffend. The program has been emulated in countries around the world, like South Korea and the United Kingdom, but funding for the program was severely cut under the Harper government. Existing research shows that offenders in CoSA are 80 percent less likely to reoffend than those outside the program.

Work like this is often referred to as “restorative justice”: a system that works to repair the harm done and prevent it from reoccurring, rather than just punishing the people who caused it. There’s an idea that this kind of approach is soft on crime—letting perpetrators get away with something heinous.

Whynacht says that’s a myth.

“I have worked with men and women in prison who have spent years on suicide watch after coming to terms with how they have harmed their victims. After they accepted and acknowledged the harm they have done, they were in tremendous pain,” she writes. “Putting someone on a ‘time out’ in a cell for three years is letting them get away with it. It doesn’t hold them accountable to the actual harm.”

And it doesn’t protect future victims: “If we want to repair the damage done, we must fund programs that help [offenders] heal and address their own wounds. We must resource programs for men that teach different forms of masculinity so that they can be accountable for their actions ... Sexual assault is pathological.”

Ghomeshi’s acquittal leaves the lingering question of whether carceral feminism itself—the move to achieve gender equality, security, or fairness for sexual assault survivors through courts and prison lockdowns—must now go to trial. Because a lot of times it looks like that movement hurts more than it helps. It hurts survivors, left deciding whether or not to subject themselves to public scrutiny. It hurts perpetrators of violence, who continue their lives without the kind of real accountability that makes a person become whole. And it hurts the rest of us. Because while for the witnesses, Ghomeshi and their respective families, this trial was deeply personal, for spectators this was a public show—state-sponsored theatre giving many people the impression that if they are sexually assaulted, it won’t be taken seriously.

Perhaps, then, it’s time for us to consider something entirely different.

SOURCE : [<http://gutsmagazine.ca/after-not-guilty/>]

POST-SHOW ACTIVITY

Magical Realism and Current Events

Following in the tradition of politically subversive magical realists, create your own story around an injustice in the world. Your story must have 1) a political theme with a story that inspired you and 2) something magical. You may draw inspiration from both the Colten Boushie case and the Jian Ghomeshi case - but be sure to do more research beyond these articles.

Other than that, anything is possible! Be prepared to share your stories with the class.

Part 1) Research

Who is a part of this political issue? Who has power? Who doesn't?

What's the real-life story?

Where does this story take place? On whose land?

Why is this an injustice?

How did the events go down? How have things proceeded in court, if they've gone that far?

Part 2) Characters

Based off of your research, create two characters who are engaged in a conflict.

Some questions to get you started :

Who are they? How old are they? Are they rich or poor? What is their race? Their gender?

Their sexuality? Most importantly : what do they want?

Part 3) What is the magical element that the characters encounter?

Don't forget, a story needs to have a beginning, middle, and end, usually with a climax (aka the peak of the action) happening between the middle and the end.

Annex I : Plot Document

CLIMAX

RISING ACTION

(List examples that create complications or suspense)

FALLING ACTION

RESOLUTION

EXPOSITION

Setting: _____

Situation/climate: _____

Characters: _____

PLOT

TITLE: _____

AUTHOR: _____

CONFLICT

PROTAGONIST vs. ANTAGONIST

_____ vs. _____

THEME

Annex 2 : Answer Key - Close Reading

On a separate piece of paper, answer the following questions :

1. What defines this piece as magical realism and not fantasy?

It's magical realism because it combines both elements of fantasy and realism in a matter of fact tone - Samsa is turned into a cockroach but it is presented in a realistic way, as if it was just another part of day to day, "normal" life.

2. Samsa is a travelling salesman who is transformed into a cockroach. Take a minute and unpack this - what does it mean for a man to become a "horrible vermin"?

This is likely a commentary on Samsa's job as a travelling salesman - someone who goes door to door to people's homes, trying to get them to buy things they may not actually want. This infiltration of the home is parallel to that of a cockroach, who is a pest in the truest sense of the word. Samsa's inner reality (feeling like a pest) has become his outer reality.

3. How does Kafka manage to make this monstrous transformation seem natural? Choose two instances where Kafka integrates Samsa's new insect body with his previous life as a man.
 - "The bedding was hardly able to cover it and seemed ready to slide off any moment. His many legs, pitifully thin compared with the size of the rest of him, waved about helplessly as he looked."
 - "However hard he threw himself onto his right, he always rolled back to where he was. He must have tried it a hundred times, shut his eyes so that he wouldn't have to look at the floundering legs..."
 - The description of the room, with his picture of a beautiful woman and his fabric samples, that then moves back to a description of his insect body (for a moment we almost forget that he is transformed).
 - His internal feeling of sadness as he watches the rain come down, but being unable to sleep because a cockroach body doesn't fit in a human bed.

Annex 3 : Answer Key - Post Show Questionnaire

Identify the elements of magical realism found in *The Kissing Game*.

- When it snows in July in the alleyway
- When the assaulter's heart falls out of his chest and Kate and Sam steal it
- When the heart glows white at the bottom of the river and Sam discovers that it has rooted there and begun to grow
- Additionally - when Sam is haunted by the sound of the heart in her dreams, and the overwhelming smell of the rose that Kate gave her in her room.

Why do you think the playwright chose to use magical realism instead of sticking to realism?

I chose to use magical realism as a way to give the girls agency in a world that denies their right to justice and safety - instead of them being "victims" in a system that they cannot escape, they are given tools to vindicate themselves, and are left to decide if the power they've been given actually fulfills their needs. Is this form of justice actually justice? Does it matter?

Identify two examples of imagery in the play.

Possible answers :

When it starts snowing in the alley-way

When the man's heart falls out of his chest

When Kate and Sam run to the old blue bridge

When Roger and Sam watch their father through the window of his house

When Sam sees the two moons in the water

When Sam realizes the heart is growing out of the bottom of the river

Excerpts from the script :

Then there is a sound, like velcro being peeled away; the skin of his back shivers for a moment, shivers again and something dark and red falls into the snow with a thud.

And then another thud. And another and another and another and- it's a heart.

I step back but Kate picks it up. Her palms are slick with blood. The man still doesn't move, but he's breathing. There's a dark hole in his back where his heart should be.

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We leave the man standing in a patch of snow that melts as we run down the alley, faster and faster and then - footsteps. We run until we are panting hard enough to heave and then we run some more. Kate leads the way. The heart is tucked in her bra - a streak of blood runs down her throat and I hope anyone who sees us as we sprint through the alleys thinks it's a hickey.

We run until we reach the old blue bridge - they're tearing it down, and big yellow construction gates block our path. We climb over a storage container which is a ten foot drop next to the ravine. First Kate, then me. She reaches back and pulls me up and for a moment I scramble in mid-air and then we've arrived.

We climb. At first there's stairs, cordoned off by police tape and then there is only the air and a ladder reaching up to the sky. We climb until we are at the top of the bridge. I can see the whole city lit up and unaware. We stand in silence, panting. I can hear the beat of the heart, through the stained white of Kate's tank-top.

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My dad drives for a long time. He doesn't notice us, or maybe he does but he keeps going until all the houses become the same - it's suburban utopia. There's cul-de-sac after cul-de-sac of steel and glass homes. There are too many windows and they're too clean. No bird shit or anything, just glittering silver cube after glittering silver cube. He pulls into a driveway with trimmed shrubs and a bird bath. Roger and I hide our bikes between two identical houses. Dad starts unpacking the car. And then the front door opens and a man comes out and helps him.

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The moon is out, everything is blue tinged and ghostly as I approach the bridge. I sit and light a cigarette while I wait, look down into the water. I'm sorry, I think in my head. I'm sorry I'm sorry I'm sorry. See? Easy. Not hard at all. Maybe if I say sorry, I'll stop feeling like I want to throw up all of the time.

That's when I see it. In the water, there are two moons - the pale reflections flicker about a metre from each other. I look up at the sky and down at the water. Two moons? And then I notice one is moving. Pumping. It's the heart. It's still going, but now, the blood has been replaced with water and it's ghostly white and shining. Fuck. Fuck. Like my dream.

--

I plunge into the water. It's disgusting - dirty and oily. Long reeds wrap around my ankles as I swim out to her. I should have called someone, I think, spitting out water. But then it would be too late. I get to the spot where the moons diverge and dive down after her. *Come on come on come on.*

I open my eyes underwater and follow the glow of the heart. I see her - Kate's down there, her hair floating up around her in great red waves. Her arms are wrapped around the heart, which now seems impossibly large. It radiates light. My eyes hurt. Huge ghostly veins have sprouted from it - it's grown into the floor of the river. The rest of the weeds around me start to glow and I realize. It's all the heart. The river weeds are the heart. We planted a seed and it grew. Kate's not moving and I try and pull her up with me but her arm is wrapped in one of the veins. I reach down and bite through it. Precious air streams out of my mouth. Blood darkens the ghostly water. I taste iron and dirt but she's free - I drag her up with me through the murk and towards the surface.