

Pussy Palace Oral History Project
Oral History Interview with Mariana Valverde
Conducted on May 18, 2021 via Zoom
Interviewed by Alisha Stranges and Elio Colavito on behalf of the
LGBTQ Oral History Digital Collaboratory (Elspeth Brown, Director)
Transcribed by Rev.com and Elio Colavito

Summary: Mariana Valverde is a 66-year-old, queer, Canadian woman of Spanish descent. She is a political activist, scholar, and former Professor of Criminology at the University of Toronto's Centre for Criminology and Sociological Studies. At the time of the interview in 2021, Valverde was living in Toronto during the COVID-19 pandemic, while working on a number of scholarly and political commitments. As a liquor licensing expert, Valverde's interview mostly concerns her perspectives on the legal strategy used by Frank Addario's team in *The Crown v. Aitchison and Hornick* (2001, OCJ). Valverde discusses her history of work in sexuality studies as a sociological scholar, her involvement in The Body Politic collective, her consultation with Frank Addario in advance of the civil trial, and other topics. She dedicates much of her interview to unpacking the ways in which the defence's gender essentialist legal argument resulted in a complicated victory for the broader queer community. Specifically, while Valverde acknowledges the ease with which the judicial system could accommodate the idea that the invasion of male police officers in a "women-only" space violated the bathhouse patrons' right to privacy, such an argument avoided interrogating the extraordinary power that Ontario liquor licensing laws confer on police, allowing them to mobilize this power — in the case of the Pussy Palace raid — for purposes of moral regulation. In the interview, Valverde mentions the following geographical locations: Spain; and Toronto and Ottawa, Ontario in Canada. She mentions briefly Toronto in the 1940s to the 1960s but speaks predominantly about the time between 1976 and 2003 as well as her present-day relationship to community and politics.

Keywords: The Body Politic; 1981 Bathhouse Raids; Gender Essentialism; Socio-legal Studies; Legal Studies; Sexuality Studies; Liquor Licensing Violations; Policing; Queer; Politics; Same-Sex Marriage; Liberation; Activism.

Alisha Stranges (00:00:01):

Okay. We're good to go.

Elio Colavito (00:00:02):

Awesome. Okay. This is Elio Colavito and Alisha Stranges from the Pussy Palace Oral History Project, and we are here in Toronto, Ontario interviewing Mariana Valverde on May 18, 2021. Mariana Valverde is also in Toronto, and she is going to tell us about the experience of being a community activist surrounding the 2000 Pussy Palace bathhouse raid, as well as the experience of attending the Pussy Palace in the years after it was raided. Mariana Valverde, do we have your permission to record this oral history interview?

Mariana Valverde (00:00:36):

Sure, but let me close the window because every time a train goes by, I lose you.

Elio Colavito (00:00:43):

Sure.

Alisha Stranges (00:00:43):

Sure.

Mariana Valverde (00:00:53):

All right.

Elio Colavito (00:00:55):

Thank you. Okay. Before we get into your experience with the Pussy Palace itself, I'm going to ask a few questions that invite you to tell me a little bit about yourself, in particular to get a sense of the different aspects of identity that you hold, or the categories you occupy, and how these may have shifted or evolved over time. We're going to start relatively simply; if you could tell us your name, your age, and your preferred gender pronouns.

Mariana Valverde (00:01:22):

Okay. I'm Mariana Valverde, and I am 66, and I came to Toronto in 1976 to start an M.A. at York in Social and Political Thought. And eventually, I got very active in the women's movement, the LGBT movement. Well actually, it wasn't really "T" "then or anything like that. It was just "LG" really. I was a member of The Body Politic collective, which was an interesting experience all by itself. I did a lot of writing, including in sort of movement-type magazines and newspapers. And I published a book on sexuality in 1985 that was quite well-received and sort of was a major contribution to what were known as the "sex debates" back then within the women's movement.

Mariana Valverde (00:02:42):

I attended zillions of heated meetings at which different kinds of feminists argued, or feminists argued with gay men from The Body Politic, things like that. I was also doing a little bit of work on this side on Latin American solidarity because I'm Spanish-speaking, and I did a lot of volunteer interpreting for the Centre for Spanish Speaking Peoples, but that didn't really connect in any particular way. It was a separate enterprise altogether. And then eventually in 1988, I got my first tenure track job, and I think that was more an effect rather than a cause of having really decreased my activity, my community activism stuff. I sort of became a bit burned out, disappointed. Yeah. From 1988 on, I was more of an academic than anything else.

Mariana Valverde (00:04:04):

In terms of identity, I think it's, in some ways, as important to locate that as it is to locate one's gender identity, especially because my gender identity didn't change at all. I mean, I was always a woman and I sort of... Always a tomboy when I was growing up and certainly still a tomboy when I was in my 20s and in grad school, so I didn't really change... My gender identity much at all, hasn't changed even now.

Elio Colavito (00:04:46):

Beautiful. Wow, thank you for all that. And how would you describe your... You already talked about your gender, but your sexuality today and in 2000.

Mariana Valverde (00:05:00):

Well, from the late '70s on, I certainly was very active in lesbian and gay politics. I'm not sure I ever defined myself as only a lesbian because I had a heterosexual life before, and, like, I was never 100% a lesbian, but that's where sort of my political energies were going. Yeah. I guess that's about it for that.

Elio Colavito (00:05:38):

And how about today?

Mariana Valverde (00:05:41):

Well, I've fallen into what I myself called in an article that's been used a lot in queer studies contexts... I define as "the respectable same-sex couple," a new entity in the history of sexuality, because I've been with the same partner for almost 30 years, we have two grown-up kids, we co-own a house in Leslieville, so you couldn't be more respectable. You couldn't be a more respectable same-sex couple really, so it's rather a boring life these days, but what the heck, I'm 66.

Elio Colavito (00:06:25):

Right. For sure. And what about racial, ethnic, and cultural identity? How do you express yourself through those categories?

Mariana Valverde (00:06:34):

Well, I am Spanish originally, even though I wasn't born in Spain, but I'm Spanish originally. My family had to leave Spain mainly for political reasons in the late 60s. My father was one of the many critics of the Franco dictatorship, and we first went to the U.S. for a brief period, and then my father had a fit and said, "We've gone from the frying pan into the fire," so we came to Canada sort of on the rebound, and I've been here ever since. I define myself as being from Toronto because I don't really have a strong, strong Spanish identity in part because in Toronto, there's very few Spanish people. There's lots of Latin Americans.

Mariana Valverde (00:07:35):

I often speak Spanish with people who are not from Spain. We have some Latin American graduate students at U of T, so I speak with them in Spanish, and I think that's good for them because they get to do sort of scholarly stuff in Spanish, but it means that I can't define myself as Latina or anything quite so specific. And I'm profoundly anti-nationalist, I guess, or anti-identity politics in general. I don't necessarily think that much of... I don't give a lot of weight in my life to these kinds of questions. Like for instance, neither of my kids can speak Spanish properly, which is sort of sad in a way, but I didn't want to push it on them either.

Elio Colavito (00:08:42):

Right.

Mariana Valverde (00:08:47):

I'm happy just being from Toronto because it's one of the few places in the world where you can be from here even if you weren't born here and your parents weren't here. That's very different in other parts of the world where you have to have been there for four generations before you can claim you belong, so I feel like I belong here.

Elio Colavito (00:09:09):

Right.

Mariana Valverde (00:09:10):

But it's a city more than a country really. There's parts of Canada where I feel quite alien. I'm sure you guys would, too.

Elio Colavito (00:09:20):

Yeah, for sure.

Alisha Stranges (00:09:23):

Certainly.

Elio Colavito (00:09:24):

What can you tell me about your educational and class background?

Mariana Valverde (00:09:30):

Well, I got a PhD at York in Social and Political Thought. So, like a lot of grad students, I was poor from an economic point of view, but had lots of cultural capital, which helped a great deal in being politically active, and my father was a very well-known intellectual in his context in Spain. And when I was growing up, our house was full of poets and writers and all kinds of people. Well, maybe not all kinds of people, but all kinds of those people. So, I had a certain kind of privilege when it came to writing and speaking in public and things like that. And because of my childhood I was very comfortable being in the resistance or being politically active. That wasn't really a big step to take for me.

Elio Colavito (00:10:43):

And how does your current educational and social class situation compare to who you were in 2000?

Mariana Valverde (00:10:51):

Well, it's not very different. I mean, when you're as old as I am, 20 years isn't all that much, really.

Elio Colavito (00:11:02):

Right. And what kinds of activities occupy your time these days?

Mariana Valverde (00:11:08):

Well, I have recently taken sort of formal retirement from U of T, but I still do a fair bit of work with individual graduate students, and with colleagues to some extent, so I'm in a process, I guess, of doing less that's sort of attached to the institution. But I mean, I have international colleagues, and they don't care if I'm officially retired or not. So, I'm still doing a fair bit of scholarly work, and I occasionally do some work that is sort of hybrid between scholarly and more political.

Elio Colavito (00:12:00):

And how might that be different than it was in 2000? What kind of activities were occupying your time 21 years ago?

Mariana Valverde (00:12:10):

Well, it's not significantly different. I mean, from 2007 to 2013, I was doing sort of low-level administrative work. I was director of my unit and that occupied a lot of time and made me have to face certain issues that I had always ignored. But in 2000, I wasn't that different a person than I am now, really. I was a prof at U of T then, and I still am to a large extent.

Elio Colavito (00:12:49):

Mm-hmm (affirmative).

Alisha Stranges (00:12:51):

What was the department that you were in? I don't know if you had said it already, but I might have missed it.

Mariana Valverde (00:12:56):

Oh. Well, when I first came there, which was in '92... No. That's when I got a tenure track job there, but I'd been teaching there part-time. So, I had been in the Centre for Criminology, and that never felt really comfortable because I'm not a criminologist, but eventually, it grew to incorporate what is known as Socio-Legal Studies or Law and Society Studies, which is a big thing up at York but not at U of T. Law and society is the scholarly world in which I primarily move.

Alisha Stranges (00:13:40):

Mm-hmm (affirmative).

Mariana Valverde (00:13:42):

This, I guess, could be important for this particular context. I also was one of the four people who met for several years at U of T to eventually start up the Sexual Diversity Studies program, so I got to know various people through that. Although I think most of them I knew before anyway from other things, like activism, but I was very involved in what then became Sexual Diversity Studies, and at the beginning, it wasn't really that. It wasn't really anything. It was just four of us who used to meet and think, "What could we do to promote sexuality studies at U of T?"

Alisha Stranges (00:14:29):

Well, I graduated from that program as an undergrad and a master's student, and I know Elio [Colavito] is involved in that type of coursework as well, so we're grateful for those conversations that you had.

Mariana Valverde (00:14:47):

Yeah. Yeah, no. It's probably one of the few things that I have ever done that turned out to be a success, although you could also question the direction in which it went for certain periods of time. I hear now it's sort of on a path that I would consider much more in keeping with our original intent. Yeah. I mean, for three years, I taught on a volunteer basis, so not getting paid, the first graduate course. And it was fascinating because we had students from every faculty, not just OISE [Ontario Institute for Studies in Education], but even things like PhysEd or Music or something like that where there would be one student in the whole faculty doing graduate work in sexuality studies.

Mariana Valverde (00:15:47):

I designed and taught that, really, one and only graduate course in sexuality studies in Ontario, at least. I think there might have been one at Concordia because Concordia always had more sexuality studies and gender studies than we did, but I taught that for the first three years. And then after that, they finally got enough resources to get a person. I believe she was from UTM [University of Toronto, Mississauga] originally, Mari Ruti, so she took over doing that as really part of her job, whereas I had to do it in my own time. But I enjoyed that, and it was really interesting and forced me to think about how to teach what we call sexuality studies, which wasn't really a thing. And of course, some students were really, really advanced and had read

everything already, and other students had not had their opportunity at all, so it was very difficult to figure out how to do this, but it was fun.

Elio Colavito (00:17:07):

For sure. Last question before I kind of switch gears and hand the floor over to Alisha [Stranges]. Is there anything else that you think would be important for us to know about how you understand the different identities that you hold today as compared to 20 years ago?

Mariana Valverde (00:17:24):

No. I think for me, that's not a particularly relevant question. It would be for other people.

Elio Colavito (00:17:30):

Mm-hmm (affirmative). Sure. Awesome. Thank you.

Alisha Stranges (00:17:34):

I'm going to shift focus now more to the Pussy Palace events, and I'll take you back in time. In the fall of 2000, the Toronto Women's Bathhouse Committee was preparing to host what they called the Night of 2000 Pussies, which was the fourth instalment of the Pussy Palace. And as we all know, this event was ultimately raided by the Toronto police. We're curious, prior to the media coverage of the bathhouse raid, how familiar were you with Pussy Palace events?

Mariana Valverde (00:18:11):

Well, I knew that they were going on, and I had casual conversations with a couple of women who had gone. I just knew about it the way that, earlier on, I would've heard about a new lesbian bar opening up, even if I didn't go to it. But I certainly didn't go. I mean, by that time, my kids were almost teenagers, so it was kind of a different demographic. I was trying to think this morning because I knew I was going to be talking to you. I was trying to think about how I heard about it, and I can't remember now if I knew Chanelle Gallant enough that she would have phoned me, or if I heard about it through other means. I just can't remember exactly how I heard about it.

Mariana Valverde (00:19:15):

But pretty soon, I was contacted by... I think it was Chanelle [Gallant]. And actually, the main reason wasn't my having been an expert witness in a whole bunch of sexual orientation cases and therefore knowing more about law. Plus, I was a professor of Criminology, which was sort of a useful identity to have, even though I didn't feel it as my identity, but it was certainly handy in the context. But I was also the only person in Canada who had ever done empirical research on liquor licensing. And I tried to explain to Chanelle [Gallant], also to Brenda Cossman, but I couldn't really get through to her. She thought she was the "real" lawyer and she could give the best legal advice. But I tried to explain how liquor licensing law is completely different from the criminal law and from the kinds of police raids that had happened earlier, like in the bathhouses back in '81.

Mariana Valverde (00:20:31):

So, I knew a lot about liquor licensing law. I knew that the police generally don't enforce. You know, they don't go out on liquor law violation raid. They just rarely do that. And if they do it, they do it usually for other reasons because the licensing laws give them an excuse to go in somewhere without a warrant. Anyway, so I

tried to explain the details of liquor licensing and show how it gave police the ability to go in somewhere, but they didn't use it most of the time because, that very night, there were probably 100 wedding receptions where the beer wasn't put away at 1:30 a.m., or whatever the rule was, so they could use that tool in very specific ways.

Mariana Valverde (00:21:29):

And it was a particular group of officers, too. It wasn't the local guys from 52 Division, which is very important to know. And I knew that from having done some research on policing in the Gay Village. I published an article you might want to look at. It appeared in the *British Journal of Criminology* in 2003. It was done jointly with an M.A. student, who did the footwork and the interviews and so on, and we did an article on policing the Gay Village. And that has some information about various kinds of police raids, and also has information about splits within the police, which is very important.

Mariana Valverde (00:22:23):

Oftentimes, gay or lesbian activists would say "the police," like, as if they have a single purpose, but our research showed that many of the uniformed officers from 52 Division were quite friendly with gay business owners on Church Street, and they weren't at all interested in alienating them or causing havoc, but there were other officers, especially in the centralized squads, so not attached to a particular local division, so the officers in the centralized squads were often much keener to go on raids, and they didn't care about the political consequences because they weren't based in any particular community and they didn't have relationships that would then be broken. Anyway, so that was one thing.

Mariana Valverde (00:23:18):

Also, I found some very interesting divisions within the gay community because, by that time, by around the year 2000, there was a definite split, I would say, between the respectable business owners and their respectable clients on the one hand, and the not-so-respectable folks who maybe because they were really young or because they didn't have the money to spend in bars, or maybe because they were closeted and they were cruising in parks, got in trouble with the police, but you could just see that "the" gay community also had fragmented quite seriously. And we documented that in the context of Pride and the Pride march, and how the Pride march was made safe or regulated, and the conflicts around that. Anyway, so that I think was the sort of overall context.

Mariana Valverde (00:24:21):

But I happened to know a lot about liquor licensing, which was totally a coincidence because there's no particular link between that and my previous work in sexuality studies. But I happened to know about that, and I often wish that I'd been able to get that kind of expertise a bit more upfront in front of the judge because then, the defendants wouldn't have... Well, they were not defendants, the police were the defendants, but anyway, the women from the Pussy Palace wouldn't have had to feel awkward being pushed into this gender essentialist argument about, "Oh, women shouldn't be subject to the male gaze of male police officers," which I always thought was a completely bullshit argument for them specifically to make.

Mariana Valverde (00:25:20):

Like, it's different if you have a bunch of middle-class ladies who are at the Y[MCA] or something, in the shower, and then a man comes in. Okay. Well, they're going to feel threatened by that. But the Pussy Palace, one of the reasons I thought it was really a fabulous place and a fabulous project to support, even though I didn't go there personally, but I thought it was great because they were open to queer and trans folks, and they didn't try and draw rigid gender lines. But of course, because they ended up with Frank Addario as their

lawyer, who knew what you needed to win the case, and the easiest way to win the case was to argue gender essentialism, and he's not a feminist at all.

Mariana Valverde (00:26:14):

I mean, I'd seen him around in criminal lawyer circles, criminal defence circles before, and he was very good fighting against police abuses of power, but he knew nothing about feminism or queer views or anything, and he was extremely high-handed, didn't really pay attention to what anybody said, including me because he asked me in for an interview possibly because either Chanelle [Gallant] or Brenda Cossman said to him, "Oh, you should meet with Mariana Valverde. She knows about liquor laws," blah, blah.

Mariana Valverde (00:26:51):

So, he called me in to his fancy office on Prince Arthur [Avenue], and we had a meeting, but he didn't listen at all to anything that I said, which was really frustrating. And he knew I'd been an expert witness in other kinds of cases before, many of the early, same-sex, spousal benefits cases, and all the gay Pride declaration, mayoral declaration cases. So, I had a fairly long career as an expert witness, but he didn't want to use me, or he didn't even listen to my advice. I mean, I'm not sure expert witnesses would have been all that helpful, but possibly it could've, especially to explain what is the difference between a liquor licensing offense and other kinds of police work, which are criminal law enforcement. And I'm sure the judge had never seen a liquor licensing case in his life because they almost never get to court. I mean, people pay their fines or they don't pay their fines, but whatever.

Mariana Valverde (00:28:08):

Anyway, so I felt very frustrated that I wasn't able to contribute more, but Frank Addario was not open to collaborating with people. And I guess in my case, I was sort of in the community but I was sort of an expert because the liquor licensing stuff was all from research that I happened to have done, which didn't have anything to do really with my community activism. I mean, it did in a way because I was quite interested in how liquor licensing was used for purposes of moral regulation.

Mariana Valverde (00:28:52):

You know, the fact that the Liquor Licensing Board of Ontario used to regulate what instruments you could play in a bar in the 40s, 50s, and 60s, and they would tell the Brunswick House, "You can't have a saxophone," God forbid. I don't know. And I don't know whether it was because it was associated with Black people or whether it was associated with jazz and dancing and whatever, disorder. Anyway so, the point is that I understood what being an expert witness in court is; I'd done it many times, and I also understood how liquor licensing law is different from other things. And yet, the basic principles of due process govern or should govern liquor licensing law.

Mariana Valverde (00:29:47):

What's often happened is that the liquor inspectors would do their completely arbitrary things, but then if it was ever challenged in court by way of judicial review, then the judge would say, "What do you mean? A liquor inspector can declare that somebody is an alcoholic?" Like, you know? And so, they'd have a fit and then maybe strike down some section of the Liquor Licensing Act.

Mariana Valverde (00:30:16):

Anyway, long story short, the point is that I wasn't able to really bring that expertise to bear, and I also wasn't able to contribute to the human rights complaint that they put in, but that was more because the Human

Rights Commission likes to kind of isolate the case or control it, and it's not a place... It's not an open forum. It's not like court, and they don't usually hear from experts, and they were doing this sort of mediation anyway. That wasn't the forum for anybody else to participate in.

Mariana Valverde (00:30:55):

But I would have liked to contribute more because I felt like I had both legal and empirical knowledge that could have helped, and I think Chanelle [Gallant] said the same thing afterwards because she was really frustrated. I mean, she was the main person that I talked to. I knew JP Hornick very slightly, but I didn't talk with her at length, but I know that Chanelle [Gallant] was quite disappointed about the line of legal argument that Frank Addario took. I'm sure you're interviewing her or have already, and I'm sure she'd say that because she was definitely keen on promoting a safe space for queer and trans folks, and not just sort of the narrow definition of the traditional woman.

Mariana Valverde (00:31:55):

And yet, the legal argument totally essentialized gender in really old-fashioned kinds of ways that I think were contrary to the spirit of the project. So, to me, even though it was good to get a win, but it was a disappointing way of winning. And one thing I've learned studying feminist litigation — and all sorts of things from abortion rights, to obscenity, to sexual orientation issues — one thing I've learned is that how you win a case is important, not whether you win it or not, for future purposes. So, you can win a case, and then the lawyer goes home happy because he won his case and he can tell his buddies, "Oh, I won in court today," but down the road, that argument or that judge's decision may be bad for other people and other things that you also want to promote, and of course the lawyer isn't going to be there at that point, but the activists are going to be there. Like some of the same-sex marriage cases, I thought they were argued in such a way that it would be really detrimental. And I couldn't do anything about it, but I sort of felt like I was learning lessons about the importance of how you argue a case, what arguments you use, what lawyer you use, which is important.

Alisha Stranges (00:33:39):

Absolutely. And I'm curious to know more about internally how that might have felt for you to have all of this knowledge that some folks involved at least wanted you to be able to draw on, but then you were at an impasse. [Frank] Addario wouldn't work with you and you couldn't make the argument or help make the argument you wanted to make.

Mariana Valverde (00:34:05):

Yeah.

Alisha Stranges (00:34:05):

How was that for you? How did that feel for you?

Mariana Valverde (00:34:07):

Well, and the point was that what my argument might've been is one thing, but in all of these cases, I think it's important to pay attention to the larger cause, which in this case was really a kind of broader queer agenda that was challenging the old gay liberation and sort of narrow feminist lines of argument that had been successful in the past, and I really was keen to support the queer agenda. And certainly, Chanelle [Gallant] and JP Hornick, I never met the other women, but I knew that the two of them were committed to the queer agenda.

Mariana Valverde (00:34:58):

And at that very same time, we were going through the final years of the long saga of same-sex marriage, and that too I felt was getting away from us, at least those of us who were keener on the queer arguments. And so, the mainstream gay movement that supported same-sex marriage, the Equal Families Coalition. I just wanted to throw up when I heard that name. I thought, “Oh, for heaven’s sake. I’ve been a lesbian feminist for years and now you’re wanting me to join the Equal Families Coalition?” That was going on too.

Mariana Valverde (00:35:44):

There was this respectabilization of gay and lesbian issues, which... You know, Tim McCaskell traces this very well in his wonderful book on the history of gay and lesbian activism in Toronto. What’s the book called? *Queer Progress*? Yeah. And I knew Tim [McCaskell] from Body Politic days, and he and I were politically very close. I’m still friends with him all these years later, and I thought that his analysis... I mean, he didn’t publish the book until later, but I knew what his analysis was, and it was much more of a queer analysis rather than equal families and “let’s have gays and lesbians in the military” and all this sort of stuff.

Mariana Valverde (00:36:42):

So, there was a sort of general disappointment with the way in which issues had gone. And of course, the Pussy Palace trial was sort of on a different track because the women themselves weren’t doing this essentialist thing, but their lawyer presented this completely gender essentialist argument, and I just sort of thought, “Oh my God. What have we come to?” So, I was really disappointed, and I felt sort of really quite pessimistic, and I thought, well, the thing about queer politics is it doesn’t lend itself very well to winning in court.

Mariana Valverde (00:37:34):

It’s probably true that Frank Addario chose the most winning strategy. Okay, fine, but what are the subsequent effects? Now, because it’s such a lower court type of decision, it hasn’t necessarily influenced much of anything else. It’s probably only been used to stop immigration searches of women by men or things like that, although we have all these ridiculous cases on trans people trying to cross the border. But in terms of this sort of broader political movement, I thought it was a very unfortunate thing that happened with the trial.

Mariana Valverde (00:38:25):

And the human rights complaint was better because the women themselves were much more in charge of it, and they got some kind of systemic remedy, and I don’t remember what it was right now, but the trial, which is what the press was paying attention to and so on, I felt didn’t do justice to the women who had done the work and who had put themselves out there, forward, and had taken the legal risks. I mean, I was also marginally involved way back when in the Body Politic trial, which wasn’t for obscenity. It was for sending scurrilous material through the mail, which was a section of the Criminal Code nobody had ever heard of before.

Mariana Valverde (00:39:20):

And that was very different because there, the lawyer pretty much had to take his instructions from a group. And in fact, The Body Politic set up a separate group to instruct counsel, which was unheard of, and I’m sure lawyers to this day are totally shocked that you would have a collective instructing counsel. It goes totally against the legal training that they get about how you have an individual client and the individual client instructs counsel. So, in that Body Politic trial, what the lawyer did was definitely according to the instructions

of this broader collective that included more women than The Body Politic original collective did, and that was quite interesting.

Mariana Valverde (00:40:14):

But with the Pussy Palace, maybe because the women... I don't know. You'd have to ask them. Maybe they felt like they had no choice but to go with Frank Addario because maybe he did it for free or maybe they were... You know, for whatever reason, they agreed to go with him. And he could've done a much better job if he had sat and listened and appreciated the difference between queer identities and traditional women's identities. And then he could've defined the harm of the police raid not as men ogling women, but as a police abuse of power, regardless of the gender of anyone there or their sexual preferences or anything of the sort. The opportunity was lost, and as I said, I think it sort of has a parallel in how so much of the gay and lesbian movement ended up being super busy on legalizing same-sex marriage because that's the one thing the system could accommodate. And so, in the same way, the system could accommodate outrage about men ogling women who were almost naked. That fits into the system. And so, you can say, "Oh, those cops were bad; you know, 'bad apples' because they were ogling all these women." But what you couldn't do... It's the queer project that you couldn't really do. I mean, one could have made a different argument, but you would have needed a very different lawyer.

Elio Colavito (00:42:26):

Right. Before we move on, we just want to ask if you want to take a break to go stretch your legs, get a drink of water, or what have you, or if you just want to continue through.

Mariana Valverde (00:42:38):

Oh okay. No. We should keep going because in about 30, 40 minutes, I have to do something else.

Elio Colavito (00:42:50):

Perfect. Okay. You've already kind of expressed some of your qualms with the Addario strategy. I want to know what you thought about the Crown's strategy to try to win this case.

Mariana Valverde (00:43:12):

That's a good question. I would have to go back and see in more detail what it was because I don't really remember it. I mean, what the Crown could have done is simply to read the Liquor Licensing Act, which does confer all these extraordinary powers both on police and on liquor inspectors, and they could've just stuck to that. But I heard through a friend of mine who was a Crown then that the judge picked... I mean, as soon as it was known who the judge was going to be, my friend said, "Oh. Yeah. Win with [Peter] Hryn!" And apparently, he was famous among defence lawyers for being very suspicious of both the Crown and the police. So, then I thought, "Oh, okay. As long as the lawyer for the Pussy Palace is sort of competent, they can win" because it wasn't the kind of case where you have a lot of precedents or anything like that.

Elio Colavito (00:44:35):

Yeah. You expected a winning outcome then because of this "Win with Hryn" tagline?

Mariana Valverde (00:44:43):

Yeah.

Elio Colavito (00:44:48):

Interesting. Before we kind of shift gears a little bit, I just want to keep you on the case for one more second. What was unique about this case, and what made it similar to others that you had followed in the past?

Mariana Valverde (00:45:07):

Well, I felt that there was potential for a more radical argument to be made in public because in the bathhouse raids, which I knew quite well because I went to all these public meetings of the Right to Privacy Committee, and I knew the activists who were organizing lawyers and trying to persuade the guys who'd been charged to actually go to court because most of them wanted to plead guilty quickly and just go away paying a fine or something, they didn't want their names out there. So, I knew the activists and I knew a fair bit about the Right to Privacy strategy. And the Right to Privacy strategy, as its name implies, was a totally straight-up civil rights, civil liberties, Charter of Rights... Well, I mean, the Charter wasn't operative then. I mean, it's totally in keeping with the John Stuart Mill harm principle, which is about as central to liberal legal systems as you can get.

Mariana Valverde (00:46:24):

So, the Right to Privacy Committee, even though there were men heavily involved in it who were very much on the left of the gay movement, like Gary Kinsman and George Smith, but the argument they made was very much one that mainstream liberal heterosexual people could support, which they did. All kinds of heterosexual people who knew nothing about gay life and maybe didn't particularly like to hear anything about bathhouses, but they were outraged at the abuse of police power and men being dragged out in the middle of the night in their towels and being hauled to court in paddy wagons, and the bathhouses being destroyed. The cops did a very bad PR job there, and it was not that difficult to get mainstream liberal support. For instance, one of the lawyers who did a lot of the work, *pro bono*, was Dianne Martin from Osgoode [Law School]. She was a professor of criminal law, and she was not a lesbian, and I don't think she had much knowledge of gay and lesbian politics at the time, but she was just outraged as a criminal defence lawyer that this was happening, and she did a ton of work for free for the bathhouse raid... I guess, the defendants.

Mariana Valverde (00:48:13):

And it wasn't that difficult to get support, so people like John Sewell sort of got behind this. For John Sewell, it was very much part of a multicultural Toronto thing, so it was really with John Sewell speaking at a gay/lesbian rally, which got him lampooned in the Toronto Sun and probably made him lose the mayoral election, but it was him speaking there and basically saying, "The gay and lesbian community is one more community in this wonderful city, just like the Italian community," and blah, blah, blah. So, suddenly, the gay/lesbian community, instead of being a bunch of perverts in dark alleys or whatever, suddenly was one more community in this great multicultural city, and that proved to be what would become common sense truth sort of as the years went on. I mean, it wasn't a winning strategy for John Sewell at the time. He sort of stuck his neck out and lost the election. But over time, it came to be mainstream common sense, and the same thing with Right to Privacy.

Mariana Valverde (00:49:40):

But with what the women at the Pussy Palace were trying to do, there wasn't such an obvious hook for the mainstream liberals because they would've had to be educated about what being trans means anyway. I mean, in 2000, I hate to say it, but trans people were not very visible anywhere. I started to realize that we had trans students in our classes, maybe 2015 or '16 or something. It was just the last few years that I was teaching that students would identify as trans, or maybe when I talked to them individually, they would identify as trans.

But in the year 2000, if I had any trans students, I didn't know that they were trans and they weren't out to their friends either.

Mariana Valverde (00:50:40):

Really, the women of the Pussy Palace were trying to do something that was before its time in a way, ahead of its time. They were very brave, and it's no wonder that it would've been really difficult to find a hook in the legal apparatus for their view. My strategy would've been to kind of go around it and not argue queer theory in a direct way, but instead talk about the defects of Ontario liquor licensing law, which sounds really boring, but I think we could've got further in court with that than with any educational on queer theory.

Alisha Stranges (00:51:28):

I see. I want to be mindful of your time and how much you've got left, and we still have to do some follow-up afterwards. I wanted to just leave this moment open for you to sort of speak to anything else about your reflections on that case, or your involvement as a journalist, confidant, that you didn't get a chance to speak to yet. Is there anything else you wanted to say?

Mariana Valverde (00:52:00):

Well, some years later, I worked with a super-duper M.A. student, who had done her undergrad at Trent and was quite an activist, and she was at U of T doing her M.A., and she was trying to do queer legal studies. And her name is Sarah Lamble, and she's now a professor at Birkbeck in London [England]. Quite a bit after the fact, I don't remember when, she wrote a really good article that sort of pulled apart the whole Pussy Palace thing. And that made me think about what might have happened, but I still don't have a clear sense of what could've happened because challenging liquor licensing law is not something for which there's much precedent, and the judge would've had to be willing to say that some aspects of liquor licensing law are unconstitutional, incompatible with the Charter.

Mariana Valverde (00:53:14):

And lower court judges might not mind throwing a case out because the police has misbehaved, but they don't like to admit constitutional challenges because those end up in much higher courts, and then they can have their knuckles wrapped, so they don't like it. So, who knows what could've happened exactly, but I know we never had the chance to pursue different arguments. And really, I mean, reinforcing gender essentialism was, well, quite frankly, I felt it was an insult to the women who had planned and visualized the Pussy Palace as a very different kind of space, not the typical lesbian bar of the 60s or 70s.

Alisha Stranges (00:54:10):

What do you think the impact of that has been in not having been able to push it there?

Mariana Valverde (00:54:16):

Well, I'm not sure that it had an impact all by itself, as I said, because legally, it's such a peculiar case.

Alisha Stranges (00:54:24):

Mm-hmm (affirmative).

Mariana Valverde (00:54:28):

There's not necessarily a lot of specific legal impact, but when you think of the broader context, and really, the broader context was the rise of Egale in Ottawa and the Equal Families Coalition, which Bob Gallagher was very involved in, who had been Jack Layton's chief of staff, and I knew because we're both teaching sociology at Trent at the same time. The equal family sort of theme really sort of took over.

Mariana Valverde (00:55:10):

And really, some years later, I did write that little piece on the respectable same-sex couple, which didn't mention the Pussy Palace, but it was sort of referring to the whole shift in gay and lesbian politics. The same shift that Tim McCaskell documents in much, much more detail in his wonderful book. And it sort of made me think that, "Well, what's the point really of pushing for gay and lesbian rights?" That is so easily recuperated by the system, by the liberal political and legal system. And the queer agenda is still out there, and I do see some victories. Like, the fact that there's an awful lot of trans students and even some faculty at U of T, which would have been absolutely unheard of 20 years ago. So, trans and queer perspectives have come to the fore in some circles, but they don't have the same legal hooks. It's a lot harder to do anything legal.

Alisha Stranges (00:56:39):

Would you want to leave it there?

Mariana Valverde (00:56:48):

Yeah. Yeah. No. Yeah. It's been really useful to talk to you though because it's made me think back and think, "Well, could things have gone differently?" Because at the time, all I thought about is, "Oh, foiled again."

Alisha Stranges (00:57:05):

Yeah.

Mariana Valverde (00:57:06):

Just as I felt like I was foiled in the same-sex spousal rights campaign when these people started to get married and seek the right to get married, and I was going, "Oh God. Not that."

Alisha Stranges (00:57:20):

Yeah. I know I said we'd finish here, but I remain curious this entire time what it feels like to have to come up against that all the time. "Foiled again." That feeling. It sounds like it's something that happened regularly, and I would love to get a sense of what it's like to endure that over a number of different circumstances.

Mariana Valverde (00:57:47):

Yeah. I guess it's sort of how I was brought up and is how I still am. And currently, my partner is very heavily involved in trying to fight one of Doug Ford's stupid transit projects. And it's hard to keep fighting, but it's either that or we sort of sit around doing our knitting or our gardening or something, which isn't really the kind of people we are. You just sort of keep fighting.

Mariana Valverde (00:58:23):

As I said, one thing that I have been really impressed by is the greater visibility of trans people, which I've seen more at U of T than other places because that's where I work, but also it's probably a bit easier to do it there than it is if you're working for, I don't know, Walmart or something. It's not all just, "Woe is me, and we always lose," but it is certainly true that social movements that start out as more radical... And certainly, being a gay activist in 1977 was radical. There's no two ways about it. You were radical by definition.

Mariana Valverde (00:59:17):

I mean, I wasn't even out in the PhD program in Social and Political Thought at York University, so that tells you something. Even there, I was sort of totally... I mean, I don't think I was hiding exactly, but I certainly wasn't waving any flags, either. And some of that energy can then end up being recuperated by the system, but that's sort of how it is. Right? I mean, just like trade unions might have started out as very radical and "down with capitalism" and all that, and maybe they end up, or at least many of them get recuperated by the system.

Mariana Valverde (01:00:12):

And certainly, a lot of feminist causes started out as more radical, and then the ones that ended up dominating were precisely the ones that could be accommodated within this system. That's just sort of how it is, you know? I mean, we live in a system of racial and gendered capitalism, and the thing about capitalism is that it is very flexible. It can accommodate all kinds of things, so a bunch of people can start a food co-op and get food directly from the farmer because they want to avoid capitalism. But soon enough, capitalism decides to have Whole Foods and people can go and buy healthy food there.

Mariana Valverde (01:01:01):

So, you know, it takes such a huge amount of effort and energy to stay outside of the system, and in some cases, it's impossible. So, it's not surprising that sort of recuperation... But I did feel pretty terrible about same-sex marriage being sort of seen as the great victory because I had been an expert witness in sexual orientation discrimination cases right at the beginning when you could not find a respectable sociologist to be an expert in these cases. They didn't want to be tainted with that. And having done that, I sort of felt more personally, I guess, betrayed, which is the bad way of putting it because it wasn't me. I mean, I felt the movement was being betrayed. But on the other hand, the movement had changed too, and as it gets bigger and all these lawyers with good jobs join the movement, well it becomes something different.

Elio Colavito (01:02:10):

Mm-hmm (affirmative).

Alisha Stranges (01:02:13):

Okay. All right. Well, thank you so, so much for sitting with us for this hour and a bit and reflect on whatever it is you can reflect on, and it was very illuminating. I appreciate it so much.

Elio Colavito (01:02:25):

Mm-hmm (affirmative).

Mariana Valverde (01:02:26):

Okay. Well, it's been a pleasure, and I look forward to seeing what you come up with in the end.

Elio Colavito (01:02:34):

Thank you.

Alisha Stranges (01:02:34):

Us too. I'm going to pause the recording now, but you can hang on the call so we can just finish up.