

**NO TO RACISM!**  
**QUEER BLACK VISIBILITY**  
**NO ONE IS ILLEGAL**  
**CAPITALISM SUCKS**  
**SEX WORK SAVES**  
**WE STILL DEMAND!**

**REDEFINING RESISTANCE IN  
SEX AND GENDER STRUGGLES**

**EDITED BY**  
**PATRIZIA GENTILE**  
**GARY KINSMAN**  
**L. PAULINE RANKIN**

**We Still Demand!**

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# **We Still Demand!**

## ***Redefining Resistance in Sex and Gender Struggles***

Edited by Patrizia Gentile,  
Gary Kinsman, and L. Pauline Rankin



**UBC Press · Vancouver · Toronto**

*For sex/gender activists, past and present, who live and act in  
transformative and transgressive solidarity*

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granted. We strive to live in transformative ways for them and the world-making of which we are a part. For us, working as an editorial team and as activists is part of that world-making.

## Abbreviations

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ADGQ	Association pour les droits de la communauté gai(e)s du Québec
APPLE	Atlantic Provinces Political Lesbians for Equality
ASK	Association for Social Knowledge
BCCEW	British Columbia Coalition of Experiential Women
CCC	Canadian Criminal Code
CHAT	Community Homophile Association of Toronto
CGRO	Coalition for Gay Rights in Ontario
CHUM	Centre homophile urbaine de Montréal
CMA	Canadian Medical Association
CMC	Computer-mediated communication
CSIS	Commercial Sex Information Service
CORP	Canadian Organization for the Rights of Prostitutes
CUPE	Canadian Union of Public Employees
DOMA	Defence of Marriage Act
<i>DSM</i>	<i>Diagnostic and Statistical Manual of Mental Disorders</i>
DTES	Downtown Eastside (Vancouver)
EGALE	Equal Rights for Gays and Lesbians Everywhere
FACT	Foundation for the Advancement of Canadian Transsexuals
FLH	Front de libération homosexuel
FLN	Front Libération National (Algeria)
FLQ	Front de libération du Québec
FREE	Fight Repression of Erotic Expression
FtM	female-to-male
GAATW	Global Alliance Against Traffic in Women
GATE	Gay Alliance Towards Equality

GAU	Gay Academic Union
GCAR	Gay Committee Against Repression
GFE	Gays for Equality
GHAP	Group homosexuel d'action politique
GLARE	Gays and Lesbians Against the Right Everywhere
GO	Gays of Ottawa
IRB	Immigration and Refugee Board
IRPA	Immigration and Refugee Protection Act
IWD	International Women's Day
LAR	Lesbians Against the Right
LSA	League for Socialist Action
LOON	Lesbians of Ottawa Now
LOOT	Lesbian Organization of Toronto
MCC	Metropolitan Community Church
MCLA	Manitoba Civil Liberties Association
MtF	male-to-female
NGOs	non-governmental organizations
NGRC	National Gay Rights Coalition
NFB	National Film Board
PACE	Providing Alternative Counselling and Education (Society)
PEERS	Prostitution Empowerment Education and Resource Society
QuAIA	Queers Against Israeli Apartheid
RTPC	Right to Privacy Committee
SEARCH	Society for Education, Action, Research, and Counseling on Homosexuality
SPOC	Sex Professionals of Canada
SSLR	Subcommittee on Solicitation Laws Review
STAR	Sex Trade Advocacy and Research Group
SWAV	Sex Workers Alliance of Vancouver
SWUAV	Sex Workers United Against Violence (Vancouver's

	Downtown Eastside)
<i>TBP</i>	<i>The Body Politic</i>
TBTD	Take Back the Dyke
TGA	Toronto Gay Action
UUC	Unitarian Universalist Church
WISH	Women's Information Safe House

**We Still Demand!**

# Introduction

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*Patrizia Gentile, Gary Kinsman, And L. Pauline Rankin*

In 1970, feminists organized a cross-Canada caravan to challenge and resist the 1969 Criminal Code reforms (Bill C-150) that continued to deny many women any access to abortion. The campaign called for “Free Abortion on Demand,” and the caravan culminated in a series of direct action protests in Ottawa in May of that year.<sup>1</sup> By the time it travelled from Vancouver to Ottawa, the Abortion Caravan had ballooned to five hundred protesters wielding placards with slogans such as “The State Has No Business in the Womb of the Nation,” playing on then minister of justice Pierre Elliott Trudeau’s famous remark about the state having no place in the bedrooms of the nation.<sup>2</sup> The Abortion Caravan marked a critical moment in the history of sex and gender activism in Canada, building momentum for feminist organizing around reproductive rights from the 1970s and into the present.

The following year, more than one hundred gay men, lesbians, and their supporters gathered in the first major public protest on Parliament Hill on August 28, 1971, to mark the second anniversary of the proclamation of Bill C-150 and to reject the privatization of queer sexualities contained in that legislation. What became known as the We Demand demonstration sought to oppose the Criminal Code reforms by protesting against the higher age of consent for same-gender erotic practices, police repression, the national security campaigns against queers under way in the public service and the military, and calling for the repeal of gross indecency laws. Coordinated by Toronto Gay Action (TGA), an organization influenced by the gay liberation politics radiating from the Stonewall Riots in New York City in 1969 and the formation of gay liberation fronts around the world (which saw themselves as part of a broader revolutionary movement), the demands compiled by TGA members Herb Spiers and David Newcome<sup>3</sup> focused on equal rights and the repeal of discriminatory federal laws.<sup>4</sup> Brian Waite of TGA and the League for Socialist Action (LSA), along with Cheri DiNovo of the TGA Toronto



Women's Caucus and the LSA (two activists willing to be out publicly), signed the cover letter for We Demand, arguing:

In 1969 the Criminal Code was amended so as to make certain sexual acts between two consenting adults, in private, not illegal. This was widely misunderstood as “legalizing” homosexuality and thus putting homosexuals on an equal basis with other Canadians. In fact, this amendment was merely recognition of the non-enforceable nature of the Criminal Code as it existed. Consequently, its effects have done but little to alleviate the oppression of homosexual men and women ... in our daily lives we are still confronted with discrimination, police harassment, exploitation, and pressures to conform which deny our sexuality. That prejudice against homosexual people pervades society is, in no small way, attributable to practices of the Federal government.<sup>5</sup>

We Demand critiqued the limited decriminalization and the public/private strategy of sexual policing followed by the Trudeau government and focused on the actual, daily discrimination that queer people continued to face.<sup>6</sup> We Demand garnered RCMP surveillance because of the challenge it posed to the national security policies of the Canadian state. The RCMP judged this surveillance as necessary because of the involvement of activists from the LSA and the Young Socialists who themselves were already subject to anti-left surveillance.<sup>7</sup> To commemorate the significance of this event, the 2011 conference “We Demand: History/Sex/Activism in Canada” was organized by historians Elise Chenier and Patrizia Gentile to mark the fortieth anniversary of the We Demand protest. Some of the chapters in this book have their origins as papers presented at this conference.

This volume draws its inspiration from the active resistance of feminists and queers to the limitations of the 1969 omnibus bill. As the contributions to *We Still Demand!* confirm, the legacy of this pivotal moment of protest lies not solely in the rights-based claims that successive waves of sex and gender social movements pursued in its aftermath but also, and more importantly, in the struggles of these activists to transform both the material realities and discursive practices that organized/disorganized their communities. The

interlocking themes of activism and resistance highlighted in this volume, therefore, reveal the richness of mobilizations beyond a state-focused, rights-based trajectory and carves out space for emerging research on topics such as the organizing of gays and lesbians in unions; the politics of early same-sex marriage campaigns; trans activism, trans identities, and citizenship claims; struggles against racialization at Toronto Pride; sexuality, immigrants, refugees, migrants, and the problems of citizenship; and the problems with campaigns against sex trafficking.

Certainly, Bill C-150 marked a central shift in sexual regulation within Canadian state formation from a morally conservative, criminalization strategy towards a liberal regulatory strategy based on public/private and adult/youth distinctions. This shift not only significantly affected the policing and regulation of queer people but also had a profound impact on the regulation of birth control and abortion, sex work, and censorship practices with respect to sexually explicit materials.<sup>8</sup> This reorientation of regulatory strategies was propelled both by social transformations and organizing and by the emergence of new ruling strategies of gender and sexual regulation. The distribution of the McGill University students' 1968 *Birth Control Handbook*, a peer education manual, is a case in point.<sup>9</sup> Written and distributed a year before the 1969 reforms, this action initiated by young feminists was, according to the Criminal Code, technically illegal. Thus, given that the decriminalization of distribution of birth control and birth control information had not yet taken place, it stands as a landmark example of successful feminist resistance to the Canadian federal state. Abortions were partially decriminalized in 1969; however, this was limited to "health" grounds and in hospitals that had established therapeutic abortion committees.

Despite claims to the contrary on behalf of the Liberal government and others, the 1969 reforms did not legalize homosexuality or entirely decriminalize homosexual practices; rather, they signalled a shift to the public/private, adult/youth liberal strategy of oppressive sexual regulation, echoing the perspective outlined in the United Kingdom's 1957 Wolfenden Report, which addressed both female street prostitution and male homosexuality as "social problems." In the wake of discussions generated by the Wolfenden Report, the mobilization of public/private distinctions and adult/youth classifications embedded in Canada's 1969 Criminal Code

reforms allowed for a limited realm for “private” adult (defined as twenty-one and over) same-gender erotic practices. Consequently, these dichotomies reconfigured police work, directing it against “public” expressions of sex between men as well as sex work.<sup>10</sup>

The 1969 reform was partly a response to the earlier homophile organizational efforts of the Association for Social Knowledge (ASK) in Vancouver and other groups across Canada. Activists in these organizations sparked reform discussions in professional, church, and legal contexts within the broader social transformations of the postwar years. Such legal reform discussions coincided with an undermining of the perception of heterosexual marriage as central to the defence of capitalist state and patriarchal relations, and an erosion of support for the effectiveness of moral conservative strategies. Such efforts unevenly paved the way for a certain consensus towards a more liberal regulatory and policing strategy.

These changes led to major escalations of sexual policing during the 1970s and early 1980s against men engaging in sex with other men and, to a lesser extent, against women engaging in sex with other women. This regulatory perspective, therefore, links the regulation of queer sexualities with the regulation of sex work as well as with the regulation of women’s reproductive freedom and control of women’s bodies. Moral reform of broader sexual and gender policies lay at the core of this regulatory strategy; ironically, this also led to the emergence of a radical sexual politics.

The chapters in *We Still Demand!* confirm the necessity of writing sex and gender activism so that we *remember* it not just in the context of human rights gains, such as the later inclusion of sex equality and sexual orientation protection in the Canadian Charter of Rights and Freedoms, but also in the context of recording efforts to solidify activist networks between communities and building and sustaining transformative protest movements. As the work of our contributors document, acts of resistance and the changes that flow from them are not limited to Parliament Hill protests and lobbying for legislative reforms. Indeed, one of the central aims of our collection is to demonstrate that the counter-narratives derived from acts of resistance are often rooted in non-conventional and non-conforming moments with a range of material and discursive results.

One of the major ways that institutional regulation controls and coordinates our everyday experiences and becomes entrenched in how we

regard gender and sexuality is through the social organization of a systemic forgetting of experiences of struggle and resistance in favour of focusing on how we “gained” rights. When remembered, however, the struggles and resistance of the historical past can give us insight into, and inspiration for, our struggles in the historical present.<sup>11</sup> For instance, writing about the history of abortion rights in Canada as a legal victory *without* recording and highlighting the many feminist protests, struggles, and public actions mounted to resist oppressive and patriarchal systems that control women’s bodies facilitates a forgetting of these past actions even as historians struggle to keep this history of resistance alive.<sup>12</sup> In his history of human rights laws in British Columbia in the mid-twentieth century, Dominique Clément outlines the various challenges and acts of resistance that human rights claimants, their lawyers, and feminist organizations mounted as they endeavoured to shape parts of the human rights code that pertain to sex discrimination.<sup>13</sup> To spotlight such histories of resistance, therefore, foregrounds an understanding of sex and gender activism and shows that it cannot be separated from other struggles anchored in race, colonialism, disability, poverty, class, sexual violence, health, or age.

Remembering and forgetting, the act of recollecting or memory making, is the subject of a broad scholarship too massive for a thorough mapping here. Encompassing a wide range of methods and methodologies, “collecting” memories about the past as a way of *recording and transforming* them includes looking at ethnographies, oral histories, archiving and archives, life histories (see chapters by Bain, Kinsman, and Noble, this volume), scrapbooking, connecting space/place and memory (cartographies of memory), and auto-ethnographies. Infusing these methods and methodologies about memory making (remembering and forgetting) is affect theory, a relatively new analytical tool that focuses on how experiences, even bodily experiences, are *felt* as social and therefore impart political meaning in our lives. In her work on the archives of feeling, Ann Cvetkovich *documents* trauma as a vehicle through which we can examine how emotion and social processes intersect with memory and history, giving rise to “cultural memory.”<sup>14</sup> Trauma is also invoked in the “testimonies” collected by Mona Oikawa. In her study of Japanese women internment camp survivors in Canada, Oikawa’s objective is to use these testimonies as “a counter-map to a sanitized landscape of national forgetting.”<sup>15</sup> These examples bring a critical

question into relief: Who is doing the forgetting or remembering? *We Still Demand!* attempts to unravel this question not by offering definitive answers but by revisiting sex and gender activism through the “stories” of those often “forgotten.”

This book, therefore, joins a long tradition of remembering and documenting sex and gender activism against collective forgetting. Foundational contributions by scholar-activists play pivotal roles in shaping our understanding of this activism and in framing contemporary scholarship.<sup>16</sup> While this research continues to fill the gaping holes in “Canadian” historiography, missing narratives linger. This volume attempts to move beyond the focus on queer and trans\* struggles (as standing in for critical gender and sexuality politics) to also emphasize the history of resistance of sex workers in national and transnational contexts as well as struggles over which genders and sexualities can legally cross nation-state borders. Some of these missing narratives, specifically those that focus on the histories of queers of colour, two-spirit people, trans\* people,<sup>17</sup> and sex workers, are being written by the current generation of scholar-activists.<sup>18</sup> Viviane Namaste’s work on trans\* sex workers and their communities in Montreal is a prime example of such scholarship, as is Dan Irving’s research on trans\* people, work, and productive bodies.<sup>19</sup> In a different vein, Elise Chenier’s *Strangers in Our Midst* also makes a significant contribution to our historical understanding of sex and gender resistance. She highlights the different ways that imprisoned “sexual deviants” engaged in acts of resistance by continuing to develop intimate and long-term relationships despite the oppressive processes (physical, psychological, emotional, ideological) of the prison system.<sup>20</sup>

*Doing* activist scholarship and using methodologies to unearth hidden research – whether based on archival material, posters, or personal letters stashed away in basements or on oral histories – requires envisioning the collection of such materials as a political act. Activist research – that is, research driven by a commitment to foregrounding and *remembering* grassroots practices grounded in lived experiences and communities – is transgressive.<sup>21</sup> These approaches include, but are not limited to, feminist, anti-racist, and leftist practices that seek to resist any documentation of the past or present that excludes silenced voices, political protest, or critical praxis that aims to transform. One of the main objectives of this book, then, is

to engage in the transgressive act of using activist scholarship as a way of fighting against the collective forgetting of the radical (as in getting to the root of the problem) politics that forged our communities. The risk of forgetting the roots of our radical politics is compounded because our histories are not easily accessible in traditional archives. Feminist, queer, and trans\* archives exist in the margins and survive largely on community donations and volunteer time. Activist researchers must undertake the precarious work associated with sustaining and gaining access to such marginal archives in the context of pervasive discourses that insist “Canada’s record” on gender and sexuality rights is an exemplary history of steadily expanding equality, the story of which has already been written. Such dominant narratives, however, exacerbate a collective forgetting of the sacrifices, protests, and acts of resistance that created the possibilities for the eventual institutionalization of those same rights and that paper over the ongoing forms of oppression that a rights-based politics alone cannot end.

To make the struggles and acts of resistance of the historical past relevant and enduring in the historical present, the research presented here seeks to trace the history of the contours of resistance, activism, and mobilizations around sex and gender, while always being in dialogue with social, political, and institutional forces. *We Still Demand!* remembers and actively resists forgetting the transformative politics born from actions such as, but not limited to, the 1970 Abortion Caravan; the Compton Cafeteria Riot; the Stonewall Riots in Greenwich Village; the August 28, 1971, We Demand protest on Parliament Hill; the 1977 rebellion against the Truax Bar raid in Montreal; and the 1981 Toronto bath raids.<sup>22</sup> Such moments in the gay and lesbian liberation movement and feminist sexual politics did create unprecedented possibilities for sex and gender activism and presented significant gains for gays, lesbians, and women during this period. The gains secured by these particular forms of militancy and resistance, however, often ignore or, worse, erase other forms of sex and gender activism and acts of resistance that are often subsumed by white gay, lesbian, and feminist histories: those acts of resistance undertaken by Indigenous and racialized people, trans\* people, working-class lesbians, people in rural areas, and sex workers, to offer only a few examples.<sup>23</sup>

If we embrace the call to “decolonize our minds and practices,” articulated by Jessica Davenport, executive director of the Native Youth



Sexual Health Centre, and scholar-activists Audra Simpson, Linda Tuhiwai-Smith, and Chela Sandoval, then the writing of sex and gender activism must assume a different form.<sup>24</sup> In recognizing that we live in a white-dominated settler colonial state, and that we write this Introduction on unceded Indigenous land, non-Indigenous people need to take up decolonizing approaches as central to our activism, research, and writing. In his “Unsettling Queer Politics: What Can Non-Natives Learn from Two-Spirit Organizing?,” Scott Lauria Morgensen, in drawing on his own experiences in developing a politics of decolonization through deep self-reflexivity, outlines three “lessons” with which non-Native activists must engage. These “lessons,” or learnings, show that Two-Spirit people are not a Native sexual minority, that non-Native narratives of Two-Spirit people have often been shaped by non-Native desires, and that Two-Spirit organizing challenges power relations in settler societies. This involves a central challenge for non-Natives to critically investigate their own formation – including their gender and sexual formation – through settler colonialism. Mapping Native GLBTQ and Two-Spirit activism and resistance in the “United States” and “Canada,” Morgensen cites the work of San Francisco’s Gay American Indians, the Vancouver Native Cultural Society, a social group in Winnipeg called Nichiwakan, 2 Spirit in Toronto, and the Canadian Aboriginal AIDS Network as early examples of Indigenous organizing.<sup>25</sup>

In an important challenge to white people regarding racialization, Himani Bannerji writes: “Why don’t they move from the experience of sharing our pain, to narrating the experience of afflicting it on us? Why do they not question their own cultures, childhoods, upbringings, and ask how they could live so ‘naturally’ in this ‘white’ environment never noticing that fact until we brought it home to them?”<sup>26</sup> We need more work that focuses on a politics of responsibility, that forces whites and settlers to critically interrogate and challenge racialization and colonization from their social locations. This is one basis for building solidarity between settler populations and Indigenous people and people of colour. We were again powerfully reminded of the need for this approach with the disruption, in 2016, by Black Lives Matter Toronto and its allies of the Toronto Pride Parade for its continuing exclusion of people of colour and for its anti-black racism in particular. This is a call for more anti-racist, anti-colonial work of critical interruption and interrogation of white and settler social privilege and the



generation of anti-racist and anti-colonial practices of critical gender and sexual politics. Aspects of these struggles are addressed in this volume by Cynthia Wright, Bobby Noble, Gary Kinsman, and, from a different vantage point, Beverly Bain. *We Still Demand!* is limited, however, by the absence of contributions on queer Indigenous struggles, and we recognize this as a major failing that we hope will be remedied in future collections on gender and sexual struggles. Research on HIV and AIDS activism is also lacking in this volume.<sup>27</sup> We recognize these omissions and acknowledge the vital contribution these social movements offer on questions of sex and gender activism.

It is in between our known stories that we find the ways in which people struggling against relations of oppression and systems of power used various strategies of resistance to survive and flourish, even when they did not have access to organizations or political institutions (especially when those institutions were motivated to bring about their annihilation). For example, when the gay rights movement sought inclusion of sexual orientation protection in the Canadian Human Rights Code, it did so with some knowledge of the political and legal system that necessarily excluded trans\* activists and experiences. This has had a lasting legacy on the obstacles now facing trans\* activists seeking legislative changes in the wider context of North America. Dean Spade's *Normal Life* and the work of other trans\* scholar-activists raise fundamental questions about whether the human rights legal strategy on offer to the trans movement from the gay/lesbian movements is adequate to address trans oppression, especially given the administrative organization of the two-gender binary "system."<sup>28</sup>

Trish Salah argues that a collective forgetting of trans activism occurs when scholars use "queer" as an umbrella term that functions "precisely to forget the history of transsexual, transgenderist, transvestite, and other gender-diverse subjects' activism."<sup>29</sup> During her time as an activist in the Canadian Union of Public Employees (CUPE), and especially as the trans\* representative of its National Pink Triangle Committee, one of the main obstacles to trans inclusion and solidarity was the union bureaucracy's inability to recognize sex work as a labour issue.<sup>30</sup> Similarly, the development of the mainstream gay movement was coded with the social construction of whiteness and the marginalization of queers of colour. Consequently, human rights gains benefitted white, middle-class, formally

educated queers more than, and at a cost to, less privileged and marginalized subjectivities who experienced daily oppression.

The impact of neoliberalism in the later 1970s and 1980s became fertile ground for “the respectable same-sex couple,” Mariana Valverde’s term for the new configuration at the heart of the same-sex marriage debates in Canada and the United States since the 1990s.<sup>31</sup> Mostly concerned with how this “new entity” has resulted in the vanishing of sex and, in particular, the homosexual, Valverde focuses on consumerism and the class of the respectable same-sex couple, arguing that these social practices have led us away from debating sexuality.

Lisa Duggan and, to a lesser extent, Jasbir Puar deploy the spectre of the respectable same-sex couple when they use terms such as “homonormativity” and “homonationalism” to account for major shifts away from queer organizing based on militant and grassroots activism. Whereas Puar develops her analysis of homonationalism through building on and reworking a critical analysis of homonormativity by using the former to describe the development of queer identifications with the nation-state in the context of the “war on terror,” Duggan popularizes “homonormativity” as a term to describe how some queers have become “normalized” and have accommodated themselves to the relations of neoliberal capitalism.<sup>32</sup> Making visible the class and racialized bases of homonormativity and homonationalism is part of the motivation for *We Still Demand!* In their respective chapters, Elise Chenier, Beverly Bain, Cynthia Wright, and Gary Kinsman expose the historical and political processes that work to entrench heterosexuality and whiteness as hegemonic and central to the “Canadian” state.

In this collection, contributors use homonormativity, transnormativity, and homonationalism as tools to help illustrate the impact of neoliberalism, the hope being that activists will find them useful in their struggles for social transformation. Questions of citizenship (who is included and excluded?) within neoliberal frameworks are at the core of the chapters written by Cynthia Wright and Bobby Noble. Wright’s analysis of anti-immigrant discourses and sexual citizenship exposes the class and racialized contours of homonationalism by focusing on the hegemonic uses of heterosexuality to entrench sexual citizenship. Noble subverts the debates surrounding homonormativity and homonationalism by underlining the biopolitics (how “biology” becomes a resource for power) of citizenship and the trans body.

How do we write critically about sexuality and gender activism and ensure that social identifications always have a social and historical basis?<sup>33</sup> While it is difficult to engage with sex and gender activism beyond the borders of identity categories because much of what has been written is grounded in social movements formulated through essentialist identity categories, there are many Canadian examples of how to critically remember and think about sex and gender activism beyond identity politics. Scholars such as Steven Maynard, Lyle Dick, Elise Chenier, Valerie Korinek, Line Chamberland, and Becki Ross have written extensively about the struggles of marginalized people resisting state, legal, and social regulatory practices in the late nineteenth to the late-twentieth century.<sup>34</sup> The bulk of this research illuminates the existence of same-sex social and cruising networks as instances of sites of resistance and the focus of state regulatory practices prior to the mobilization of the 1970s and 1980s. We also encounter this critical remembering and thinking with Namaste's writing on transsexuals working in 1950s and 1960s Montreal, which is based partially on interviews conducted with cabaret performers before they could speak about a "transsexual identity." Ross's history of burlesque from the 1920s to the 1970s in Vancouver traces the complex interrelationship between sex, industry, and work. Her chapter on "dancers and their gimmicks," for example, is especially useful for understanding sex and gender activism as it reveals how race, ethnicity, sexuality, gender, and class shaped the acts of "stripteasers" in the world of burlesque and the men who paid for their services.<sup>35</sup>

A new volume on sex worker activism, *Selling Sex: Experience, Advocacy, and Research on Sex Work in Canada*, is yet another example of a pathway into critically remembering and thinking sex and gender activism that is often forgotten or erased from the historical record. Building on the scholarship of Andrée Levesque, Patrick Dunae, and Deborah Brock, *Selling Sex* draws on community-based and academic knowledge to shed much-needed light on the social movement organizing mounted by sex workers in Canada.<sup>36</sup> Organizations such as the Alliance for the Safety of Prostitutes (ASP) in Vancouver (active in the 1980s); Montreal's first sex workers' organization, Stella, formed in 1995 (a drop-in space in the red-light district); and Action Santé Travesti(e)s/Transsexuel(le)s du Québec (established in 1998) are only a few examples that stand as testament to the long-standing mobilization of sex workers' communities. The chapters in this volume by

Andrea Zanin, Shawna Ferris, and Annalee Lepp on pornography, sex worker activism and virtual space, and the mobilization of sex worker rights against the sex trafficking discourse, respectively, demonstrate the enduring and central role of sex worker mobilization, past and present, in sex and gender activism.<sup>37</sup>

*We Still Demand!* follows on the heels of three other recently published edited collections that anchor the study of sexuality in Canada: Maureen FitzGerald and Scott Rayter's *Queerly Canadian: An Introductory Reader in Sexuality Studies*; a special issue of the *Journal of Canadian Studies (JCS)* on sex and gender activism, edited by David Churchill; and the ground-breaking volume, *Trans Activism in Canada: A Reader*, edited by Dan Irving and Rupert Raj.<sup>38</sup> *Queerly Canadian* is a remarkable collection covering an impressive array of topics, including film, marriage, sport, health, sex work, education, and religion, relating sexuality to the formation of national narratives. This voluminous reader boasts an extensive collection of pivotal research in the field of Canadian sexuality studies and features contributors at the forefront of scholar-activism. This is also the case with the *JCS* winter 2014 special issue on sex and gender activism. In this issue, Churchill foregrounds chapters written by leading scholars such as David Rayside, Miriam Smith, and Catherine Nash with some contributions from the August 2011 "We Demand" conference. *Trans Activism in Canada* bridges the gap between knowledge produced in the academy and the lived experiences and activism born in the crucible of community. Using a social justice framework, this volume seeks to "acknowledge" trans\* activists' endeavours dating back to the 1970s, provide space for the examination of this important work, and offer "practical advice" on how to continue its legacy. The contributors trace the struggles and transformative politics of trans activism in chapters dedicated to revealing trans\* activist histories, narratives that speak to resistance to bureaucratic logic, and chapters that highlight community organizations and strategies. We feel fortunate and humbled to add to this rich scholarship.

Like these recent publications, *We Still Demand!* seeks to destabilize, engage, activate, revitalize, and rewrite past and present narratives of "Canadian" history on sex and gender activism. We deploy the word "activate" to underscore the engagement at the heart of scholar-activists' research efforts in both continuing the project of excavating this past and in

encouraging reflection on how its ongoing retrieval can be used to ignite resistance in the present. This collection critically and centrally engages sexuality and gender with other social relations and moves beyond conceiving this engagement as simply part of the past.

The chapters in *We Still Demand!* defy any attempt to impose a coherent linear history on sex and gender activism; instead, they point out that a singular narrative is problematic since activism and acts of resistance, and the links between them, are often fuzzy and even contradictory. In the chapters that follow, sites of resistance are messy and do not fit neatly into a chronological march towards organizational development or community formation. We hope the range of topics and strategic practices of resistance represented opens up possibilities for readers to make connections between the different chapters and the dialogue between them. Ultimately, these chapters demonstrate the possibility of creative strategies of resistance, whether they take the form of a massive demonstration against police repression, printing a magazine, building a website, or an individual intervention to transform the bureaucracy of border security.

The chapters in Part 1 are concerned with fighting against collective forgetting and with actively remembering the past as an act of resistance. Part 1 begins with Elise Chenier's chapter, "Liberating Marriage," which fills a significant gap in Canadian sexuality historiography by excavating those "early trailblazers" who used same-sex marriage as a radical tactic against heterosexual marriage, long considered the linchpin of women's and homosexual oppression, in a deliberate act to subvert the hegemony and oppression heterosexist institutions created in the lives of gays and lesbians in the 1970s. Chenier is interested in demonstrating how early sex and gender activists did not rally behind the middle-class, white respectability that today is often associated with same-sex marriage campaigns but, instead, endeavoured to "throw a monkey wrench in the works," using the struggle for marriage as an act of disruption and resistance. A far cry from Valverde's respectable same-sex couple or Duggan's warning against homonormativity, the subjects of Chenier's research used marriage as a trope and vehicle for radicalism.

The alliance between labour and the gay liberation movement in the 1970s and 1980s was often taken as "natural"; that is, there was an assumption that the problems plaguing the labour movement coincided, at least in principle, with those plaguing the gay liberation movement, leading

to an inevitable partnership. This is not the case in neoliberal times, when earlier queer connections with the labour movement are often forgotten. Mathieu Brûlé's chapter plays an important part in recovering this history as it questions this perception of a "natural" connection by examining how the relationship between the fight for human rights in the gay liberation and labour movements developed. Brûlé argues that, although the alliance between these movements was marked by internal tensions and discriminatory attitudes towards "queers" on the part of some union activists, a solid relationship was forged based on various elements, including a mutual interest in social unionism, strong bonds with female rank-and-file members, and the labour activism of workers in sectors with high numbers of queer members. "Seducing the Unions" demonstrates the extent to which sex and gender activism depended upon critical partnerships with other movements that were also fighting against oppression and marginalization.

Scholarship on state and police repression against the gay and lesbian liberation movement abounds in the history of gay and lesbian activism of the 1970s and 1980s. Much of this history focuses on how movement activists and organizations resisted attacks on clubs, bars, bathhouses, parks, and the places where people organized. Patrizia Gentile's chapter, "À bas la repression contre les homosexuels!" concentrates on illuminating the character and internal practices of coordinated police and legal regulatory tactics against the gay and lesbian communities. She draws on documents declassified through the Access to Information Act to analyze the coordinated police repression tactics used against Montreal's gay and lesbian community and highlights the resistance strategies mounted to fight back.

The politics of Pride celebrations are frequently incorporated into histories that explore sex and gender activism. Recent events surrounding the attempts to censor and even bar Queers Against Israeli Apartheid (QuAIA) and the 2016 Black Lives Matter Pride disruption in Toronto have exposed a myriad of tensions that run through Pride politics, especially in major urban centres.<sup>39</sup> The chapters by Beverly Bain and Allison Burgess refocus our attention on these politics by examining the politics of race and gender at the centre of Toronto's Pride festivities. In "Fire, Passion, and Politics," Bain draws on her own experiences as a black lesbian activist to explain the complex racial politics that black drag queens and queer and trans\* activists negotiated as they organized Blockorama, an event established to sustain a black queer diasporic presence at Toronto Pride in the late 1990s. Bain uses

life-writing techniques to help the reader “live through” the experience of memory making and resistance that shape her recollections of Blockorama. She draws on her memories as well as on the memories of other black activists to recount a history of Toronto Pride festivities, punctuating her narrative with examples of how black queers and trans\* people resisted efforts to marginalize Blockorama. The continuing relevance of this struggle was shown when the Black Lives Matter protest at Toronto Pride 2016 demanded to “double funding for Blockorama and ASL interpretation and headliner funding.” Burgess’s chapter reminds us that the Dyke March, which has become a key Pride event, was the result of hard-won struggles by lesbian activists. Burgess is one of the first scholars to write an extensive history of the Dyke March in Toronto, a fact that further demonstrates how certain examples of sex and gender activism are ignored or even erased by historical trends in the writing of sex and gender activism, a dilemma revisited by Fabien Rose in Part 2.

Exposing erasure reveals the many injustices incurred by movements as they sought (and continue to seek) to eradicate social, political, and historical oppression. Actively remembering sex and gender activism also necessitates a reflexivity that moves beyond a need to “get the story right” (as though this were ever fully possible) towards excavating events, actions, and even individuals hidden from view. Nicholas Matte’s “Rupert Raj, Transmen, and Sexuality” is a prime example of such excavation and places trans\* people at the forefront of sex and gender activism. Matte explores the work of Rupert Raj, a transman activist who, among other initiatives, established *Metamorphosis Magazine*, which is geared to transmen’s experiences. While Matte argues that Raj’s acts of resistance played a major role in the lives of transmen, he also provides an analysis of the transnormative discourses that underscored Raj’s view of trans\* people as he and other trans\* activists attempted to influence medical and state policies.

Gary Kinsman’s chapter, “Queer Resistance and Regulation in the 1970s,” examines the disjuncture between the gay and lesbian liberation movement Kinsman joined in 1972 and the “mainstream queer organizing and community formation” of today. The author is interested in examining “the making of the neoliberal queer.” Infusing his analysis with life-writing techniques, Kinsman shares recollections of how the movement organized against the initial emergence of currents trending towards neoliberalism by resisting state and police repression, anti-queer national security policies, and



the hegemony of the heterosexual family through alignment with other oppressed and marginalized people. Kinsman's analysis reinforces a key theme of Part 1 – namely, the need to investigate the social and historical relations that create erasures while, at the same time, actively exploring acts of sex and gender resistance.

Challenging borders and the boundaries for activism and research are the main themes elaborated in Part 2. Designed to redouble efforts to rethink the major fault lines in sex and gender debates, these chapters introduce the reader to interdisciplinary approaches that ask readers to engage with a critical understanding of the politics of power and resistance. The chapters in Part 2 deal with the uses of “gender passing” in the writing of the history of gender and sexuality, questions of citizenship, problems within sex trafficking campaigns, sex worker rights and activism, and lesbian porn activism. Our contributors pose two challenges. First, their work disrupts widely held ideas about what constitutes sex and gender activism and calls for a recalibration of sex and gender debates. Second, the analyses offered in Part 2 function as signposts for emerging areas of research and possible interventions. Although they in no way propose an exhaustive list, these chapters point to sites that require our attention in this historical moment.

Part 2 begins with Fabien Rose's chapter on the “epistemological fault lines” created by historians of sexuality and gender when they formulate analysis about gender passing. “A History of That Which Was Never Supposed to Be Possible” ponders the political and epistemological consequences produced by discourses about “those who passed,” arguing that the common understanding of gender passing (which implies a “truth” about gender) has obscured and erased certain people from the historical record. Rose invites his readers to reject the idea of passing as an apolitical act and instead to embrace a tenet of critical trans theory, approaching the history of “people who passed” and its methodological challenge as pointing to lived gendered possibilities that complicate the way we understand gender.

In “Your Country Needs You,” Andrea Zanin explores Canadian dykes' sexual self-representation through sex zines focused on pornography. She looks at three magazines published in the 1990s that she considers represent the desire to fight against the censorship of marginalized sexualities. As a perennial target for Canada Customs censorship, those publications producing dyke S/M representations became a site of resistance for activists intent on establishing a flourishing S/M-positive dyke sexual culture.

Although queer theory includes discussions of S/M sexualities, the history of sex and gender activism in Canada has been largely silent on this topic.<sup>40</sup> Zanin's chapter invites us to examine how queer publishing and anti-censorship struggles became a lightning rod for shaping activism in certain dyke communities.

Both Shawna Ferris and Annalee Lepp consider sex worker rights, another terrain of struggle now attracting significant attention. Ferris and Lepp each offer a historical analysis to contextualize this critical issue and the impact it has on sex and gender activism in the contemporary period. The stigmatizing practices directed at sex work means that discussions related to pivotal debates in this area are often considered taboo, even in the writing of sex and gender activism. Ferris analyzes how sex worker organizations such as the Sex Workers Alliance of Vancouver (SWAV) and the Sex Professionals of Canada (SPOC) used on- and offline activism to resist a "whore stigma," reclaim space, and compile a history of such efforts in two urban centres. In "Safe Sex Work and the City," the web functions as a site of resistance used imaginatively by sex workers to share information about legal advice, Bad Client Lists, and drop-in centres as well as to forge a community with group members who too often function with little support.

Lepp draws us into transnational and local debates about "sex trafficking" and the ways in which sex and migrant worker rights activists continue to resist an anti-trafficking framework. Viewed as a disciplinary tool reinforced by the state as well as some feminists, anti-trafficking measures have a long history. In "'Collateral Damage': Anti-Trafficking Campaigns, Border Security, and Sex Workers' Rights Struggles in Canada," Lepp examines anti-trafficking legislation and campaigns and how they influenced sex worker activists' agendas as they often translated into debates over who belongs in national discourses about human rights and citizenship. Sex worker activists and their allies hailed as a significant legal milestone the 2014 Supreme Court decision that struck down the criminalization of sex work. The decriminalization of prostitution-related activities would have been welcomed as a victory against oppressive regulation and sexual policing not only by sex workers but also by the trans\*, queer, and much of the feminist movement. Unfortunately, the controversial legislation adopted under Bill C-36, The Protection of Communities and Exploited Persons Act, reinforced the Harper Conservatives' moral agenda and succeeded in raising new concerns over the safety and rights of sex workers as the struggle for the

decriminalization of sex work continues. The new Liberal government has not moved to repeal this legislation.

Sexual citizenship, human rights, and anti-immigration discourses are the main themes explored by Cynthia Wright in “Nationalism, Sexuality, and the Politics of Anti-Citizenship.” Although Lepp is concerned mainly with how sex worker activists often used a rights-based discourse that engaged them in national and transnational debates on human trafficking, Wright argues that the framing of the Canadian nation’s sexual citizenship as “heterosexual” has been used as a “cutting out” tool for queer refugees and immigrants seeking asylum in this country. Wright describes various “sophisticated forms of differential inclusion” invoked by the federal government, especially through the auspices of Citizenship and Immigration Canada, and how they constitute a systemic attempt to include only certain LGBT refugees and immigrants and reinforce homonationalist discourses that ultimately uphold nationalist agendas of racialized (read “white”) sexual citizenship. Wright examines the discourses behind these state policies and projects and offers possible sites of resistance to them.

Through a fascinating discussion of human rights, trans citizenship, and gender activism, Bobby Noble’s “Trans-ing the Canadian Passport” creatively explores the idea of challenging borders. In another example of life writing, Noble recounts as an example of resistance his 2012 human rights complaint against the federal government for its use of binary gender categories on the Canadian passport. This act of resistance sits at the core of Noble’s chapter, which seeks to “out the failures of sex categories at the national level” in order to expose how border anxieties and the security state collide over identification, gender, sex, passports, and race. Modern taxonomy based on sex-gender coherence and certain racialized subjectivities have given rise to the biopolitical technologies at the heart of citizenship discourses and passports. Noble examines these questions through a novel theoretical and literary analysis.

In their introduction to “What’s Queer about Queer Studies Now?,” David Eng with Judith Halberstam and Esteban Muñoz challenge us to engage with a myriad of analytical filters such as empire, geography, epistemology, neoliberalism, and diasporas, to list a few, as we continue to grapple with how we mount our struggles and undertake research. They insist that the articles in their special issue of *Social Text* involve “some of the most innovative and risky work on globalization, neo-liberalism, cultural politics,

subjectivity, identity, family, and kinship that is happening in the realm of queer studies.”<sup>41</sup> The chapters in *We Still Demand!* are part of a similar effort since they also throw “natural boundaries and borders” into question, asking us to think “beyond queer” when we consider sexuality and gender activism. That “thinking” includes anchoring sex and gender activism within the context of Indigenous, anti-colonial, trans\*, immigrant, and sex worker struggles. *We Still Demand!* is part of this larger project, notwithstanding its shortcomings with respect to Indigenous, anti-colonial, and anti-racist struggles. Situating sex and gender activism within the broader politics of struggles moves us into “innovative and risky” territory.

The narratives of resistance presented in this collection are meant to spark new contributions to activist history and research and to incite, agitate, and provoke renewed resistance. *We Still Demand!* reminds us that writing, researching, and thinking about resistance is, in itself, a transgressive act. We are inspired by the Zapatista saying: “Walking we ask questions.” And we hope that this volume prompts activists and scholars to continue recording and sharing the countless still unknown acts of sex and gender activism and to rethink how such collective and individual histories may activate new forms of sex and gender resistance.

## Notes

- 1 See Christabelle Sethna and Steve Hewitt, “Clandestine Operations: The Vancouver Women’s Caucus, the Abortion Caravan, and RCMP,” *Canadian Historical Review* 90, 3 (2009): 463–95; and Judy Rebick, *Ten Thousand Roses: The Making of a Feminist Revolution* (Toronto: Penguin, 2005), 35–46. [Return to text.](#)
- 2 See Sacha’s Blog, <http://blog.sacha.ca/2013/08/14/historical-feminist-organizing-part-2-the-abortion-caravan/>. [Return to text.](#)
- 3 Herb Spiers died of AIDS-related disorders and cancer on March 2, 2011, and David Newcome died of AIDS-related disorders on February 4, 1994. [Return to text.](#)
- 4 See “We Demand,” *The Body Politic* 1 (November/December 1971): 4–7; Brian Waite compiled and published *Remembrance and Reflection on We Demand and Strategy for Gay Liberation*, August 28, 2011. [Return to text.](#)
- 5 See “We Demand,” *The Body Politic*, 4. [Return to text.](#)
- 6 The socially constructed divide between “public” spaces (parks, public washrooms, etc.) and “private” spaces (behind closed doors) played a central role in sexual policing in this period. These regulatory strategies were fuelled by the debates born out of the Wolfenden Report regarding queer men and public spaces. This divide was further complicated by adult/youth distinctions with the age of consent set at twenty-one. See Gary Kinsman, “Wolfenden in Canada: Within and beyond Official Discourse in Law Reform Struggles,” in *Human Rights: Sexual Orientation and Gender Identity in the Commonwealth*, ed. Corrine Lennox and Matthew Waites, 183–205 (London: Institute of Commonwealth Studies/School of Advanced Studies, University of London, 2013). [Return to text.](#)
- 7 For more on the surveillance of the We Demand protest, see Gary Kinsman and Patrizia Gentile, *The Canadian War on Queers: National Security as Sexual Regulation* (Vancouver: UBC Press, 2010), 255–69. [Return to text.](#)
- 8 See Brenda Cossman, “Censor, Resist, Repeat: A History of Censorship of Gay and Lesbian Sexual Representation in Canada,” *Journal of Gender, Law, and Policy* 21, 1 (2014): 45–66. [Return to text.](#)
- 9 See Christabelle Sethna, “The Evolution of the *Birth Control Handbook*: From Student Peer Education Manual to Feminist Self-improvement Text, 1968–1975,” *Canadian Bulletin of Medical History* 23, 1 (2006): 89–118. [Return to text.](#)
- 10 For more on Wolfenden, and the 1969 reform, see Gary Kinsman, *The Regulation of Desire: Hom[o]/Hetero Sexualities in Canada* (Montreal: Black Rose Books, 1996), 213–87. The information that follows is drawn from this research. [Return to text.](#)
- 11 See Kinsman and Gentile, *Canadian War on Queers*, 21–22, 37. [Return to text.](#)
- 12 Several scholars deal with the history of abortion as resistance. See works by, among others, Christabelle Sethna, Beth Palmer, Nancy Janovicek, and Shannon Stettner. [Return to text.](#)
- 13 Chapter 4 of Clément’s book on women and anti-discrimination law in British

Columbia is an especially strong example of this approach to writing about the making of the human rights codes in Canada. See Dominique Clément, *Equality Deferred: Sex Discrimination and British Columbia's Human Rights State, 1953–84* (Vancouver: UBC Press, 2014), and his award-winning *Canada's Rights Revolution: Social Movements and Social Change, 1937–82* (Vancouver: UBC Press, 2008). [Return to text.](#)

- 14 Ann Cvetkovich, *An Archive of Feeling: Trauma, Sexuality, and Lesbian Public Cultures* (Durham, NC: Duke University Press, 2003), 18. The author attributes the term “cultural memory” to Marita Sturken, among others. On the emotional politics of AIDS activism, see Deborah Gould, *Moving Politics: Emotion and ACT UP's Fight against AIDS* (Chicago: University of Chicago Press, 2009). [Return to text.](#)
- 15 Mona Oikawa, “Cartographies of Violence: Women, Memory, and the Subject(s) of the ‘Internment,’” in *Race, Space, and the Law: Unmapping a White Settler Society*, ed. Sherene Razack (Toronto: Between the Lines, 2002), 75. [Return to text.](#)
- 16 See, for example, Barry Adam, *The Rise of the Gay and Lesbian Movement* (Boston: G.K. Hall and Co., 1987); Becki Ross, *The House That Jill Built: A Lesbian Nation in Formation* (Toronto: University of Toronto Press, 1995); David Rayside, *On the Fringe: Gays and Lesbians in Politics* (Ithaca, NY: Cornell University Press, 1998); Linda Briskin, Nancy Adamson, and Margaret McPhail, eds., *Feminist Organizing for Change: The Contemporary Women's Movement in Canada* (Toronto: Oxford University Press, 1988); Ross Higgins, *De la clandestinité à l'affirmation: Pour une histoire de la communauté gaie montréalais* (Montréal: Comeau et Nadeau, 1999); Kinsman, *Regulation of Desire*; Steven Maynard, “In Search of ‘Sodom North’: The Writing of Lesbian and Gay History in English Canada, 1970–1990,” *Canadian Review of Comparative Literature* 21 (Spring 1994): 117–32; Makeda Silvera, ed., *Piece of My Heart: A Lesbian of Colour Anthology* and her “Man Royals and Sodomites,” in *Lesbian Subjects: A Feminist Studies Reader*, ed. Martha Vicinus, 167–77 (Bloomington: Indiana University Press, 1996); Enakshi Dua and Angela Robertson, eds., *Scratching the Surface: Canadian Anti-Racist Feminist Thought* (Toronto: Women's Press, 1999); Miriam Smith, *Lesbian and Gay Rights in Canada: Social Movements and Equality-Seeking, 1971–1995* (Toronto: University of Toronto Press, 1999); Tom Warner, *Never Going Back: A History of Queer Activism in Canada* (Toronto: University of Toronto Press, 2002); and Kinsman and Gentile, *Canadian War on Queers*. Other significant work by activist-scholars includes research by Line Chamberland, Sharon Dale Stone, and Tom Waugh. Documentaries by John Greyson, Lynne Fernie, Richard Fung, Aerlyn Weismann, and Nancy Nicol also play a critical part in remembering sex and gender activism. [Return to text.](#)
- 17 “Trans\*” is used by activists and theorists to describe a broader range of gender variation and to challenge the two-gender system to which “trans” has often come to refer. While the asterisk is not used consistently throughout the chapters in this volume, we invoke it in the introduction in recognition of the current scholarly and activist discussion on its usage. See, for example, Avery Tompkins, “Asterisk,” in *TSQ: Transgender Studies Quarterly* 1, 1–2 (2014): 26–27. [Return to text.](#)

- 18 For more on queers of colour, see Wesley Crichlow, *Buller Men and Batty Bwoys: Hidden Men in Toronto and Halifax's Black Communities* (Toronto: University of Toronto Press, 2004), which examines the lives of black men in Toronto and Halifax who have sex with other men. [Return to text.](#)
- 19 See Viviane Namaste, *C'est le spectacle! L'histoire des artistes transsexuelles à Montréal* (Montreal and Kingston: McGill-Queen's University Press, 2005); Dan Irving, "Normalizing Transgressions: Legitimizing the Transsexual Body as Productive," *Radical History Review* 100 (Winter 2008): 38–59. [Return to text.](#)
- 20 Elise Chenier, *Strangers in Our Midst: Sexual Deviance in Cold War Canada* (Toronto: University of Toronto Press, 2008). [Return to text.](#)
- 21 Excellent examples of activist historical research are Scott Neigh's books *Gender and Sexuality: Canadian History through the Stories of Activists* (Halifax: Fernwood, 2012) and *Resisting the State: Canadian History through the Stories of Activists* (Halifax: Fernwood, 2012). These monographs use the stories of seventeen activists as the engine of the argument. In other words, the voices, thoughts, and stories of activists drive the aim of each chapter while the author's interpretations and analyses are used in a dialogical fashion. Neigh is literally "in conversation" with the activists he interviews. [Return to text.](#)
- 22 For more on the Abortion Caravan, see Sethna and Hewitt, "Clandestine Operations" and Ruth Roach Pierson, Marjorie Griffin Cohen, Paula Bourne, and Philinda Masters, eds., *Canadian Women's Issues*, vol. 1, *Strong Voices* (Toronto: James Lorimer, 1993). On the Compton Cafeteria Riot of 1966 in San Francisco, see Elizabeth A. Armstrong, "Movements and Memory: The Making of the Stonewall Myth," *American Sociological Review* 71, 5 (2006): 724–51; Susan Stryker, *Transgender History* (Berkeley: Seal Press, 2008); and Victor Silverman and Susan Stryker, *Screaming Queens: The Riot at Compton Cafeteria*, documentary (DVD) (San Francisco, CA: Frameline Distribution, 2005). The silences and erasures continue to punctuate our communities. In a recent symposium at the University of Toronto ("Paper Trail: The Legacies of *The Body Politic*," May 28, 2016) held to commemorate the 45th anniversary of *The Body Politic*, scholars and activists such as Rinaldo Walcott, Lali Mohamed, and Syrus Marcus Ware, informed in part by the emergence of Black Lives Matter, offered commentary emphasizing the white- and gay male- centric character of the so-called "gay community" in Toronto and queer and trans\* archives more generally. Their analysis not only opened an explosive discussion pointing to the racial and gendered (especially on trans\* issues) silences at the heart of *The Body Politic* as one of Canada's "leading" gay and lesbian newspapers but also demonstrated the historical problems of erasure in the Toronto queer and trans\* communities related to race, gender, and trans\* people. [Return to text.](#)
- 23 Examples of scholarship on racialized queers include Shana Calixte, "Things Which Aren't to Be Given Names: Afro-Caribbean and Diasporic Negotiations of Same-Gender Desire and Sexual Relations," *Canadian Woman Studies* 24, 2/3 (2005): 128–37; Rinaldo Walcott, "Black Men in Frocks: Sexing Race in the Gay Ghetto (Toronto)," in *Claiming Space: Racialization in Canadian Cities*, ed. Cheryl Teelucksingh, 121–33



(Waterloo: Wilfrid Laurier University Press, 2006); Rinaldo Walcott, "Queer Returns: Human Rights, the Anglo-Caribbean and Diaspora Politics," *Caribbean Review of Gender Studies* 3 (2009): 1–19. Research on sex and gender activism in rural areas is scarce, but see Rachael E. Sullivan, "The (Mis)translation of Masculine Femininity in Rural Space: (Re)reading 'Queer' Women in Northern Ontario, Canada," *thirdspace* 8, 2 (2009),

<http://journals.sfu.ca/thirdspace/index.php/journal/article/viewArticle/sullivan/247> ; and Michael Riordan, *Out Our Way: Gay and Lesbian Life in the Country* (Toronto: Between the Lines, 1996). [Return to text.](#)

24 See Chela Sandoval for an extensive critique and rewriting of feminist history in her *Methodologies of the Oppressed* (Minneapolis: University of Minnesota Press, 2000). Sandoval's conceptualization of differential consciousness is used to explain the participation and contributions of what she calls US Third World feminists in the white women's movement during its heyday. This differential consciousness was used strategically, allowing women who experienced multiple oppressions to choose which "identities" to privilege, even if temporarily, to make gains as women living on the margins. [Return to text.](#)

25 Scott Lauria Morgensen, "Unsettling Queer Politics: What Can Non-Natives Learn from Two-Spirit Organizing?" in *Queer Indigenous Studies: Critical Interventions in Theory, Politics, and Literature*, ed. Qwo-Li Driskill, Chris Finley, Brian Joseph Gilley, and Scott Lauria Morgensen, 132–52 (Tucson: University of Arizona Press, 2011). See also Qwo-Li Driskill, "D4Y DBC (Asegi Ayetl): Cherokee Two-Spirit People Reimagining Nation," in the same volume. [Return to text.](#)

26 See Himani Bannerji, *Thinking Through: Essays on Feminism, Marxism, and Anti-Racism* (Toronto: Women's Press, 1995), 117. [Return to text.](#)

27 Gary Kinsman and Alexis Shotwell's funded research offers an archive of HIV/AIDS activism in Canada. See the AIDS Activist History Project at: <http://www.aidsactivisthistory.ca/>. [Return to text.](#)

28 See Dean Spade, *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law* (New York: South End Press, 2011). See also Trish Salah, "Gender Struggles: Reflections on Trans Liberation, Trade Unionism, and the Limits of Solidarity," in *Trans Activism in Canada: A Reader*, ed. Dan Irving and Rupert Raj, 149–68 (Toronto: Canadian Scholars' Press, 2014). [Return to text.](#)

29 Salah, "Gender Struggles," 155. [Return to text.](#)

30 *Ibid.*, 161. [Return to text.](#)

31 Valverde refers to this new entity as the respectable same-sex couple (RSSC). Valverde's article questions the vanishing "homosexual" at the centre of same-sex marriage politics, remarking that this turn towards the RSSC most certainly meant that, "like other proper homosexuals, Foucault [was] no doubt turning over in his grave." See Mariana Valverde, "A New Entity in the History of Sexuality: The Respectable Same-Sex Couple," *Feminist Studies* 32, 1 (2016): 155–62. For more on same-sex marriage, see Barry D. Adams, "The Defence of Marriage Act and American Exceptionalism: The 'Gay Marriage' Panic in the United States," *Journal of the History*



- of *Sexuality* 12, 2 (2003): 259–76; and Wendy Pearson, “Interrogating the Epistemology of the Bedroom: Same-Sex Marriage and Sexual Citizenship in Canada,” *Discourse* 26, 3 (2004): 136–65. [Return to text.](#)
- 32 See Jasbir K. Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham, NC: Duke University Press, 2007); and Lisa Duggan, “The New Homonormativity: The Sexual Politics of Neoliberalism,” in *Materializing Democracy: Toward a Revitalized Cultural Politics*, ed. Russ Castronovo and Dan. D. Nelson, 175–94 (Durham, NC: Duke University Press, 2002). [Return to text.](#)
- 33 On social identification, see Himani Bannerji’s chapter, “The Passion for Naming,” in Bannerji, *Thinking Through*, 17–40. [Return to text.](#)
- 34 Line Chamberland, *Mémoires lesbiennes: Le lesbianisme à Montréal entre 1950 et 1972* (Montréal: Éditions du remue-ménage, 1996); Lyle Dick, “The 1942 Same-Sex Trials in Edmonton: On the State’s Repression of Sexual Minorities, Archives, and Human Rights in Canada,” *Archivaria* 68 (2009): 15–52; Elise Chenier, “Rethinking Class in Lesbian Bar Culture: Living ‘The Gay Life’ in Toronto, 1955–1965,” *Left History* 9, 2 (2004): 85–118; Lyle Dick, “Same-Sex Intersections of the Prairie Settlement Era: The 1895 Case of Regina’s Oscar Wilde,” *Histoire social/Social History* 42, 83 (2009): 107–45; Valerie Korinek, “‘The Most Openly Gay Person for at Least a Thousand Miles’: Doug Wilson and the Politicization of a Province, 1975–83,” *Canadian Historical Review* 84, 4 (2003): 517–50; Steven Maynard, “Through a Hole in the Lavatory Wall: Homosexual Subcultures, Police Surveillance, and the Dialectics of Discovery, Toronto, 1890–1930,” *Journal of the History of Sexuality* 5 (1994): 207–42; and Steven Maynard, “The Burning, Wilful Evidence: Lesbian/Gay History and Archival Research,” *Archivaria* 1, 33 (1991): 195–301; Becki Ross, “Destaining the (Tattooed) Delinquent Body: The Practices of Moral Regulation at Toronto’s Street Haven, 1965–1969,” *Journal of the History of Sexuality* 7, 4 (1997): 561–95. [Return to text.](#)
- 35 See Chapter 3, “‘We Were Like Snowflakes – No Two Were Alike:’ Dancers and Their Gimmicks,” in Becki Ross’s *Burlesque West: Showgirls, Sex, and Sin in Postwar Vancouver* (Toronto: University of Toronto Press, 2009). [Return to text.](#)
- 36 See Emily van der Meulen, Elya M. Durisin, and Victoria Love, eds., *Selling Sex: Experience, Advocacy, and Research on Sex Work in Canada* (Vancouver: UBC Press, 2013), 2–13. For a historical treatment of prostitution in Montreal, see Andrée Levesque’s, *La norme et les déviantes: Des femmes au Québec pendant l’entre-deux-guerres* (Montréal: Éditions du remue-ménage, 1995). Patrick Dunae’s work on prostitution and space has also created inroads. See “Geographies of Sexual Commerce and the Production of Prostitutional Space: Victoria, British Columbia, 1860–1914,” *Journal of the Canadian Historical Association* 19, 1 (2008): 115–42. Deborah Brock’s work is one of the first sociological studies of prostitution in Canada. See Deborah Brock, *Making Work, Making Trouble: The Social Regulation of Sexual Labour*, 2nd ed. (Toronto: University of Toronto, 2009). [Return to text.](#)
- 37 Readers interested in pornography as archives in Canada should consult Marcel Barriault, “Hard to Dismiss: The Archival Value of Gay Male Erotica and

Pornography,” *Archivaria* 68 (2010): 219–46. [Return to text.](#)

- 38 See Maureen FitzGerald and Scott Rayter, eds., *Queerly Canadian: An Introductory Reader in Sexuality Studies* (Toronto: Canadian Scholars’ Press, 2012); and David Churchill’s introduction for the *Journal of Canadian Studies*, “Demanding Possibilities: The Legacies and Potentials of Sex and Gender Activism,” *Journal of Canadian Studies* 48, 1 (2014): 5–14; and Dan Irving and Rupert Raj, eds., *Trans Activism in Canada: A Reader* (Toronto: Canadian Scholars’ Press, 2014). Since writing this Introduction, two new collections have been produced in queer and trans\* studies in Canada that we would like to note: see OmiSoore H. Dryden and Suzanne Lenon, eds. *Disrupting Queer Inclusion: Canadian Homonationalisms and the Politics of Belonging* (Vancouver: UBC Press, 2016), and Manon Tremblay, ed. *Queer Mobilizations: Social Movement Activism and Canadian Public Policy* (Vancouver: UBC Press, 2015). [Return to text.](#)
- 39 For more on QuAIA, homonationalism and Toronto Pride, see Patrizia Gentile and Gary Kinsman, “National Security and Homonationalism: The QuAIA Wars and the Making of the Neo-Liberal Queer,” in *Disrupting Queer Inclusion: Canadian Homonationalisms and the Politics of Belonging*, ed. OmiSoore H. Dryden and Suzanne Lenon, 133–49 (Vancouver: UBC Press, 2015). [Return to text.](#)
- 40 For a classic treatise on S/M and queer theory, see Gayle Rubin, “Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality,” in *Pleasure and Danger: Exploring Female Sexuality*, ed. Carole S. Vance, 267–93 (London: Pandora Press, 1992). See also Brenda Cossman, Shannon Bell, Lise Gotell, and Becki Ross, *Bad Attitude/s on Trial: Pornography, Feminism, and the Butler Decision* (Toronto: University of Toronto Press, 1997). [Return to text.](#)
- 41 David Eng with Judith Halberstam and Esteban Muñoz, “What’s Queer about Queer Studies Now?” *Social Text* 84–85 (Fall/Winter 2005): 2. [Return to text.](#)

# Part 1

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# **Histories of Resistance and Activism**

# 1

## Liberating Marriage

### Gay Liberation and Same-Sex Marriage in Early 1970s Canada

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*Elise Chenier*

In 1974, Chris Vogel and Richard North went to their local Winnipeg Vital Statistics Office to apply for a marriage licence. They were inspired by Jack Baker and Michael McConnell who, in 1971, initiated a high-profile battle against the State of Minnesota for refusing to grant them a marriage licence. Both couples' campaigns received significant media attention, but by the end of the decade their stories were largely forgotten. When the marriage equality movement took off in the 1990s, Baker and McConnell/Vogel and North were rediscovered and their battles taken up as examples of early trailblazing in the struggle for same-sex marriage rights. That both couples remain together to the present day gives powerful empirical and moral weight as well as a romantic glow to the marriage equality movement.<sup>1</sup>

A close examination of their political positioning of marriage, however, shows that Baker and McConnell's and Vogel and North's demands for state recognition of same-sex marriage were based on fundamentally different principles than were those of the marriage equality movement. Whereas today activists argue that lesbians and gays are just like everyone else, by which they mean they are no different from the typical white, middle-class, monogamous, respectable family, early advocates for same-sex marriage used the demand for marriage recognition as a springboard to challenge the sexist, heterosexist, and sexually restrictive moorings of society. In the words of Jack Baker, gay marriage was a way to "throw a monkey wrench in the works." Baker and McConnell, Vogel and North, and others like them were early trailblazers, but not for the homonormative politics of the late twentieth

and early twenty-first century marriage equality movement.

This chapter examines the early 1970s same-sex marriage campaigns launched by two Canadian couples, Régeant Tremblay and Michel Girouard of Montreal, and Chris Vogel and Richard North of Winnipeg. In the 1950s, 1960s, and 1970s many same-sex couples married each other in private ceremonies, but the marriages of the aforementioned couples were public, not private, affairs.<sup>2</sup> Their battles were fought during the height of the gay and women's liberation movements in Canada, yet most liberationists had no interest in same-sex marriage rights. They regarded marriage and the nuclear family as the linchpin of women's and homosexual oppression, and, while they advocated for equality in every other sphere of civic life, they eschewed marriage and paid little or no attention to Tremblay and Girouard or Vogel and North. Some even opposed them, though not publicly. Nevertheless, same-sex marriage advocacy in the 1970s shared much in common with the political strategies and structural critiques advanced by the women's and gay liberation movements.

The marriages examined in this chapter were staged to generate a public conversation about homosexual oppression and to provide positive representations of a same-sex couple to counter entrenched myths about lesbians and gays as deviant, psychologically damaged, threatening, and dangerous human beings incapable of forming meaningful, loving relationships. Both couples organized the event as a "zap." Leaders of New York's Gay Activists Alliance described a zap as "a cathartic process to purge feelings of guilt and unleashed rage" that "served to unify and motivate gay liberationists." A successful zap spread the movement's message by attracting "sensational publicity." They were intended to serve larger movement goals – in the case of the gay liberation movement, to contest heterosexist oppression, break the isolation that kept oppressed peoples from forming a community, and to provide positive or at least alternative representations of homosexuality – and they depended heavily on media coverage for their success.<sup>3</sup> Marrying each other in a public ceremony and demanding that the state recognize their marriage was a way for Tremblay and Girouard/Vogel and North to fight the repression of sexual minorities, contest the inequalities perpetuated by the exclusion of same-sex couples from legal marriage, and destigmatize non-normative sexual practices. These marriages made the personal political.

There are three additional ways 1970s marriage activism aligned with gay liberationist goals. Coming out was regarded as instrumental in building a gay liberation movement, but in the early 1970s it was still profoundly difficult for many to do so. By coming out in such a way as to draw national media attention, these couples fulfilled the liberationist call in the most fulsome way.<sup>4</sup> The second way marriage activism aligned with gay liberationist strategies was in its use of a deceptively simple rights issue to draw attention to the complex and myriad ways in which social structures produce multiple oppressions and inequalities. Historian Tom Warner and Canadian political scientist Miriam Smith point out that early rights struggles were a key strategy of the gay and lesbian liberation movement in Canada.<sup>5</sup> They were

aimed primarily at challenging the cultural codes of society and the creation of political community and organization. While the achievement of rights was significant in itself, it was also a strategy for building a social movement, for creating gay community, for raising gay consciousness, and for bringing gays out of the closet, in short, for the creation of gay identity.<sup>6</sup>

As gay liberationist Ken Popert explains, “by a campaign for civil rights, we can penetrate the media and advance the reeducation of the public on the subject of homosexuality... It cannot be emphasized too strongly that the campaign for civil rights is a means and not an end.”<sup>7</sup> By joining the fight for basic rights, political consciousness would be raised and newcomers to the struggle would see that rights alone were insufficient. Vogel and North shared these beliefs. The only thing that set them apart from other liberationists was their feeling that changing the meaning of marriage would move us closer to “the full liberation of the human personality, straight and gay alike.”<sup>8</sup>

Gay and women’s liberationists shared a critique of the family as an oppressive institution based on the ownership of women. Carl Wittman’s popular 1968 *A Gay Manifesto* describes “traditional marriage” as “a rotten, oppressive institution ... Marriage is a contract which smothers both people, denies needs, and places impossible demands on both people ... To accept that happiness comes through finding a groovy spouse and settling down,

showing the world that ‘we’re just the same as you’ is avoiding the real issues, and is an expression of self-hatred.” Wittman acknowledges the desire for “security, a flow of love, and a feeling of belonging and being needed” but argues that:

We want to get away from ... 1) exclusiveness, propertied attitudes toward each other, a mutual pact against the rest of the world 2) promise about our future, which we have no right to make and which prevent us from, or make us feel guilty about growing, 3) inflexible roles, roles which do not reflect us at the moment but are inherited through mimicry and inability to define egalitarian relationships.<sup>9</sup>

Authors of the “Gay Revolution Party Manifesto” concur: “Gay revolution ... will mean that there will be no families.” The revolution will not,

lead to freedom of association for gay people in a predominantly straight world, nor will it lead to straight-defined homosexuality with marriages and exclusive monogamy. Gay revolution will produce a world in which all social and sensual relationships will be gay and in which homo- and heterosexuality will be incomprehensible terms.<sup>10</sup>

The members of *The Body Politic (TBP)* collective made the exploration of alternatives to the nuclear family a centrepiece of their journalistic mission. “As gay liberationists,” they explained in a 1972 editorial,

we challenge the dominance of the nuclear family as the basic political unit of institutionalized sexism ... As gays, our very existence challenges the major behavioural manifestations of the status quo. In order to create a world where human relationships can transcend the politics of power, in which alienation and persecution cease to be the basic aspects of human communications, we must all work to break down the historical myths and institutions responsible for the inhumanity of society. As liberated gays we seek to ensure the primacy of love in a world consumed by its own destructive aggression and



dehumanizing progress.<sup>11</sup>

In the July/August 1972 article “Oppression Begins at Home,” founding collective member Brian Waite draws from Engels to argue that the nuclear family is not a natural institution but, rather, the result of the emergence of private property in Greece and Rome.<sup>12</sup> These ancient developments led to institutionalized monogamous marriages, which “enabled the individual father to hand down property through the family line to the son.” The very term “family,” he argues, “originally signified the domestic slavery of women.” Since the nuclear family is the institution within which children are socialized into appropriate sex and gender roles, the family is self-perpetuating. And because they are forced into relationships of dependency, women and children are most victimized by that institution. As a political movement, gay liberation sought to create alternatives to marriage, not to gain access to it.

*TBP* was founded following the first public demonstration for gay rights in Canada.<sup>13</sup> The August 28, 1971, demonstration marked the second anniversary of the passage of the federal government’s 1969 omnibus bill that removed from the Criminal Code of Canada certain laws targeting same-sex acts but that left many laws (as well as government policies) that subjected lesbians and gays, suspected or “confirmed,” to criminal, legal, and social sanction. In the summer of 1971 members of Toronto Gay Action wrote a brief calling on Ottawa to end all forms of discrimination in federal laws and policies. Simply entitled “We Demand,” it called for the elimination of laws against gross indecency and indecent acts from the Canadian Criminal Code, a uniform age of consent law, and the elimination of homosexuality as a cause for barring immigration to Canada. It demanded that legal rights enjoyed by heterosexuals, such as economic benefits gained through marriage and adoption rights, be extended to homosexuals. It stopped short, however, of calling for the right to marry.<sup>14</sup>

The first Canadian couple to launch a public campaign for same-sex marriage rights was Michel Girouard and Régeant Tremblay.<sup>15</sup> Girouard was a journalist for *Tele-Radio Monde* and the tabloid newspaper *Le Grand Journal Illustré*. He was also a singer and comedian who made occasional television appearances and had a hot-line talk show on radio station CKLM.<sup>16</sup> When he publicly came out as a homosexual in 1972 at the age of

twenty-eight, he was already a well-known entertainer. Régeant Tremblay, an unknown pianist born in Chicoutimi in 1947, met Girouard in a Montreal bar. Ten months later, they decided to get married. It was a marriage with a clear political agenda: to advance the rights of homosexuals everywhere.

When, in 1977, the Parti Québécois inserted protections for lesbians and gays into its Human Rights Code, the province appeared to be far ahead of the social progressive curve; however, in 1972, no one could have guessed this was coming. Like other major cities, Montreal had a well-developed (and well-policed) gay male cruising and bar scene, but the gay liberation movements that swept English-speaking Canada and the United States, and that linked the liberation of lesbians and gays to other anti-oppression movements, were met with derision by Quebec nationalists who dominated the left-progressive political scene. In Quebec, a major part of the struggle was to be liberated from the domination of Roman Catholicism. In the 1960s and early 1970s, homosexuality was conflated with premodern sexuality in general, and with Roman Catholic clerics in particular. In time, denigrating one's political opponents by calling them "queer" spread from criticisms of the church to critiques of the state. In its 1964 summer issue, for example, the nationalist journal *Parti pris* conflated Canadian federalists and pederasty by making reference to "fédérastes" and "Confédérastie."<sup>17</sup> The radical Marxist organization Front de libération du Québec, which enjoyed the sympathy if not the outright support of some nationalists, infamously referred to Prime Minister Pierre Elliott Trudeau as a "tapette" in its 1970 manifesto.<sup>18</sup>

Just like English-speaking lesbians and gays in English Canada and the United States, francophone lesbians and gays in Quebec made efforts to build support and political advocacy groups beyond the bars. In August 1967, a homophile group was founded and, in keeping with the revolutionary currents of the time, in March 1971 the Front de libération homosexuel (FLH) came on to the political scene. The FLH was short-lived, in part because it was made a pariah among nationalists. At the July 1, 1971, anti-Confederation demonstration at Parc Lafontaine, FLH leader Dennis Côté gave an unexpected speech (the FLH had not been invited to participate) in which he pledged FLH's support to the nationalist cause. Riffing off De Gaulle's explosive 1967 "Vive le Québec libéré!," Côté concluded his speech with: "Vive le cul libre!" According to press reports the following day, members of the FLH were harassed during and after the speech, and nationalist leader

René Lévesque condemned the organization.<sup>19</sup> Girouard and Tremblay came out and got married at a time when, and in a place where, most members of the far left were openly hostile to lesbian and gays, viewing them as enemies rather than as allies of the nationalist cause. When Tremblay and Girouard actively constructed their marriage as a political act to challenge homosexual oppression, they did so in the context of hostility on the right *and* the left, and without the benefit of the public profile mass demonstrations gave to lesbians and gays elsewhere (e.g., the Christopher Street Liberation Day and Gay Pride marches, and the 1971 We Demand demonstrations in Ottawa and Vancouver).

Girouard's theatrical training and his popularity as an entertainer were considerable assets in attracting attention to the couple's action. Half of the guests at the ceremony were members of the media. They branded Girouard and Tremblay's marriage as a symbolic act that would end the enslavement of homosexuals to oppressive forces that kept them closeted, isolated, and repressed. During the ceremony Girouard dramatically held in front of him a large, metal chain and declared: "I break the chain that has become the symbol of homosexuality across the world." He then pulled it apart, as though breaking it in two.<sup>20</sup> Instead of an exchange of rings or vows, they created a new symbol that reflected a very different meaning for marriage, one that clearly expressed the political intent behind their action.

The entertainment world was more amenable to gays and lesbians than were other employment sectors, but coming out so publicly would have had negative effects on both Tremblay and Girouard. Many Montreal tabloids covered the event, but the one Girouard wrote for simply ignored it, perhaps sparing him the embarrassment of the homophobic commentary in which other tabloids indulged. Inviting the media had other costs. Friends and family likely stayed away for fear of unkind publicity. Girouard and Tremblay may have received some sort of threat as a result of their announced plans. *Flash* noted that a police car escorted their limousine from their apartment to the site of the ceremony to "insure the protection of the passengers."<sup>21</sup>

*Flash* published an exhaustive thirty-two-page photo spread of the couple, from the beginning of the day to its conclusion, under the headline: "The End of the Oppression of Homosexuals."<sup>22</sup> The reporter championed them as leaders in the struggle for gay freedom: "[Michel Girouard] wants

man to be free to act as he pleases and to love who he wants.” Another photo caption reads: “Michel reflects on his undertaking. It is the homosexual’s mission to open the eyes of the world.” Régeant Tremblay is described simply as “a militant pioneer for Canadian homosexuals.”<sup>23</sup> Other media were predictably less kind. *Journal de Montréal* and *Nouvelles Illustrées* treated the couple with derision, described the event in circus-like terms, mocked their political stand, and systematically feminized Michel Tremblay.<sup>24</sup> The story was syndicated in the English-Canadian media in *The Weekend*.<sup>25</sup> The coverage was uneven and not always positive; however, unlike the We Demand demonstration, it was covered, and in this respect Tremblay and Girouard achieved one of their main goals: to challenge homosexual oppression by coming out and declaring that their love and their sexual practices were as valid as anyone else’s. In the early 1970s, these were radical claims.

Quebec’s Civil Code gave Tremblay and Girouard a unique inroad to forming a legal union. It allowed for the creation of a legal partnership, very much like marriage, between two people regardless of sex. Entertainment lawyer Claude F. Archambault drew up a contract that: “provides for the merger of their business careers, pooling of their earnings, and division of property if they separate. It pledges them to give ‘mutual support’ to one another.”<sup>26</sup> Archambault read the contract before the assembled guests and media, Girouard and Tremblay signed it, and Girouard triumphantly announced: “Our union will make society aware of the problems of the homosexual.”<sup>27</sup>

Organizing the marriage ceremony highlighted the everyday ways that lesbians and gays were excluded from mainstream life. They could not find a priest or minister willing to officiate, and their request to hold the ceremony at the well-heeled Ritz-Carlton hotel was denied, forcing them to hold it in the popular gay club Chez ZouZou. Although surrounded by the usual trappings – flowers, cake, and champagne – the reading and signing of the partnership contract was the essence of the ceremony. The ceremony achieved many of their goals, and they continued to use marriage as a symbol of queer love against oppression. For example, when they later had their union blessed by the founder of the Los Angeles-based Metropolitan Community Church (MCC), Reverend Troy Perry, they used the additional media attention to press their demand for the right to love a person of one’s

choosing.<sup>28</sup> That same year they capitalized on Girouard's talent and fame as a musician and performer and produced a record album entitled *Le Couple*. On the cover is a photo of the two men with their arms around each other's waists, each holding one end of a chain representing homosexual oppression while gazing directly into the camera's lens, defiant in their insistence on the right to love queerly. Songs on the album include Oscar Hammerstein's "You'll Never Walk Alone" and Edith Piaf's "L'Hymne à l'amour."

The *Flash* journalist who covered Tremblay and Girouard's wedding linked their action to a broader critique of sexual oppression. After imploring readers to live without fear, he writes:

Many things are not tolerated and yet were they, they would not only improve our society, they would protect citizens. An example is prostitution; once legalized, it would prevent the financial enrichment of the underworld and reduce the number of sexual crimes. Whatever you think, the axiom "live and let live" is still the best way to enjoy the benefits of society.<sup>29</sup>

In the late 1960s and early 1970s, both homosexuals and sex workers were perceived to be immoral and a social menace – people who wilfully chose to engage in activities that were a danger to themselves and others. Rather than distance homosexuals from prostitutes, the journalist argues that sex workers were equally oppressed by restrictive moral values. "Live and let live" fell short of the gay liberationist call for "the full liberation of the human personality, straight and gay alike," but by linking the oppression of homosexuals with the oppression of sex workers, the article offered a perspective in keeping with a liberationist politics.<sup>30</sup>

Chris Vogel and Richard North were the second couple to challenge discrimination in marriage law in Canada. Their inspiration came not from Tremblay and Girouard but, rather, from south of the border. In April 1970, Minneapolitans Jack Baker and Michael McConnell applied for a marriage licence. At the time, Baker was a law student at the University of Minnesota and leader of the gay student organization Fight Repression of Erotic Expression (FREE), a group founded one month before the 1969 Stonewall Riots in New York City and dedicated to fighting for "pink power."<sup>31</sup> FREE sent out a press release announcing Baker and McConnell's plans to seek a

marriage licence. A handful of reporters and at least one photographer watched them fill out their form and applauded when they handed it over to the clerk. The event was reported in *Time*, the *New Republic*, the *Minnesota Daily*, the *Minneapolis Star*, the *Minneapolis Tribune*, the *San Francisco Chronicle*, the *Advocate*, and the *New York Mattachine Times*. Despite the favourable media coverage, the next month they were informed that the clerk of district court had denied their application. For the next two years, Baker and McConnell contested the state's right to refuse them a marriage licence all the way up to the United States Supreme Court, and, while they ultimately lost the legal battle, they engendered a national debate about discrimination and prejudice towards homosexuals in general and challenged the way people thought about gay men, homosexuality, and the capacity to have loving intimacy with a person of the same sex.



**FIGURE 1.1** *Le Couple*, Michel Girouard and Régeant Tremblay, 1972. Author's personal collection

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Much like Rosa Parks's famous bus ride in Montgomery, Alabama, McConnell and Baker's trip to the district clerks' office was just one stop on a long road towards social change. Marriage was not the only institution they lobbied to change, just the one that got the most attention. Unlike Parks,



however, they did not enjoy the political support of a broad-based organization. Though some may have quietly cheered them on, few feminists or gay liberationists publicly rallied behind the men and women who fought for legal recognition of same-sex marriage in this period. For most liberationists, equality within a system of structured inequality was a pointless endeavour. Marriage was not the only issue on which activists disagreed, of course, just the one that appears to have drawn the sharpest line.

As we have seen, most liberationists rejected marriage completely, but another important factor may have been the way that marriage activism violated the principles of democratic leadership in liberationist circles. New Left activists preferred to operate collectively, with no one person or persons becoming leaders or speaking on the group's behalf; instead, statements were either worked out collaboratively or were left unsigned. (The "We Demand" statement was signed by Cheri DiNovo and Brian Waite to give the statement weight, but it is believed to have been penned by Herbert Spiers and David Newcome.<sup>32</sup> DiNovo and Waite were the only two whose employment would not have been jeopardized by coming out.) By challenging marriage laws as an identifiable single couple, couples like Tremblay/Girouard and Baker/McConnell were putting themselves forward as spokespeople for the movement, whether they meant to or not. As a style of politics what they were doing was at odds with accepted practices.

Jack Baker was used to assuming public leadership roles. At the time he and McConnell applied for a marriage licence, he was a law student with ambitions to run a large corporation. As a member and president of FREE, and as president of the Minnesota Students Association at the University of Minnesota's Twin Cities campus, Baker developed an impressive track record of taking on private and public institutions that discriminated against lesbians and gays. His partner was fighting his own public battles. Immediately after media reports of their bid for a marriage licence appeared, the University of Minnesota's regents revoked McConnell's job offer for a position in the university library. Only after a long struggle was the offer reinstated, but the whole incident had the beneficial effect of bringing more media attention to the marriage battle. By mid-decade, Baker and McConnell had appeared on a number of popular television programs, including the nationally syndicated "Phil Donohue Show." Much of the attention was positive. Indeed, the print media turned Baker and McConnell into poster boys for gay rights.



With support from the Minnesota Civil Liberties Union, Baker and McConnell fought their case for the right to legal recognition of same-sex marriage from the Minneapolis clerk's office all the way to the United States Supreme Court. In the meantime, McConnell adopted Baker, who then changed his name to Pat Lyn McConnell. As legal relatives one could assume the care of, and could inherit the property of, the other without interference from biologically related relatives.<sup>33</sup> After the adoption and the legal name change were processed, they applied once again for a marriage licence, though this time in another country and without a retinue of journalists. They put Jack's new legal (and gender-neutral) name on the application and the certificate was issued without incident. On 3 September 1971, the United Methodist Church reverend Roger Lynn solemnized their marriage in a quiet ceremony held at the apartment of one of the couple's friends.<sup>34</sup> They successfully circumvented the state's heterosexist legal system and got a state marriage certificate.

The success of these manoeuvres did not mean an end to their original battle. Baker and McConnell pressed on with their lawsuit against the State of Minnesota. Eventually, the American Civil Liberties Union agreed to help take their case to the US Supreme Court. In October 1972, the Court declined to review the Minnesota court's refusal to approve Baker and McConnell's marriage licence on the grounds that the issue was not "substantial."<sup>35</sup>

Despite this disappointing outcome, Baker continued to promote student power, gay rights, and same-sex marriage. In 1973, the University of Manitoba's campus group Gays for Equality (GFE) invited him to give a talk. According to the student newspaper, two thousand people turned out to hear him speak. In his speech, which focused principally on the issue of marriage, he argued: "We have to change ... the institution of marriage as we know it today. In the United States we are at a crisis. We must ... de-emphasize the nuclear family. And so we must create alternatives to marriage." He hoped that the legalization of gay marriage "would have such a devastating shock on [Canada] and the United States that people [would] begin to think rationally about alternatives to the nuclear family and [would] begin to think of new ways to enhance the reproductive process of society." The point of gay marriage, he argued, was "to throw a monkey wrench in the works."<sup>36</sup>

Baker's talk inspired Richard North, a student at the University of Manitoba, and his partner Chris Vogel, who, at the time of the talk, was

finishing up his studies at the University of Saskatchewan. Not long after Vogel moved to Winnipeg he met North and they became lovers. They also became very active members of GFE. Founded in 1972 by Philip Graham, a student from Minneapolis, Minnesota, who had been involved in FREE while Baker was president, GFE emerged as the radical alternative to the down-low approach taken by the Happenings Social Club, the only other local gay organization. Vogel and North threw themselves into GFE activities. Together they made a silk-screened poster depicting a phoenix rising, accompanied by text about the liberation of gays, which they posted all over downtown Winnipeg. In 1973, GFE pressured provincial election candidates to declare their position on the matter of gay equality, and in 1974 they used an Opportunities for Youth grant to compile various articles that presented a spectrum of views about homosexuality, which they published under the title *Understanding Homosexuality*. The Winnipeg printer to whom it was sent farmed the job out to a plant in nearby Steinbach. That printer refused to print it, prompting GFE members to organize their first public demonstration. GFE members, along with a number of both lesbian and straight feminists from A Woman's Place (a centre in Winnipeg dedicated to women's liberationist activities) who were invited to join them, drove out to Steinbach to picket the printer.<sup>37</sup> They were not especially welcome. As North recalls, "the RCMP detachment stood between [us] and some young men with two-by-fours."<sup>38</sup>

During these early years, the GFE looked south to Minneapolis's FREE for inspiration rather than east to Toronto or west to Vancouver. Minneapolis was the closest large urban centre, and young Winnipeggers frequently undertook the eight-hour drive for a weekend of fun. This was perhaps especially true for men looking for a more diverse and developed gay scene. But perhaps the single most important reason was that the GFE founder was himself from Minneapolis. The first time North heard of Jack Baker, however, was in 1973 on the CBC radio program *Cross Country Checkup*.

Not long into their relationship Vogel and North decided that following in Baker and McConnell's footsteps made liberationist sense. Not everyone in the GFE agreed, but they were convinced that challenging the institution of marriage was an effective strategy. First, it was sure to attract a great deal of media attention. Second, marriage was more likely to win over the public than were the other issues they had been fighting. While protesting a printers' refusal to publish gay liberationist literature and pasting gay liberation

posters all across downtown Winnipeg might have won the support of civil libertarians, it was not likely to win over most heterosexuals, who probably would have sided with the printer. Third, it presented a clear case of discrimination in terms the public could easily grasp. According to Vogel and North, the notion of human rights, which in Canada was only just beginning to emerge, was not well understood by the public. Marriage, on the other hand, “everybody got right away. And it was just absolutely central ... You really could hardly get to the bottom of it more quickly than [by raising the issue of] marriage.”

*Richard:* And there’s actually another dimension to it ... Getting married makes a statement that, “We’re just as good as you are.” There’s nothing shameful about this, there’s nothing to hide. We’re proud of our relationship and we’re going to be completely open and celebrate our relationship in exactly the same way that heterosexual people do.

*Chris:* Which is why it’s so heatedly opposed ... Even in ... the liberated early seventies, most people still thought [homosexuality] was kind of icky and shameful and really not something that you wanted to celebrate.

*Richard:* Or commit to.<sup>39</sup>

As two young people with no money and no social or political connections, contesting the Marriage Act required only that they try to get married. The media would do the rest. In short, it was an action that took little effort and required almost no resources; it was sure to grab headlines; the public could easily grasp the issues; and it had the potential to bring about a significant shift in social attitudes towards homosexuality and, by extension, heterosexuality.

Guided perhaps by Baker and McConnell’s experience, North and Vogel sought the assistance of the Manitoba Civil Liberties Association (MCLA) and were invited to attend a meeting at the home of Mira Spivak, the wife of then leader of the provincial Conservative Party Sydney Spivak. Both Mira and her husband were Red Tories, meaning they were fiscal, not social conservatives. Other MCLA members included Charles Huband, a judge and soon-to-be leader of the provincial Liberal Party; and Arthur Schafer, a

professor of moral, social, and political philosophy at the University of Manitoba. Norman Naylor, pastor of Winnipeg's First Unitarian Universalist Church (UUC), was the leader.

Naylor responded to the challenge with optimism. The UUC's general assembly had just passed a resolution condemning discrimination against homosexuals and bisexuals.<sup>40</sup> Naylor had also recently been involved in revising Manitoba's Marriage Act, in which all references to gender were removed. The MCLA advised North and Vogel to go to the Department of Vital Statistics and to apply for a marriage licence as well as to apply for legal aid, which they did. They were denied legal aid but hired legal aid lawyer April Katz to assist them.

At first the clerk at Vital Statistics treated their request as a practical joke, but when he realized they were quite serious, he accepted and submitted their application.<sup>41</sup> Just as had happened in Minneapolis, their application was declined. Rather than pursue a costly legal strategy, Naylor proposed that he use his legal authority as a minister to marry them by proclaiming the banns. In this Christian tradition, couples wishing to marry must have their intention to do so declared three times to the community by their minister, pastor, or priest. Both the Ontario and Manitoba governments accept the proclamation of the banns as legal proof of marriage and will issue the couple a marriage certificate. This made acquiring a marriage licence from Vital Statistics unnecessary.

Once the UUC's Board of Trustees agreed to Naylor's plan, the only obstacle Naylor anticipated was that the province might revoke his authority as a minister before the third proclamation could be made.<sup>42</sup> To avoid the government finding out about the marriage in time to prevent it, Naylor travelled to the United States and mailed the necessary paperwork from there. The February 11 ceremony proceeded as planned. Guests included a few members of the congregation, some of Vogel's co-workers from the Department of Mines, Vogel's parents, and a few of the couple's friends.



**FIGURE 1.2** Chris Vogel, left, and Richard North with certificate. Photographed by Jeff De Booy, *Winnipeg Tribune*/University of Manitoba Archives

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Same-sex marriage ceremonies, sometimes called blessings of the union

or covenant ceremonies, have been going on in Canada and the United States since at least the 1950s and likely even earlier.<sup>43</sup> What made the ceremonies of the two couples discussed in this chapter different from these is that they were political actions. Furthermore, they pushed for much more than simple equality. The model of marriage Vogel and North put forward blended feminist principles of equality and gay liberationist ideas about sexual autonomy. Following from Baker and McConnell, they argued that the legal recognition of same-sex marriage provided an opportunity to transform the institution of marriage into something more flexible and sexually liberating than what it was in its current form. They rejected the idea of life-long monogamy and advocated marriage as a relationship of equals. Vogel and North promoted marriage as a long-term, not lifetime, commitment. They also rejected wedding rings since they regarded them as symbols of ownership.<sup>44</sup> Both couples argued that the nuclear family should not be the primary social unit, that society needed to create meaningful alternatives to marriage, and that the family unit should be reorganized so that child-rearing responsibilities were distributed more equitably among members of a community.<sup>45</sup>

Vogel and North also wanted their marriage bid to disrupt and challenge the way people thought about homosexuality and heterosexuality. On the one hand, because homosexuals were defined by their sexual practices, they believed that pressing for marriage would encourage non-homosexuals to see gay people as loving human beings who had meaningful, intimate relationships. On the other hand, they felt that the emerging human rights discourse constructed homosexuals as a minority defined by their sexual orientation, which had the effect of *desexualizing* homosexuals. In contrast to marriage equality activism, they advanced a sexually liberated, not homonormative, idea of marriage. For example, rather than disavow sexual experimentation and non-monogamy, they argued that gay sexual cultural practices would benefit heterosexuals.

*Richard:* We are trying to suggest to homosexuals that it is possible for them to have a publicly recognized relationship. This wasn't possible in the past and ... I think it's had a very serious effect on morale and the psyche of gay people as has every other form of prejudice against them.



*Barbara Frum:* Some of the rambling around that homosexuals do from one person to another, do you think that will be eliminated with marriage?

*Chris:* No, I think it's important to realize that the monogamous ideas we have about marriage are probably not realistic.

Talking about marriage invited people to see lesbians and gays as sexual *and* emotional beings, and the model of marriage they advanced encouraged heterosexuals to think differently about what marriage could be, and who they could be within it.<sup>46</sup>

In a 1974 interview with *The Body Politic*, Vogel admitted that the GFE membership was divided on the question of marriage rights for gays and lesbians, but he made it clear that neither he nor North supported the institution of marriage. "The reason we have married is ... not because we believe in the institution of marriage," he said, "but because homosexuals should be allowed to do the same sorts of things as everyone else does."<sup>47</sup> Forty years later, North explained:

Marriage is about relationships, and, in those days, people tended to think of homosexuality as being about sex ... The idea that homosexuals could fall in love and establish long-term stable relationships was something that was ... foreign to the person in the street ... [I]t was a very good issue because it focused specifically on same-sex relationships. Human rights were, of course, the other big issue in those days. But that didn't focus on the core of homosexuality. Human rights were about a minority that just happened to be identified by sexual orientation, whereas with marriage obviously homosexuality was central ... So that was a great issue for public education. And that was our principal concern in those days – trying to change public attitudes about homosexuality.<sup>48</sup>

It is perhaps more accurate to say that, rather than seeking the right to marry, Vogel and North sought to use marriage – a powerful symbol of social, affective, and sexual life – as a way to challenge the widely held perception that homosexuals were deviant and monstrous; to grapple with evidence that

gay people had deeply loving and sexually fulfilling meaningful relationships; and accept that these relationships might be monogamous or non-monogamous, short- or long-term, but that none of these things defined their quality or value, nor should they for heterosexuals.

Some lesbians and gays accused Vogel and North and the other couples discussed in this chapter of pulling a publicity stunt. As far as Vogel and North were concerned, this was not an accusation: it was an accurate description.

If we didn't think it would generate any positive publicity, we wouldn't have done it. Changing attitudes is about getting positive stuff in the media so that was consideration number one. And a wedding is kind of positive compared to a serial killer murdering, having sex with young men and killing them ... it was ... something that would generate positive publicity.<sup>49</sup>

Whether or not one agreed that challenging marriage laws was a useful way to bring about social transformation, it is certainly the case that media representations of homosexuality were at best unkind and at worst vilifying. The suggestion that such actions were self-serving stunts, however, is perhaps a further clue as to why gay liberationists were critical of these marriage actions: it made media stars out of the individuals who undertook them. New Left activists eschewed individual leaders, spokespeople, and movement figureheads, preferring a more democratic style of political organizing and action. By turning the spotlight on themselves, Tremblay and Girouard, Baker and McConnell, and Vogel and North violated one of the key tenets of New Left democratic action.

On December 17, 1974, Chief County Court judge Alan R. Philp ruled that, because they were of the same sex, a homosexual couple could not be considered married.<sup>50</sup> Because the law did not stipulate that only opposite sex couples could marry, he relied on *Webster's Third International Dictionary* and the *Encyclopedia Americana* to support his finding that Vogel and North's marriage was self-evidently not a ceremony of marriage and was, therefore, "a nullity."<sup>51</sup> However, for Vogel and North this was an absolute victory. They received a significant amount of media coverage, much of it positive or neutral, and they also generated new expressions of support for



gay rights. When asked for his reaction to their marriage, for example, the moderator of the United Church of Canada went on record as favouring same-sex marriage. Even though the *Globe and Mail* only covered the judgment against registration of their marriage, this was considered a success: it showed that the issue of gay oppression mattered.

Ironically, that Vogel and North received any media coverage at all was pure luck. Perhaps the MCLA believed that, given the recent changes to the Marriage Act, it was better to push their case through the system rather than to fight it in the media and to force a public debate. Certainly no one on the MCLA organized a press release, as had FREE for Baker and McConnell, and neither Vogel nor North thought to arrange media coverage of their visit to the Department of Vital Statistics when they applied for a licence or had their ceremony. Their UUC marriage made the news by chance. A CBC reporter was taking the marriage preparation course Naylor required of all couples wanting to marry and learned of Vogel and North's plans. She asked permission to record and to broadcast parts of their ceremony.<sup>52</sup> After it was reported on Manitoba morning radio, journalist Barbara Frum interviewed Vogel and North for the popular national current affairs program, *As It Happens*. Other media outlets picked up the story as well. According to North, their marriage was the first positive news item about a homosexual to ever appear on the front page of the *Winnipeg Free Press*.

In 2001, Reverend Brent Hawkes, pastor at Toronto's Metropolitan Community Church, used the Proclamation of the Banns to marry two same-sex couples and, in so doing, launched a challenge to Ontario's marriage laws. This time, the strategy resulted in changes to those laws. Within three years, all provinces and territories were required to provide marriage certificates to wedded same-sex couples. Decades of rights-based lobbying that began in the early 1970s laid the groundwork necessary for the 2001 ceremony that brought the modern marriage equality movement to a successful conclusion in Canada. Yet the victory was received with mixed feelings by queer and lesbian and gay activists. In a strongly worded response to the extension of civil marriage rights to same-sex couples, author, activist, and former *TBP* contributor Jane Rule lamented the end of an era when sexual arrangements were regarded as a private, not a state, matter: "Over thirty years ago [Prime Minister] Pierre Trudeau said that the government had no business in the bedrooms of the nation." Now, she said, "our bedroom doors have come off their legal hinges." Drawing on the powerful language

that inspired the gay liberation movement, Rule concluded: “We should be helping our heterosexual brothers and sisters out of their state-defined prisons, not volunteering to join them there.”<sup>53</sup>

Although Rule would not have included the activism of Girouard and Tremblay/North and Vogel within the spectrum of gay liberation activism, their actions are much more closely aligned with the politics of women’s and gay liberation than they are with the homonormative tendencies of Equal Rights for Gays and Lesbians Everywhere (EGALE), the organization that spearheaded the marriage equality movement in Canada. Advocates for the modern marriage equality movement, however, are writing the history of activism for same-sex marriage rights, and they have been quick to claim Vogel and North as the movement’s early path-breakers. The marriage equality movement, however, has surprisingly little in common with the challenges launched in the early 1970s. In the 1990s and 2000s, no one would suggest that queer life could transform marriage and liberate heterosexuals from their own oppressive institutions. Marriage has changed a great deal since the 1970s, of course, but that marriage should be non- monogamous, or that same-sex marriage implied a critique of laws that criminalized and exploited sex workers, is not part of the political discourse of the marriage equality movement; rather, the language of equality, inclusion, and respectability dominates.<sup>54</sup> It would be a great loss to the history of the creativity and diversity of the radical visions advanced by gay and women’s liberationists if we let these stories become part of the history of the modern-day marriage equality movement and fail to see them for what they were. In the early 1970s, demanding the right to have their relationships recognized as on par with those of heterosexuals was about challenging traditional marriage, oppressive gender roles, heterosexism, and homosexual oppression. Theirs may not have been a desired approach for most liberationists, but the purpose of their action, the use of the media to disseminate their challenge to the broader society, and their rights-seeking strategy was in keeping with the gay liberation political organizing of the time.

## Notes

- 1 William N. Eskridge, *The Case for Same-Sex Marriage: From Sexual Liberty to Civilized Commitment* (New York: Free Press, 1996); Andrew Sullivan, *Same-Sex Marriage: Pro and Con* (New York: Knopf Doubleday, 2009), 299; Frederick Hertz and Emily Duskow, *Making It Legal: A Guide to Same-Sex Marriage, Domestic Partnerships and Civil Unions* (Berkeley, CA: NOLO, 2011), 8–9; Sylvain Larocque, *Gay Marriage: The Story of a Canadian Social Revolution*, trans. Robert Chodos, Louisa Blair, and Benjamin Waterhouse (Toronto: James Lorimer, 2006), 15–18; Kathleen A. Lahey and Kevin Alderson, *Same-Sex Marriage: The Personal and Political* (Toronto: Insomniac Press, 2004), 71, 324–36. [Return to text.](#)
- 2 On the popularity of same-sex marriage practices in the 1950s, 1960s and 1970s, see Elise Chenier, “Radical or Conservative?,” unpublished report, Canadian Museum of Human Rights, August 2011. [Return to text.](#)
- 3 Stephan L. Cohen, *The Gay Liberation Youth Movement in New York: An Army of Lovers Cannot Fail* (New York: Routledge, 2008), 177–78. [Return to text.](#)
- 4 Miriam Smith, *Lesbian and Gay Rights in Canada: Social Movements and Equality-Seeking, 1971–1995* (Toronto: University of Toronto Press, 1999), 46–47. [Return to text.](#)
- 5 Tom Warner, *Never Going Back: A History of Queer Activism in Canada* (Toronto: University of Toronto Press, 2002), 69–72. [Return to text.](#)
- 6 Smith, *Lesbian and Gay Rights*, 46. [Return to text.](#)
- 7 Ken Popert, “Gay Rights Now!,” *The Body Politic* 19 (July/August 1975): 16, cited in Smith, *Lesbian and Gay Rights*, 47. [Return to text.](#)
- 8 Smith, *Lesbian and Gay Rights*, 47. [Return to text.](#)
- 9 Carl Wittman, *Refugees from Amerika: A Gay Manifesto*, Radical Education Project, Detroit, 1970, reprinted in Karla Jay and Allen Young, *Out of the Closet: Voices of Gay Liberation* (New York: Douglas Book Corp., 1972), 334. [Return to text.](#)
- 10 “Gay Revolution Party Manifesto,” 1970, reprinted in Jay and Young, *Out of the Closet*, 342–45. [Return to text.](#)
- 11 Editorial, *The Body Politic* 3 (May/June 1972): 2. [Return to text.](#)
- 12 Brian Waite, “Oppression Begins at Home,” *The Body Politic* 5 (July/August 1972): 19. [Return to text.](#)
- 13 *The Body Politic* was founded because the mainstream media gave their protest very little coverage. Creating a movement paper was a solution to this dilemma, but activists continued to protest mainstream newspapers’ refusal to run ads advertising gay helplines, dances, and other services and events. See Warner, *Never Going Back*, 69; and Don McLeod, *Lesbian and Gay Liberation in Canada: A Selected Annotated Chronology, 1964–1975* (Toronto: ECW Press, 1996). [Return to text.](#)
- 14 August 28th Gay Day Committee, “We Demand,” *The Body Politic* 1 (November/December 1971): 4–7. [Return to text.](#)

- 15 Theirs was not, however, the first marriage ceremony. On 6 October 1960, *Nouvelles Illustrées* reported on a same-sex marriage ceremony attended by 150 guests – and the police. See Maurice Fortin, “Tout le blanc vetu(e)s, Roger et Florent se sont marié(e)s sous l’oeil de la police,” *Nouvelles Illustrées*, 15 October 1960, cited in Gregory Pablo Rodriguez-Arbolay, Jr., “Connecting Fragments: Solidarity and Fragmentation in Montreal’s Gay and Lesbian Communities, 1960–1977” (MA thesis, Sarah Lawrence College, 2009), 13. Thanks to Allison McMahan for pointing me to this source. [Return to text.](#)
- 16 *Advocate*, 29 March 1972. [Return to text.](#)
- 17 Robert Schwartzwald, “Fear of Federasty: Québec’s Inverted Fictions,” in *Comparative American Identities: Race, Sex, and Nationality in the Modern Text*, ed. Hortense J. Spillers, 175–95 (New York: Routledge, 1991). [Return to text.](#)
- 18 “Le manifest du FLQ,” *Journal de Montréal* 7, 99 (1970): 9. [Return to text.](#)
- 19 Rodriguez-Arbolay, Jr., “Connecting Fragments,” 42–43. [Return to text.](#)
- 20 “Finis l’esclavage des homos,” *Flash* 2, 1 (1972): 2. All translations are my own. [Return to text.](#)
- 21 *Ibid.*, 14. [Return to text.](#)
- 22 *Ibid.*, 3. [Return to text.](#)
- 23 Radio-Canada ran a short interview with them. “Un mariage gai avant l’heure [Gay marriage before its time],” *Les Archives de Radio-Canada*, Société Radio-Canada, 18 February 1972, [http://archives.radio-canada.ca/politique/droits\\_libertes/dossiers/623-3437/](http://archives.radio-canada.ca/politique/droits_libertes/dossiers/623-3437/) [Return to text.](#)
- 24 Jocelyn M. Guindon, “La contestation des espaces gais au centre-ville de Montréal depuis 1950” (MA thesis, McGill University, 2001), 111–12, [http://digitool.Library.McGill.CA:80/R/-?func=dbin-jump-full&object\\_id=38199&silolibrary=GEN01](http://digitool.Library.McGill.CA:80/R/-?func=dbin-jump-full&object_id=38199&silolibrary=GEN01). [Return to text.](#)
- 25 Chris Vogel recalls: “The *Winnipeg Free Press* publisher, Brigadier Richard Malone, had the [Tremblay and Girouard] story torn out of every copy, by hand. I went to the Provincial Library here since I knew that it carried a lot of the dailies, to find one that also carried ‘The Weekend’ and had not torn it out.” Vogel, correspondence with author, 13 February 2013. [Return to text.](#)
- 26 “Talk about Gay Weddings,” *Advocate*, 29 March 1972; Rob Cole, “A Marriage for Liberation,” *Advocate*, 12 April 1972, 1–4. [Return to text.](#)
- 27 “Finis l’esclavage,” 7. [Return to text.](#)
- 28 “Talk about Gay Weddings,” 1; Cole, “Marriage for Liberation,” 1–4. [Return to text.](#)
- 29 “Finis l’esclavage,” 27. [Return to text.](#)
- 30 TBP Collective, cited in Smith, *Lesbian and Gay Rights*, 46. [Return to text.](#)
- 31 David E. Newton, *Same-Sex Marriage: A Reference Handbook* (Santa Barbara, CA: Greenwood Publishing, 2010), 134–35. [Return to text.](#)
- 32 Gregory Pablo Rodriguez-Arbolay, Jr., “Connecting Fragments.” [Return to text.](#)
- 33 Ken Bronson, “A Quest for Full Equality,” 2004, 15, [www.quatrefoillibrary.org/materials/QuestforFull\\_Equality.pdf](http://www.quatrefoillibrary.org/materials/QuestforFull_Equality.pdf). [Return to text.](#)
- 34 *Ibid.*, 222–23. [Return to text.](#)

- 35 Ibid., 34. [Return to text.](#)
- 36 Ibid., 70. [Return to text.](#)
- 37 Joanne Richardson, personal correspondence with author, May 26, 2016. [Return to text.](#)
- 38 Chris Vogel and Richard North, interview with author for the Canadian Museum of Human Rights, Winnipeg, November 15, 2010. [Return to text.](#)
- 39 Ibid. [Return to text.](#)
- 40 Mark Oppenheimer, “‘The Inherent Worth and Dignity’: Gay Unitarians and the Birth of Sexual Tolerance in Liberal Religion,” *Journal of the History of Sexuality* 7, 1 (1996): 73–101. [Return to text.](#)
- 41 The clerk also mentioned that a lesbian couple had just been in with the same request. Nothing is known about them. [Return to text.](#)
- 42 “Gay Couple Still Married after Thirty-Five Years,” [http://cuc.ca/archive/queer/still\\_married.htm](http://cuc.ca/archive/queer/still_married.htm); Vogel and North, interview with author. [Return to text.](#)
- 43 Elise Chenier, “Throwing a Monkey Wrench in the Works: The 1970s Gay Marriage Boom,” *Gay and Lesbian Review* 20, 2 (March/April 2013): 19–21. [Return to text.](#)
- 44 “Homosexuality in Canada: Gay Winnipeg Couple Marries,” *As It Happens*, CBC Radio, February 21, 1974, <http://www.cbc.ca/archives/categories/politics/rights-freedoms/gay-and-lesbian-emergence-out-in-canada/winnipeg-couple-marries.html> [Return to text.](#)
- 45 “Activists Wed, Test Equality,” *The Body Politic*, 12 (March/April 1974): 6. [Return to text.](#)
- 46 Nancy Nicol and Miriam Smith, “Legal Struggles and Political Resistance: Same-Sex Marriage in Canada and the USA,” *Sexualities* 11, 6 (2008): 667–87. [Return to text.](#)
- 47 “Homosexuality in Canada,” *As It Happens*, February 21, 1974. [Return to text.](#)
- 48 Nicol and Smith, “Legal Struggles and Political Resistance,” 679. [Return to text.](#)
- 49 Vogel and North, interview with author. [Return to text.](#)
- 50 “Homosexual Marriage Can’t Be Recognized, Manitoba Judge Rules,” *Globe and Mail*, December 18, 1974, 1. [Return to text.](#)
- 51 Ritchie Gage, “Two Men Aren’t Married: Judge,” *Winnipeg Free Press*, December 18, 1974, 2. Unlike Baker and McConnell, who were able to contest the ruling against their application for a marriage licence, the provincial Marriage Act did not allow for appeals of county court decisions. [Return to text.](#)
- 52 The original CBC recording of their ceremony is archived at the Canadian Museum of Human Rights along with the marriage certificate issued by Reverend Norman Naylor. [Return to text.](#)
- 53 Jane Rule, “The Heterosexual Cage of Coupledness,” *ABC Bookworld*, 2001, [http://www.abcbookworld.com/view\\_essay.php?id=38](http://www.abcbookworld.com/view_essay.php?id=38). [Return to text.](#)
- 54 Mariana Valverde, “A New Entity in the History of Sexuality: The Respectable Same-Sex Couple,” *Feminist Studies* 32, 1 (2006): 155–62; Vogel and North make no gesture towards homonormativity. In interviews with historian Michael Riordan, they frankly describe their history of non-monogamy: “It’s pretty hard to have more fun than sex.”

We've been able to have our cake and eat it – we have a nice home life, good relationships with our families, and all the sexual freedom that's now available to gay men.” See Michael Riordan, *Eating Fire: Family Life on the Queer Side* (Toronto: Between the Lines, 2001), 60. [Return to text.](#)

## 2

### “Seducing the Unions”

#### Organized Labour and Strategies for Gay Liberation in Toronto in the 1970s

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*Mathieu Brûlé*

In April 1976, *The Body Politic*, a Toronto-based gay liberation newspaper, ran a cover photo of two men in working clothes under the headline “Seducing the Unions.” The photo was accompanied by an article discussing the 1973 campaign to officially forbid discrimination on the basis of sexual orientation in municipal employment in the City of Toronto. In the article, local gay activist Ken Popert described his experience in this campaign as eye-opening as he came to recognize the gay liberation and labour movements as “natural allies.”<sup>1</sup> Three years later, as the Ontario Federation of Labour debated the question of its support for the campaign to include the term “sexual orientation” in Ontario’s Human Rights Code, a delegate from Local 542 of the Ontario Public Service Employees Union expressed his opposition to the motion, stating: “I don’t want to have queers anywhere near where I work.”<sup>2</sup> Although the motion passed, the comments from the delegate in question made it clear that labour’s support of gay and lesbian rights might not have been as natural as Popert believed.



# Body Politic <sup>50c</sup>

Gay Liberation Journal

No.23 April



**Seducing the unions**  
**A woman at the baths**

United States 75c Other countries as marked

FIGURE 2.1 Front page of *The Body Politic*, April 1976. Pink Triangle Press

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This chapter explores how the relationship between labour and gay liberation came to be characterized as natural. It examines the extent to which



gay liberation and organized labour worked together to construct an alliance that could benefit their respective and mutual objectives, and it discusses the conditions under which each movement came to see the other as an ally. How did gay and lesbian activist groups, such as Toronto's Gay Alliance Towards Equality (GATE-Toronto),<sup>3</sup> integrate labour into their campaigns for gay and lesbian human rights? What factors motivated segments of the labour movement to take up the cause of gay and lesbian rights by fighting to have protection against discrimination on the basis of sexual orientation included in their collective agreements? These questions are examined by an analysis of two of the earliest cases in which gay liberation and organized labour in Canada worked together to provide legal protection from discrimination for gay and lesbian workers. The first case examined is the above-mentioned successful 1973 campaign by GATE to pass a motion at Toronto City Council forbidding discrimination on the basis of sexual orientation in municipal employment. That campaign was won with the support of Locals 43 and 79 of the Canadian Union of Public Employees (CUPE), both representing Toronto's municipal employees. In this campaign, Canadian labour and gay liberation groups worked together officially for the first time to advance the rights of gay and lesbian workers. The second case considered is the 1975 strike by Local 1230 of CUPE, the union representing non-academic library workers at the University of Toronto. This strike lasted twenty days and did not succeed in its fight for the inclusion of sexual orientation in the "No Discrimination" clause of the collective agreement. Although the strike was unsuccessful and the union was forced to drop the demand, this was nevertheless an important experience that further highlighted the fact that not only could labour support gay and lesbian rights and workers but it could also play an active role in furthering the cause of gay liberation.

Using oral and textual sources, this analysis of GATE's 1973 campaign and CUPE 1230's 1975 strike reveals that the alliance between gay liberation and organized labour was constructed on the basis of their members' shared interest in human rights as well as on their status as partners in a shared struggle against what they saw as the same oppressive institutions. While a shared interest in human rights brought gay liberationists to see labour as an ally, this shared interest was not always enough for organized labour to take the initiative and to push for gay and lesbian rights within its own ranks. Rather, other factors, notably the beginning of self-organization of gay and

lesbian union members, a growing interest in social unionism, high rates of female membership, and the presence of unions in sectors characterized as sites of queer work also helped make locals likelier to adopt the issue of sexual orientation discrimination as a union issue.

## **Gay Liberation and the Campaign for Human Rights**

Gay liberation constructed its relationship with organized labour within the context of the broader human rights campaigns undertaken by gay liberation activists in Toronto and across Canada. As part of this campaign, gay liberationists in Canada organized public demonstrations and actively lobbied different levels of government for the inclusion of sexual orientation in human rights legislation in order to provide gay men and lesbians with legal protection from discrimination. The decision to set the movement on this course was a pivotal one as it played an important role in shaping the movement's trajectory. The emphasis on lobbying for specific legislative reforms marked a departure from the gay liberation movement's focus on sexual liberation and critique of gender roles and the nuclear family. These sorts of views were prominent in the movement's early days and were disseminated through the pamphlets of Toronto's first gay liberation organization, Toronto Gay Action, as well as in the early issues of the *TBP*. In addition to marking a shift in the movement's focus, the turn towards a human rights strategy also helped set much of the movement on a relatively unified course. The campaign to include sexual orientation in national, provincial, and municipal human rights legislation provided the movement with a specific issue around which it could organize, becoming the focus of some of its largest organizations.<sup>4</sup> While groups such as GATE, Gays of Ottawa, and the Coalition for Gay Rights in Ontario (later renamed Coalition for Lesbian and Gay Rights in Ontario) argued that a focus on human rights would address the vulnerability to discrimination experienced by gay and lesbian communities across the country, their decision to embark on this campaign was also strategic as it fit into the gay liberation movement's larger long-term goals.

The decision to adopt the strategy of a large-scale, human rights-oriented campaign was emblematic of the influence of the organizing strategies of gay liberation's political left. While legal reform had been a long-standing objective of gay and lesbian activists in Ontario, the idea of organizing a

large-scale campaign focused on gay and lesbian human rights initially came out of discussion papers published in the internal bulletin of the Trotskyist League for Socialist Action (LSA) and later in the pages of *TBP*.<sup>5</sup> In a 1972 issue of the LSA's internal bulletin, John Bannon and Brian Bennett argued that organizing such a campaign around a single issue with a potentially wide appeal would provide the gay liberation movement with an opportunity to reach a wider audience.<sup>6</sup> This strategy, they argued, would provide the movement with a "central, unifying issue" that would have a significant appeal to gays and lesbians as it "hit at central methods of oppression of gays" and was "of immediate and direct interest to almost the entire population."<sup>7</sup> It was hoped that, by appealing to what they felt was an issue that concerned almost every gay and lesbian person, a campaign focused on human rights would mobilize a large number of people from these communities and, in turn, radicalize them through the experience of organizing "around their oppression as gays."<sup>8</sup>

Gay liberation groups across the country adopted the campaign for human rights, and the inclusion of sexual orientation in human rights statutes,<sup>9</sup> in the hope that doing so would provide gay men and lesbians with the confidence and security to come out and join the movement and radicalize them in the process. It was within the context of this shift towards a human rights strategy that GATE launched its campaign to provide protection from discrimination on the basis of sexual orientation to municipal workers employed by the City of Toronto, a campaign that would initiate the first formal working relationship between the gay liberation movement and organized labour.

### **GATE and the City Council Campaign**

From its creation in February 1973, GATE invested a significant amount of energy in the campaign to have sexual orientation included in the Ontario Human Rights Code. Until this point, efforts to achieve this goal had focused primarily on government at the federal and provincial levels. However, citing cases of municipalities in the United States passing laws forbidding discrimination on the basis of "sexual preference," GATE decided to readjust its strategies and to concentrate its efforts on Toronto's municipal government.

The decision to lobby Toronto City Council was motivated in large part by the passage of laws in San Francisco, East Lansing, and Ann Arbor forbidding discrimination on the basis of “sexual preference” in municipal housing and employment. The fact that these cities included “sexual preference” as a category distinct from “sex” inspired GATE. An internal memo read: “This interpretation is what we need to get – or, amendments to relevant laws in Canada which would make *sexual preference* an indisputable category for non-discrimination.”<sup>10</sup> Feeling that it was not yet “in a position to press for an amendment in Ottawa,” and given the absence of a test case to determine whether the word “sex” in provincial human rights statutes could be interpreted as including sexual orientation, GATE decided to turn its attention to the city’s anti-discrimination policies. Believing that pushing for human rights in Toronto was “clearly the appropriate place to start,” GATE examined the city’s policies on discrimination and found that, outside of its collective agreements, the city possessed little in terms of specific policies on discrimination. Viewing this as an opportunity, GATE began to explore ways to best undertake its campaign. To this end, it decided to consult with City Council member Karl Jaffary.<sup>11</sup>

Karl Jaffary, alderman for Toronto’s Ward 7 and vice-president of the federal New Democratic Party, played an important role in shaping GATE’s strategies in its campaigns aimed at City Hall. Although not a known member of any homophile or gay liberation group, by the time GATE sought his advice, Jaffary was a proven ally to both local gay/lesbian activists and the labour movement.<sup>12</sup> Articles announcing GATE’s formation in Toronto all carried mentions of Karl Jaffary’s name, indicating that the group had been working closely with him in the preparation of a brief it intended to send to Ontario’s Human Rights Commission.<sup>13</sup> In addition to assistance with the brief’s composition, Jaffary played a role in advising GATE on the approach the group should adopt when dealing with City Hall. For example, when GATE sent a brief to the city’s Committee on Urban Renewal, Housing, Fire and Legislation requesting an endorsement to include the words “sexual orientation” in provincial human rights statutes, Jaffary advised the group that this course might prove to be ineffective as provincial human rights statutes were beyond Toronto City Council’s jurisdiction. Instead, Jaffary advised GATE to focus on its other proposal: a motion directing the city to include sexual orientation in a municipal anti-discrimination policy.<sup>14</sup>

While Jaffary's advice helped GATE shape its strategies in relation to City Hall, at least one GATE member and active participant in that campaign remembers that Jaffary's advice also led the group to approach the municipal workers' unions. Crediting GATE members who had experience with unions as a possible source for the idea of approaching the unions, Ken Popert also remembers that this decision was made on the advice of a supportive City Council member who suggested that they obtain the support of the unions that represented the city's municipal employees.<sup>15</sup> Whether the suggestion to approach the unions came from Jaffary or from members of GATE, the decision set a precedent that helped shape gay liberation's relationship with the labour movement.

In the spring of 1973, GATE formally announced its intention to lobby Toronto City Council to adopt a policy forbidding discrimination on the basis of sexual orientation in municipal employment. Two months later, in August of that year, GATE activist Michael Lynch initiated contact with Toronto's municipal workers' unions – Locals 43 and 79 of CUPE. In his letters, Lynch requested a meeting with the president of each local to discuss “discrimination based on sexual orientation.”<sup>16</sup> Both union leaders agreed, and meetings were arranged between GATE activists and the executive of each local. One of those who represented GATE in the meeting with Local 79 was Ken Popert.

Popert, who described his experience at the meeting with the executive committee of Local 79 in an April 1976 article in *TBP*, stated that he was initially nervous about the meeting, fearing that the workers might be hostile towards the idea of gay rights. His fears were quickly put to rest when he noticed that his anxiety was matched only by that of the local's president, John King, who seemed so nervous that he was “unable to decide whether to remain standing or to sit down.” Popert's concerns were also alleviated by what he viewed as the labour movement's integration of women into positions on the executive as well as by the fact that labour activists referred to each other as “brothers” and “sisters,” “just as we sometimes [did] in the gay movement.”<sup>17</sup>

The similarities Popert noticed between labour and the gay liberation movement were among the same that GATE activists attempted to appeal to and use in order to build the foundation of a relationship with unions. For example, Lynch's letters to Locals 43 and 79 appealed to labour's long-

standing promotion of human rights, emphasizing GATE's shared interest in protecting workers from discrimination. Lynch appealed to organized labour's work in fighting religious, racial, and gender discrimination as a means of opening up a dialogue with the unions. He did this by emphasizing GATE's interest in human rights, describing the group not as an organization fighting for the rights of gays and lesbians but, rather, as a "civil rights organization attempting to correct discrimination based on sexual orientation." He followed this up by appealing to CUPE's work in the area of human rights, stating "we are aware of [CUPE's] commitment to human rights in civic employment" and emphasizing that he wished to meet to discuss it in greater detail.<sup>18</sup> By presenting itself as a civil rights group looking to work towards the same goals as CUPE – that is, human rights in civic employment – GATE was laying the foundation for a relationship built on a mutual understanding of both groups' shared interest in the human rights of workers, an area in which CUPE enjoyed a strong reputation.

The understanding of the relationship between gay liberation and labour as one founded on a common interest in human rights was further solidified following the success of GATE's campaign to make Toronto City Council the first elected body in Canada to prohibit discrimination on the basis of sexual orientation. A discussion in *TBP* of the campaign and its implications for the gay liberation movement emphasizes the importance of the role played by labour in the passage of the local legislation in October 1973. Describing the campaign as "a tremendous victory," the editorial and an accompanying article argue that labour's support for the campaign was "instrumental" to its success.<sup>19</sup> The *TBP* editorial also outlines a number of lessons it felt the gay liberation movement should take away from the campaign. Among these was that gay liberation and other social movements, including labour, had more in common with each other than many had previously thought. According to the editorial, this campaign helped solidify the foundation for these relationships: "Various other organizations, established – like GATE – to struggle for the human rights of their constituencies, have come to realize that they have something in common with political gay organizations." The editorial goes on to say that, in addition to sharing similar interests in human rights, gay liberation and these movements were, in fact, partners in the same struggle by virtue of their fights against the same institutions. "Gay oppression," the editorial argues, "is just one of many oppressions inflicted by institutions hooked on the



exaction of profit, the exercise of power, and the augmentation of human misery.” This shared oppression, it continues, provides the basis for a “broad coalition of all the victims of our society, including gays.” In the opinion of *TBP*, this called for the “participation of all the oppressed against the established social order.”<sup>20</sup> Although by 1973 gay liberationists had already made the argument for an alliance with other movements of oppressed minorities, organized labour rarely figured among these proposed allies. Therefore, one of the important lessons demonstrated by GATE’s 1973 campaign was that labour could and would serve as a useful ally in the campaign for gay and lesbian human rights. In terms of *TBP*’s analysis of gay oppression, the campaign taught gays that their bonds with labour were greater than a shared interest in human rights but that their respective struggles could affect one another as the institutions against which they fought were often one and the same.

### **CUPE 1230 and the Strike against Discrimination**

The success of GATE’s 1973 campaign and the development of an understanding of gay liberation and organized labour as partners in the same struggle set a precedent for a cooperative relationship. In the two years following the campaign, some gay and lesbian union members began to self-organize within their locals. One of the ways in which they did so was by using the collective bargaining process, specifically the anti-discrimination clauses of union contracts, as a means of achieving protection from discrimination in the workplace. One local that addressed this issue and received wide support from gay liberation groups in Toronto was CUPE Local 1230, the union representing support workers at the University of Toronto’s libraries. The local received an important amount of attention when negotiations for a contract demanding the inclusion of sexual orientation in its anti-discrimination policy failed, prompting it to strike. When the union struck, gay liberation activists from a number of groups, such as GATE and the Gay Marxist Study Group, took notice and joined CUPE 1230 on the picket lines.<sup>21</sup>

How sexual orientation came to be added to the union’s demands is unclear, but evidence points to a survey of the local’s membership undertaken by the union’s executive committee in February 1975 in anticipation of the upcoming round of bargaining. The survey questioned

members on the issues they would like addressed in negotiations. Included in this survey was a question regarding the contract's "No Discrimination" clause. Although the questionnaire indicated a willingness to open the clause to make it "more specific," the proposal to include sexual orientation did not make it into the union's initial list of demands presented for the membership's approval.<sup>22</sup> Despite the interest displayed by members in reconsidering the "No Discrimination" clause, the local's bargaining team concluded in a May 20 meeting that Article 6 would remain as it had been in previous agreements, without the inclusion of sexual orientation.<sup>23</sup> In the space of a week, however, this decision changed, with a special meeting called for May 27 and 28 to ask the bargaining team to alter some of the proposals. Among these changes was the inclusion of sexual orientation as a protected category in the contract's "No Discrimination" clause. If the demand to include sexual orientation came from the survey, then it stands to reason that the bargaining team had ignored this request from the membership when it initially decided to keep the clause as it was. It is also possible that members at a union meeting raised the issue: "Kevin Coleman," a gay member of CUPE 1230, remembers the question of sexual orientation being discussed among members at union meetings.<sup>24</sup> Although he does not remember exactly how it came to be included in the union's demands, Coleman does recall that events outside of the workplace, particularly the firing of gay public servant John Damien and the high-profile nature of Damien's case, played a role in bringing the issue of sexual orientation to the attention of the labour movement by highlighting the vulnerability of gay and lesbian workers.<sup>25</sup> In the wake of that case and the larger human rights campaign, it is also likely that the issue was brought up by gay and lesbian members of the local, of which Coleman remembers there being a significant number. Regardless of the reason the demand surfaced at that moment, CUPE 1230 acknowledged its importance and decided in late May 1975 to make the inclusion of sexual orientation in the contract's "No Discrimination" clause one of its demands.

Although the strike was short-lived and the union was ultimately forced to abandon the sexual orientation demand, the strike itself and the presence of gay and lesbian workers and supporters on the picket lines demonstrated that their visibility and support served not only to advance the cause of labour but also to increase the visibility of their movement as well as that of gay and



lesbian workers and union members more generally. By opening a dialogue about gay and lesbian rights and inviting gay and lesbian activists to labour events, CUPE 1230 and its strike facilitated the gay liberationist objective of making it possible for gay men and lesbians to come out and join the movement. Coleman's testimony on the impact of the strike and the effect his interaction with gay and lesbian activists had on his own personal development reveals how cooperation between the two movements could help ease the process of coming out. According to Coleman, who recalls that he was not completely out at the time of the strike, the presence of gay activists on the picket lines and at union social events was important not only to him but also to other gay and lesbian workers. "The influence of people from gay organizations who came to our picket lines," Coleman says, "had a big impact on me, both in terms of the union and personally. Having the anti-discrimination clause really had a significant impact on lots of gay people."<sup>26</sup> That the strike was able both to encourage discussion about gay and lesbian human rights and to encourage gay and lesbian workers to come out at work and in their unions lent credence to the liberationist belief that the process of struggling for the human rights of gay men and lesbians was in itself a significant experience.

### **CUPE 1230, Social Unionism, and Queer Work**

Although gay liberation activists in Toronto established a common ground with organized labour on the basis of a shared interest in human and civil rights, labour's support was never guaranteed. Although labour was at the forefront of several human rights campaigns in the decades following the Second World War, the issue of homosexuality and/or sexual rights was rarely, if ever, raised. There is also little evidence to suggest that the labour movement's national bodies would have been very likely to support these issues as they tended to be fairly conservative when it came to questions of sexuality. In addition, while there is no evidence to suggest that the union movement itself was officially involved in the federal government's Cold War campaign to purge gay and lesbian civil servants from the public service, its support for the Cold War's national security campaigns at this time made the labour movement an unlikely candidate to independently take up the cause of gay and lesbian rights.<sup>27</sup> Although the partial decriminalization of homosexuality in 1969 would have made it easier for unions and their gay

and lesbian members to raise the issue of gay and lesbian rights in the workplace, it was still not enough to encourage labour to take seriously the issue of discrimination on the basis of sexual orientation. Therefore, when gay and lesbian workers began to make demands of their individual unions, certain factors made some locals more likely to respond positively than others. A closer study of the demographics and culture of CUPE 1230 helps us to identify some of these factors, including a progressive union culture of social unionism, a history of feminist activism, and the library sector's character as a site of queer work. Combined, these three factors made CUPE 1230 workers in the University of Toronto's library system much more likely than other union workers to address questions of sexual orientation and to promote them as a union issue.

By 1975, fewer than ten years after its certification, CUPE 1230 already had a history of engaging in social unionism, in the promotion of causes related to the workplace as well as to the wider community. As a whole, CUPE tended to favour a strong social union approach to its work, encouraging the creation of alliances with various community organizations in order to further common goals, such as women's rights and anti-racism.<sup>28</sup> CUPE 1230 engaged in a number of community-led efforts, including the creation of a campus daycare centre and campaigns to end racism on campus. It also fought for women's rights in the workplace by successfully pursuing a grievance for a female member fired as a result of her pregnancy.<sup>29</sup> The local was also heavily active in the Ontario Federation of Labour, proposing a number of motions related to women's rights, the abolition of capitalism, and initiatives it hoped would push the labour movement in a more militant direction.<sup>30</sup>

CUPE 1230's interest in social issues, particularly those affecting women, may, in part, have been the result of the local's large female membership. According to Coleman, a majority of the union's membership was female, and many of these women, including President Judy Darcy, were active in the local.<sup>31</sup> While the presence of a large number of female members does not necessarily determine a local's position on issues such as sexual orientation, some scholars argue that a history of advocating for women's issues can make locals more receptive to questions of sexuality. According to Gerald Hunt, many of the earliest unions to address the question of sexual orientation shared a higher than average level of female membership. Hunt attributes this

to feminist activists whose efforts to promote women's rights within unions "laid the groundwork for a broader range of diversity issues to come forward."<sup>32</sup> Similar observations have been made of unions that adopt a social unionist approach, which tends to lead to the broadening of the definition of union issues, extending it outside the workplace and into the community.<sup>33</sup> CUPE 1230's dedication to social unionism, its higher than average female membership, and its interest in women's issues would certainly support these claims.

In addition to its social unionism and high percentage of female members, CUPE 1230 also had a number of openly gay members. Coleman remembers that the university library system employed a number of openly gay and lesbian workers. Although he personally was acquainted with just a small number, he has little doubt that more gay men were employed in the library who, like himself, were not yet completely out.<sup>34</sup> Nevertheless, Coleman describes the atmosphere at the libraries and in the union as generally supportive of gay and lesbian workers. He also remembers a willingness of members to discuss gay and lesbian rights in the workplace as well as in union meetings. That his co-workers showed an acceptance of gay and lesbian workers and their workplace rights came as little surprise to Coleman, who attributes this to the history of libraries as a site of what Allan Bérubé describes as "queer work" – that is, "work which is performed by, or has the reputation of being performed by homosexual men or women."<sup>35</sup> According to Coleman, libraries historically have been "very accepting institutions for gay people" as the nature of the work generally lent itself to men seeking to avoid the hyper-masculine environments of other workplaces.<sup>36</sup> The fact that CUPE 1582, the union representing workers in Toronto's public library system, also began to fight against discrimination on the basis of sexual orientation at this time lends credence to the idea that libraries, as sites of queer work, were more open than other worksites to the consideration of gay and lesbian workplace rights.

The combination of social unionism, experience in addressing questions important to women in the workplace, and the library sector's association with queer work contributed to making CUPE local 1230 more receptive to the problems raised by gay and lesbian activists and union members. The fact that the initiative to address gay and lesbian rights came from within CUPE 1230 (unlike Locals 43 and 79, which were approached as third parties) made

this local more likely to raise the issue again the following year and successfully see the “No Discrimination” clause extended to include sexual orientation. This continued dedication also saw gay and lesbian members of CUPE 1230 (as well as other unions, such as the Canadian Union of Postal Workers) bring the issue of gay and lesbian human rights into the union movement. This is demonstrated by the local’s successful efforts to call on the Ontario Federation of Labour to support the campaign for gay and lesbian human rights.<sup>37</sup> The local’s continued efforts to promote the workplace rights of gay and lesbian workers helped to further solidify its relationship with gay liberation activists, bringing CUPE 1230 representatives to speak at a John Damien support rally and encouraging activists from both movements to march side by side during the October 14, 1976, day of protest against government-imposed wage controls.<sup>38</sup>

The alliance between organized labour and gay liberation was neither inevitable nor necessarily “natural”: a common ground had to be found. GATE’s 1973 campaign identified that ground by pointing to both movements’ shared support for the human rights of workers. GATE appealed to this common interest by approaching these unions not as an advocate of militant sexual liberation but, rather, as a civil rights group interested in protecting workers in civic employment from discrimination on the basis of sexual orientation. The positive response of Locals 43 and 79 to GATE’s appeals and the success of the campaign further solidified the movement’s view of labour not only as an ally in its campaign for gay and lesbian human rights but also as a partner engaged in a struggle against the same sources of oppression.

This view of labour as a useful ally made it increasingly likely that gay and lesbian union members would turn their attention to unions and the collective bargaining process to secure further protection. When CUPE 1230 went on strike in 1975 over a set of demands that included this type of protection, gay and lesbian activists and union members mobilized to support the local’s efforts. Although the strike was unsuccessful, it nevertheless served the gay liberation movement by increasing its visibility among members of CUPE 1230, encouraging some members to come out. This, in turn, confirmed the belief that the struggle for human rights could radicalize gay and lesbian communities by encouraging gay and lesbian workers to come out and join the movement.

While some gay liberationists may have viewed their relationship with labour as a natural alliance, not all labour activists shared this opinion. The labour movement in Canada had spoken out against racial, religious, and gender discrimination in the past. However, tackling prejudices against gay and lesbian workers was new, and, therefore, its support was never guaranteed. While support for social unionism and women's rights contributed to a union's willingness to adopt gay and lesbian rights as a union issue, the nature of the sectors these unions represented made it easier, or more difficult, for this support to persist.

In addition to uncovering a largely untold element of Canada's gay and lesbian histories, examining instances of cooperation between gay liberation and organized labour provides scholars with a number of possible avenues for future study. First, it emphasizes the importance of studying individual union locals rather than central bodies and federations of the labour movement as it is often at the level of the locals that member-driven initiatives first appear. Second, the relationship between a union's percentage of female membership and its likelihood of responding positively to issues of sexual orientation raises questions about the larger impact of the growing presence of women in the paid workforce and the labour movement in Canada in the 1960s and 1970s. A similar line of questioning could also be pursued in relation to the entry of a large number of young workers into the labour movement, particularly those with experience in New Left and campus activism. As for gay and lesbian movements, studies such as this shed light on movement campaigns in terms of how they related to and integrated with other social movements. Finally, an examination of the relationship between gay liberation and organized labour offers significant potential in the area of identifying sites of queer work. If the presence of gay and lesbian workers in a particular sector contributed to the likelihood that a union would take up the issue of sexual orientation, as the case of CUPE 1230 suggests, then locating early sites of cooperation between these movements can help historians of both labour and gay and lesbian history locate these sites of queer work and identify their importance in the formation of the working lives not only of gay and lesbian workers but also of transgendered and transsexual workers as well as other gender and sexual non-conformists.

## Notes

- 1 Ken Popert, "Gay Rights in the Unions," *The Body Politic* 23 (April 1976): 12–13. [Return to text.](#)
- 2 Ontario Federation of Labour, *Report of Proceedings 23rd Annual Convention* (Don Mills: Ontario Federation of Labour, 1979), 43. [Return to text.](#)
- 3 Hereafter referred to as GATE. [Return to text.](#)
- 4 For more on the early days of gay liberation in Canada and the shift towards a human rights strategy, see Tom Warner, *Never Going Back: A History of Queer Activism in Canada* (Toronto: University of Toronto Press, 2002); Gary Kinsman, *The Regulation of Desire: Homo and Hetero Sexualities* (Montreal: Black Rose Books, 1996); Miriam Smith, *Lesbian and Gay Rights in Canada: Social Movements and Equality-Seeking, 1971–1995* (Toronto: University of Toronto Press, 1999). [Return to text.](#)
- 5 Examples of demands for legislative reform of laws affecting gay men and lesbians in Canada date back to the early 1950s, when Jim Egan, a Toronto-based gay activist, wrote a number of letters and columns demanding legal reform and challenging popular stereotypes of gay men and, to a lesser extent, lesbians. These were published in a number of Toronto's tabloid newspapers. For more information on Jim Egan, see Jim Egan, *Challenging the Conspiracy of Silence: My Life as a Canadian Gay Activist*, ed. Donald W. McLeod (Toronto: Homewood Books, 1998). [Return to text.](#)
- 6 John Bannon and Brian Bennett were pseudonyms used by LSA and Toronto Gay Action members John Wilson and Brian Waite. Wilson was later active as a member of GATE. Gary Kinsman, e-mail message to author, April 1, 2013. [Return to text.](#)
- 7 John Bannon and Brian Bennett, "A Perspective on Gay Liberation," *League for Socialist Action/Ligue socialiste ouvrière* Discussion Bulletin 16 (1972), Canadian Lesbian and Gay Archives (CLGA), Christine Bearchell Papers, 83-016/01. Brian Waite made similar arguments in the March/April 1972 issue of *The Body Politic*. See Brian Waite, "A Strategy for Gay Liberation," in *Flaunting It! A Decade of Gay Journalism from The Body Politic*, ed. Ed Jackson and Stan Persky, 221–23 (Toronto: Pink Triangle Press, 1982). [Return to text.](#)
- 8 Maurice Flood, "For a Full (Not Limited) Intervention in Gay Liberation," *League for Socialist Action/Ligue socialiste ouvrière* Discussion Bulletin 16 (1972), CLGA, Christine Bearchell Papers, 83-016/01. For more on the relationship between the LSA and the single-issue strategy, see Deborah Brock, "Workers of the World Caress: An Interview with Gary Kinsman on Gay and Lesbian Organizing in the 1970s Toronto Left," *Left History Online*, [http://www.yorku.ca/lefthist/online/brock\\_kinsman.html](http://www.yorku.ca/lefthist/online/brock_kinsman.html). [Return to text.](#)
- 9 Although lesbian groups generally were supportive of these campaigns for human rights, many also pointed out that they were led by predominantly male groups, leading some to argue that human rights for homosexuals did little to address the discrimination lesbians felt as women. For more on the lesbian movement in Canada and its



- relationship with gay liberation, see Becki Ross, *The House That Jill Built: A Lesbian Nation in Formation* (Toronto: University of Toronto Press, 1995). [Return to text.](#)
- 10 Interim memo to GATE regarding civil rights for gays, March 21, 1973, CLGA, Gay Alliance Towards Equality (GATE) Papers, 82-029/02, file Gay Alliance Towards Equality – Toronto – City Hall (emphasis in original). [Return to text.](#)
- 11 Interim memo to GATE. [Return to text.](#)
- 12 Jaffary and his law firm were particularly active in helping the Community Homophile Association of Toronto rent office space by serving as a reference to the group’s potential landlords. Jaffary also supported labour through his active condemnation of police violence on the picket lines during the 1973 Artistic Woodwork strike in Toronto. See Karl D. Jaffary to Chinese Community Centre, January 26, 1973, City of Toronto Archives, Karl Jaffary Fonds, 1309, box 145489, file 12, miscellaneous, 1973; Karl D. Jaffary to Philip White, September 19, 1973, City of Toronto Archives, Karl Jaffary Fonds, 1309, box 145489, file 12, miscellaneous, 1973. [Return to text.](#)
- 13 Ken Popert to Undisclosed, May 7, 1973, CLGA, GATE Vertical Files; “News of the Gay: GATE Formed,” *The Body Politic* 8 (Spring 1973), 19. [Return to text.](#)
- 14 Karl Jaffary to Michael Lynch, July 5, 1973, CLGA, GATE Papers, 82-029/02, file Gay Alliance Towards Equality – Toronto – City Hall. [Return to text.](#)
- 15 Interview, Ken Popert, October 18, 2011. [Return to text.](#)
- 16 Michael Lynch to John King and Russ Doyle, August 15, 1973, CLGA, GATE Papers, 82-029/02, file Gay Alliance Towards Equality – Toronto – City Hall. [Return to text.](#)
- 17 Popert, “Gay Rights in the Unions,” 12. [Return to text.](#)
- 18 Michael Lynch to John King and Russ Doyle. [Return to text.](#)
- 19 “Thirty-Nine Words,” *The Body Politic* 10 (1973), 2; “City Bars Discrimination,” *The Body Politic* 10 (1973), 5. [Return to text.](#)
- 20 “Thirty-Nine Words,” 2. [Return to text.](#)
- 21 For more on the Gay Marxist Study Group, see Ross, *House That Jill Built*, 286; Gary Kinsman and Patrizia Gentile, *The Canadian War on Queers: National Security as Sexual Regulation* (Vancouver: UBC Press, 2009), 286–87. [Return to text.](#)
- 22 *Contract Talk* 1, February 24, 1975, newsletter, University of Toronto Archives and Records Management (UTARM), Canadian Union of Public Employees, Local 1230 Fonds, 1992-0040. [Return to text.](#)
- 23 Report from the Negotiating Committee, re list of proposed contract changes, UTARM, Canadian Union of Public Employees, Local 1230 Fonds, 1992-0040. [Return to text.](#)
- 24 The use of quotation marks upon the first mention of a name indicates the use of a pseudonym. [Return to text.](#)
- 25 Kevin Coleman, interview, November 5, 2011. John Damien, a horse-racing steward employed by Ontario’s Racing Commission, was fired in February 1975 because of his sexuality. His case and the campaign for his reinstatement became an important part of the gay liberation movement’s campaign for the inclusion of sexual orientation in the Ontario Human Rights Code. [Return to text.](#)
- 26 *Ibid.* The anti-discrimination clause was included in the contract in the following



- year's round of contract negotiations. [Return to text.](#)
- 27 For more on the national security campaigns targeting gay and lesbian workers and communities, see Kinsman and Gentile, *Canadian War on Queers*. [Return to text.](#)
- 28 For more information on CUPE and its use of a social unionist approach, see Stephanie Ross, "The Making of the Canadian Union of Public Employees: Structure, Democracy and Class Formation" (PhD diss., York University, 2005). [Return to text.](#)
- 29 *CUPE 1230 News Bulletin*, February 4, 1975, UTARM, Canadian Union of Public Employees, Local 1230 Fonds, 1992-0040. [Return to text.](#)
- 30 Ontario Federation of Labour, *Report of Proceedings 21st Annual Convention* (Don Mills: Ontario Federation of Labour, 1977). [Return to text.](#)
- 31 Coleman, interview. Judy Darcy, who, in the 1970s, was a member of the Marxist-Leninist Workers Communist Party, later became president of CUPE and an elected member of the Legislative Assembly of British Columbia for that province's New Democratic Party. [Return to text.](#)
- 32 Gerald Hunt, "No Longer Outsiders: Labor's Response to Sexual Diversity in Canada," *Laboring for Rights: Unions and Sexual Diversity across Nations* (Philadelphia: Temple University Press, 1999), 18. [Return to text.](#)
- 33 Gillian Creese, *Contracting Masculinity: Gender, Class, and Race in a White-Collar Union, 1944–1994* (Don Mills, ON: Oxford University Press, 1999), 213. [Return to text.](#)
- 34 Although he stresses that there "must have been some strong lesbians who were in that union," Coleman admits to becoming aware of them, and of lesbian communities in general, after leaving his job at the University of Toronto. Kevin Coleman, interview. [Return to text.](#)
- 35 Allan Bérubé, "'Queer Work' and Labor History," in *My Desire for History: Essays in Gay, Community, and Labor History*, ed. John D'Emilio and Estelle B. Freedman (Chapel Hill: University of North Carolina Press, 2011), 261. [Return to text.](#)
- 36 Kevin Coleman, interview. [Return to text.](#)
- 37 Ontario Federation of Labour, *Report of Proceedings 20th Annual Convention* (Don Mills: Ontario Federation of Labour, 1976), 72; Ontario Federation of Labour, *Report of Proceedings 21st Annual Convention*, 96. [Return to text.](#)
- 38 Announcements, *CUPE 1230 Break*, May 19, 1976, UTARM, Canadian Union of Public Employees, Local 1230 Fonds, 1992-0040; "Gay Contingent on Day of Protest," *Gay Rising* 2, 7 (1976): 3. [Return to text.](#)

### 3

## “À bas la répression contre les homosexuels!”

### Resistance and Surveillance of Queers in Montreal, 1971–76<sup>1</sup>

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*Patrizia Gentile*

Historians of the gay and lesbian liberation movement, such as Gary Kinsman, Tom Warner, Ross Higgins, Miriam Smith, and Becki Ross, agree that the concerted and organized actions of the police across Canada’s major urban centres influenced the making and shaping of queer space and queer resistance.<sup>2</sup> Until recently, most of the available historical scholarship on gay and lesbian liberation in Montreal has focused on spaces frequented by gay men and lesbians. Fortunately, Viviane Namaste’s work on the history of Montreal transvestites and transsexuals from the 1950s to the 1980s sheds light on how these communities experienced police repression.<sup>3</sup> The bulk of this scholarship demonstrates that police repression and surveillance fuelled particular strategies and actions in the fight for human and legal rights legislation for queers and for transvestite and transsexual communities.<sup>4</sup>

This chapter does not dispute the conclusions reached by these scholars; rather, it focuses on how the Montreal local police force and the RCMP’s Montreal Security Services participated in an organized and sustained attack on Montreal’s gays and lesbians at a pivotal period of the community’s formation. I trace two examples that illustrate the character and extent of police actions against the gay and lesbian liberation movement in Montreal – actions that were designed to “flush out” these “undesirables.” The first example shows how the Montreal police and the Montreal Security Services worked together to crush Montreal’s first gay liberation organization, the Front de libération homosexuel (FLH). The second focuses on the pre-1976 Olympics clean-up campaign and the resistance organized against it. With

these examples, I aim to show the character and internal practices of coordinated police and legal regulatory tactics against the gay and lesbian communities in Montreal as well as the resistance strategies that were used to fight back. The period from 1971 to 1976 is also central to understanding how queers in Montreal were excluded from discourses of citizenship and nation, thereby leading some gay activists to focus on human rights strategies – something that preoccupied gay and lesbian liberationists from 1977 to 1981. Liberationists considered the use of language that included gays and lesbians as legitimate citizens of the state to be a major force for ending discrimination against homosexuals (not only by the police but also by society in general).

### **Front de libération homosexuel: Surveillance, Sexuality, and Quebec Sovereignty, 1971–72**

In the March 1996 issue of *L'Archigai: Bulletin des archives gaies du Québec*, Ross Higgins compiled interview extracts of members of the FLH. The following is a description of the FLH's first headquarters, located at 2065 St. Denis:

It was in the basement of a tiny store that is still there today. You had to go down two steps to enter. There was a huge room about twenty feet in length with chairs. We all brought something from home. I brought an old desk. At the very back, on the left, there was a small space where we put the desk and a filing cabinet which contained documents prepared by the Secretary and the Treasurer. We managed to set up a little coffee station at the back. In this *café*, there were cushions on the floor, sort of hippie-style, and indirect lighting. This is where we would sit and chat, or sometimes kiss and neck. There was also a small room between the main room and the coffee space.<sup>5</sup>

The FLH formed on March 26, 1971, at a meeting organized by members of *Mainmise*, a counter-culture magazine founded in October 1970. The call for the formation of a gay liberation front in Montreal appeared in a February 1971 article in *Mainmise* written by Gilles Hughes Yvonne de Maujincourt, in which he proclaims: “Because I want to play a role in shaping society,

because I am a Montrealer, I believe that we must establish in Montreal a gay liberation front.”<sup>6</sup> Jean-Basile Bezroudnoff and Georges Khal initiated the first meeting.<sup>7</sup> The *Mainmise* was also instrumental in publishing key pieces on queer issues, including a French translation of Carl Wittman’s 1970 *Refugees from Amerika: A Gay Manifesto*.

The early members of the FLH felt a strong connection to other major civil rights (such as the black civil rights movement in the United States) and anti-colonial movements in Quebec and around the world. These movements included, in particular, the Quebec independence movement and, especially, the Front de Libération du Québec (FLQ), the Algerian Front Libération National, and the Front de libération des femmes:

The FLH was founded by individuals who wanted, above all, to offer services to gays. The more militant faction that emerged wanted to engage politically but they were perceived as clients by the founders. This view led to internal conflict. The *pequistes* convictions of several members was not unanimous.<sup>8</sup>

According to Higgins, the membership of the FLH comprised two groups of mostly francophone gay men (despite efforts to attract and retain women to the organization): (1) those committed to militant politics, particularly in the context of other radical movements active in Quebec in the early 1970s, and (2) those interested in creating a safe social space and organization.

The brief existence of the FLH (approximately eighteen months) did not stop the RCMP from conducting extensive surveillance on its activities. Documents acquired through the Access to Information Act for earlier research on the surveillance and security purges of queer communities in Canada show that the RCMP kept a file on the FLH. A request for the four-hundred-page file yielded forty-two heavily redacted pages, most of which included the lengthy FLH constitution and a copy of the report of the August 28, 1971, We Demand protest on Parliament Hill, at which Pierre Mason of the FLH spoke. Interestingly, a second Access to Information request for the same file yielded sixty redacted pages.<sup>9</sup> The reasons for the RCMP surveillance of the FLH were threefold. First, there is a long and sordid history of RCMP and federal government persecution of gays and lesbians in the civil service and the military as well as of the gay and lesbian liberation

movement. Constructed as security risks, blackmailable and suffering from character weaknesses, gays and lesbians were targets of an extensive national security purge organized by the Security Panel, RCMP Security Services, and local police forces to regulate the lives of “disloyal” queers.<sup>10</sup> Second, the RCMP’s interest in the gay and lesbian liberation movement in Montreal reinforced their surveillance of Marxist and leftist movements such as the Comité Québécois contre la guerre en Indochine, En Lutte, and La ligue ouvrière révolutionnaire. Third, like the Front de libération des femmes, the FLH felt an affinity to the Quebec sovereignty movement and the FLQ. Like most francophone Québécois, especially those on the left, feminists, gays, and lesbians felt that the historical denigration of their language and culture was as oppressive as were sexism and homophobia. The independence of Quebec offered the possibility of a better society based on sexual freedoms and gender equality; at least, that was the hope. A document entitled “Homosexuels pour un Québec libre,” prepared by the members of the FLH and acquired by the RCMP, for example, underlines the FLH’s support for Quebec’s sovereigntists:

We are homosexuals. We are *PROUD*. We refuse to hide. We do not accept that we must live in a society that oppresses us because we are homosexuals and Quebeckers. We want a free Quebec because we want our liberation on all levels, sexual as well as political, economic, and cultural. We fight because we want every Quebecker to be able to express their sexuality without restraint and wherever they choose. For us, the oppressors are those who hold on to a system that forces too many of us to hide our real identity in order to earn a living; these are psychologists and sociologists that observe us like curious animals; these are priests that treat us as perverts; these are finally ordinary guys that call us “tapettes.”<sup>11</sup>

The document ends by reiterating and modifying Charles de Gaulle’s famous 1967 proclamation – “VIVE LE QUÉBEC LIBRE; VIVE LA LUTTE DE LIBÉRATION DES HOMOSEXUELS [Long live a free Quebec; long live the fight for gay liberation]” – but with an important reference to the liberation of gays and lesbians. Quebec’s independence movement and the events known as the October Crisis opened new opportunities for the gay

liberation movement in Montreal. The connections forged between the liberation of Quebec and the liberation of homosexuals seemed “natural” to the authors of this FLH document because both were premised on the promise of an independent Quebec – the unshackling of political, economic, and (especially) cultural-linguistic ties with the rest of Canada and, in theory, with the federal Criminal Code.

The sentiments expressed in “Homosexuels pour un Québec libre” were manifested in an anti-Confederation protest at Lafontaine Park on July 1, 1971. Dennis Côté describes the scene:

A good number of us were marching in the streets. We left Laurier Park and made our way down St. Denis, then Cherrier until we reached Lafontaine Park. I think we had a banner. The Knights of Independence [Chevaliers de l'indépendance] had a sound system on a truck and I was encouraged to say a few words on behalf of the FLH and I did.<sup>12</sup>

This protest attracted RCMP surveillance and a heavy local police presence. Protesters were also under the watchful eye of the military; one newspaper account reported how a Canadian Army helicopter circulating above the protest provoked the crowd's ire.<sup>13</sup> The first RCMP report of the demonstration, prepared on July 5, 1971, found its way into the FLH file as the FLH was listed as one of the participating organizations comprising the Front commun 1ere juillet. Other organizations included the Ligue socialiste ouvrière, Ligue des jeunes socialistes, Chevaliers de l'indépendance, and the Women's Action Movement. Except for this list of organizations, most of this report was censored, including the “Investigator's Comments.”<sup>14</sup> The second redacted report, dated July 15, 1971, provides some insight into the tenor of the investigator's comments. The report included references to the fact that “some spectators appeared astonished and frustrated to the fact that Allan BEINER [sic], the main organizer was English” and that the protest was deemed “unacceptable” because of “the carnival atmosphere with [censored] parading in the nude and various speakers shouting obscenities [sic] in reference to various government officials.”<sup>15</sup> This report also highlights Côté's name as a speaker. Despite the FLH's solidarity with the cause, however, Côté received a lukewarm response from the crowd.

According to newspaper accounts, amid applauses for his short speech, Côté also heard “Vive le cul libéré! [Long live the free ass!].”<sup>16</sup>

The FLH’s support for the *felquistes* (members and supporters of the FLQ), however, continued unabated. The members of the FLH participated in the October 16, 1971, demonstration to mark the passing of the War Measures Act in October 1970 and to protest Bill 28 and Bill 63, legislation designed to restructure the education system in Montreal and to institute bilingualism in Quebec, respectively.<sup>17</sup> The Front commun pour la défense de la langue française organized this protest, which included the Chevaliers de l’indépendance, the Mouvement pour la défense des prisonniers politiques du Québec, and the Confédération des syndicats nationaux, among others. This action on the part of the FLH might have signalled to the RCMP that the group’s members were all *felquistes*; yet RCMP documents do not chronicle the internal issues and debates regarding the FLH’s mandate. Although additional research is needed to fully explain the connection between the FLH and the Quebec sovereignty movement, the RCMP’s surveillance of this organization was contingent upon, but not exclusive to, the FLH’s support of both the left and the sovereignty movement.

In the early morning hours of June 18, 1972, the Montreal Police raided a dance organized by the FLH to celebrate the opening of its new location on St. Catherine Street. The local police arrested about forty men on the grounds that the organizers had not obtained a liquor licence. It is more likely, given that the FLH was under continuous surveillance, that the police knew about the missing liquor licence far in advance and planned accordingly. The raid was successful in spreading fear within the gay male community, and, according to FLH member Gilles Garneau, people did not dare return to this location following the raid.<sup>18</sup> This incident not only continued the long history of police repression and harassment of Montreal queer communities but also signalled the disintegration of one of Canada’s most important gay liberation groups. The RCMP received a written report (also heavily redacted) from a member of the Montreal Security Service about the raid dated August 14, 1972.<sup>19</sup> In all likelihood the redacted parts of this report contained the names of individuals arrested as well as a detailed description of what the police saw and did.

The blame for the FLH’s demise rests squarely on the shoulders of police harassment and repression. After the June 17–18 raid, the FLH executive



resigned. Although other organizations, such as Gay Montreal (originally GAY and Gay McGill) and Montreal Gay Women emerged to fill the gap, they were mostly comprised of anglophones and, consequently, the linguistic divide that plagued the queer movement in Montreal continued.<sup>20</sup> Androgyny Bookstore/L'Androgyne, a community bookstore often forgotten in the many histories written about Montreal's gay and lesbian communities in the 1970s, played a critical role in bridging these linguistic divides and providing a much needed space. At the 2011 "We Demand" conference in Vancouver, Ross Higgins, who worked at Androgyny, presented a brief history of this bookstore. Established in 1973 and privately owned until 1976, Androgyny provided the community with a place to learn about its history; a haven in which to come out and meet other gay men, lesbians, and trans people; and hold social events. It also stood as a beacon for radical politics.<sup>21</sup>

In January 1974, the francophone gay group Centre homophile urbaine de Montréal (CHUM) emerged, but it did not have the strong militant character sometimes associated with the activities of the FLH. Limited space does not allow for a more lengthy discussion of the effects of police repression and RCMP surveillance on these groups; however, numerous reports exist indicating that meetings by Gay Montreal held at McGill University had some sort of undercover presence.<sup>22</sup> Police presence and harassment did not dissipate between 1972 and 1975; rather, in the period known as the pre-Olympics clean-up (affecting Toronto, Ottawa, and Montreal), police repression intensified, resulting in the arrests of hundreds of people. This development also galvanized the Montreal gay and lesbian community in unprecedented ways, eventually leading to the organizing of the Association pour les droits de la communauté gai(e)s du Québec (ADGQ).

### **Enough Is Enough: Fighting against the Pre-Olympic Games Clean-up**

On June 21, 1976, Sergeant J.G.A. Gregoire of the Montreal Security Service received a three-page document prepared by the Toronto-based RCMP Security Service regarding "gay groups" in that city.<sup>23</sup> The document was sent at the request of the Montreal Security Service, asking for "information on gay activities and organizational assessments for SPCUM [Service de Police de la Communauté Urbaine de Montréal]." The Montreal Security Service received brief summaries of the National Gay Rights Coalition

(NGRC), the Coalition for Gay Rights in Ontario (CGRO), Gay Alliance Towards Equality (GATE), the Community Homophile Association of Toronto (CHAT), and the Gay Academic Union (GAU). These organizations were based either in Ottawa or Toronto; however, given the discourse of national security and police surveillance at the time, the RCMP did not necessarily see the gay and lesbian liberation movement as fractured by regional or linguistic differences. Indeed, receiving information about the existence of Ottawa- and Toronto-based organizations was strategically important for security services interested in regulating and diminishing political resistance and power in queer communities in the 1970s, particularly in the pre-Olympics period. Gay and lesbian liberationists were described as “gay political activists” and as “predominantly young, ranging in age from 20-25 years old, and unlike the older homosexuals they are eager to display their homosexuality through such acts as demonstrating.”<sup>24</sup> Although many of the Olympic activities of the summer of 1976 would not occur near what is now known as the Montreal gay village located between Berri and Papineau Streets on St. Catherine East, the pre-Olympics clean-up included an unprecedented police crackdown on gay and lesbian bars extending from Quebec City to Toronto.<sup>25</sup> For example, on May 22, 1976, the Club Baths in Ottawa was raided, leading to the arrest of twenty-seven men. In an interview, David Garmaise of Gays of Ottawa (GO) and the NGRC remembered that, “if they could [have] closed the baths for the period of the Olympics[,] they would have.”<sup>26</sup> The police also took the Club Baths’ membership list, which included the names of “senior officers in all branches of the armed forces, senior officers in the RCMP, Ottawa police, politicians and so on.”<sup>27</sup>

The February 4, 1976, raid on Montreal’s Sauna Aquarius is often cited as the beginning of the pre-Olympics clean-up campaign. Thirty men were arrested as “found-ins” in a bawdy house, thereby bringing the attack on gay bars in Montreal to a new level. Originally reserved for brothels but extended in 1917 to include places resorted to for “acts of indecency,” bawdy house legislation was used for arrests made during raids to gay establishments and helped to legitimize police actions, granting them the full force of the law.<sup>28</sup> Although police forces were not consistent in their use of bawdy house legislation, it was often invoked as a tool to control and discipline marginalized communities, especially in moments of political expediency.

The pre-Olympics clean-up campaign presented such a moment. Notably, arresting a person as a “found-in” through this legislation required periodic surveillance by undercover police. According to the *Gay Times*, a newsletter created by militant members of Gay Montreal explicitly to inform the queer community about repressive and oppressive police actions, a rash of raids on gay bars such as Rocamboles, Taureau d’or, Bud’s, Baby Face (a lesbian bar), and Chez Fernand followed the attack on the Sauna Aquarius.<sup>29</sup> Also under surveillance were popular public washrooms used for sex, including those found in Place Ville Marie, Place Bonaventure, the Bay, the YMCA, and the Laurentian Hotel.<sup>30</sup> The lesbian community did not escape this police harassment, which assumed a gendered element not reported by patrons of gay male bars. For example, at Chez Jilly’s, police used machine guns and barked orders for female patrons to stand against the wall and submit to a physical search.<sup>31</sup> In their report on the Aquarius raid, the *Gay Times* warned: “The plan’s objective is to frighten people away from places of public entertainment and to make the gay population temporarily invisible.”<sup>32</sup>

The escalation of police harassment and repression in 1975–76 precipitated the emergence of three organizations designed to resist these actions, in addition to the creation of the *Gay Times* and the already burgeoning Androgyny Bookstore collective: Group homosexuel d’action politique (GHAP); the Gay Committee Against Repression (GCAR); and the ADGQ. GHAP formed in March 1975 and reintroduced the FLH’s militant and leftist stance into the Montreal gay liberation scene. According to Roger Noël, GHAP investigated the causes of homosexual oppression and advocated that the fight for queer liberation join anti-capitalist revolutionary efforts.<sup>33</sup> The arrests of eighty-nine men at the Neptune Sauna and the seizure of its membership list galvanized a group of queers to establish GCAR, the organization responsible for orchestrating the June 19, 1976, demonstration at which approximately three hundred protesters passed the offices of Premier Bourassa, the Olympic Organizing Committee, and City Hall. In October 1976, GCAR reconstituted itself as the ADGQ, an organization interested in securing human rights for Quebec’s queers. The ADGQ played an instrumental role in lobbying the Quebec provincial government to include sexual orientation in its Charter of Rights after a massive raid on Truxx, another popular Montreal gay bar, in October 1977,

during which 140 men were arrested. An editorial in *Le Berdache*, the ADGQ's official organ, entitled "La Semaine de Fierté Gai?," referred to the attacks on the FLH and gay and lesbian bars during the pre-Olympics clean-up campaigns as Montreal's Stonewall (a reference to the riots that ensued in 1969 in response to police repression at the Stonewall Inn in New York City).<sup>34</sup>

These organizations provided the gay and lesbian community in Montreal with vehicles through which to resist and to fight against the organized police repression and RCMP surveillance at the heart of the pre-Olympics clean-up campaigns. By using discourses designed to highlight what was considered immoral, deviant, and "dirty," various levels of the police force employed intimidation tactics and the Criminal Code to "smoke out" queers in order to "prepare" Montreal for thousands of visiting tourists and global attention. Montreal's gay and lesbian liberationists learned a difficult lesson between 1971 and 1976. In this pivotal moment of queer activism and sexual policing, queers in Montreal understood themselves as fighting against the heterosexual state and its definitions of citizenship. The many forms of police repression that created flashpoints between (1) police and legal institutions and (2) the gay and lesbian communities in Montreal indicate that the "othering" of these communities was not only a consequence of being labelled "deviant" but also evidence of the employment of exclusionary practices. It is no surprise, then, that from 1977 to 1981 organizations like the ADGQ and the NRGQ focused so much effort on having gay and lesbian rights included in the Quebec Charter of Rights and the Canadian Human Rights Act, respectively. However, this new strategy did not quell police repression of queer communities in Canada.

Although historians tend to assess the "success" or "failure" of anti-queer campaigns, I suggest that a more fruitful exercise would be to frame these tactics and the resistance they engender within an understanding of how subaltern voices are under the constant scrutiny of, and attack by, various legal and political institutions. This approach would focus on how the Montreal police and Montreal Security Services (in this instance) were connected to multiple levels and systems of repression. In other words, revealing the security and surveillance infrastructure and network of police repression as it organized against gay men, lesbians, trans people, and/or sex workers may offer a way of understanding the administrative logic behind the system of oppression. This logic includes several levels of police forces

working together to implement laws and governmental policies across a range of jurisdictions in order to suppress a variety of “subversive” movements, such as the left, the Quebec sovereignty movement, the feminist movement, and the gay and lesbian liberation movement. By expanding outwards towards a deeper understanding of the administrative and bureaucratic logic that shaped the very definitions and strategies used against multiple communities that stood as critical voices against the capitalist, racist, and heteropatriarchal state, research focusing on surveillance and repression could reveal a more complete picture of the extent of Canada’s version of the police state. This emphasis would lead scholars of police repression, and resistance to it, to reveal the discursive and material mechanics at the heart of the making of the subversive – a political and cultural entity that functions as the linchpin of surveillance systems in the historical past and present. What is noteworthy about the systemic attack on the subaltern voices of the Montreal gay and lesbian movement between 1971 and 1976 is that it inspired a resistance that was not only about the building of communities but also about using knowledge of police tactics to inform Montreal gays and lesbians about the character of these practices and how to fight against them in everyday circumstances: not just to survive but to thrive.

## Notes

I would like to thank Gary Kinsman for his permission to use research we conducted for our book, *The Canadian War on Queers: National Security as Sexual Regulation*, for this chapter. I am also grateful to Jean-Philippe Warren for his comments and translation of the French version of this paper published in *Une histoire des sexualités au Québec au XX siècle* (Montreal: vlb éditeur, 2012), and the vlb publishers who gave permission to publish the English version for this volume. Finally, Sylvie Perrier edited my translations of the French quotations contained in this chapter. All errors remain my own.

- 1 “À bas la répression contre les homosexuels!” appeared on the Comité homosexuel anti-répression (CHAR) banner during the June 19, 1976, demonstration in Montreal in which protesters demanded an end to the pre-Olympics clean-up campaigns. [Return to text.](#)
- 2 See Gary Kinsman, *The Regulation of Desire: Homo and Hetero Sexualities* (Montreal: Black Rose Books, 1996); Tom Warner, *Never Going Back: A History of Queer Activism in Canada* (Toronto: University of Toronto Press, 2002); Ross Higgins, *De la clandestine à l’affirmation: Pour une histoire de la communauté gaie montréalaise* (Montréal: Comeau et Nadeau, 1999); Miriam Smith, *Lesbian and Gay Rights in Canada: Social Movements and Equality-Seeking, 1971–1995* (Toronto: University of Toronto Press, 1999); and Becki Ross, *The House That Jill Built: A Lesbian Nation in Formation* (Toronto: University of Toronto Press, 1995). [Return to text.](#)
- 3 Namaste dedicates Chapter 5 to the history of police oppression of the transvestite and transsexual communities in her book *C’était du spectacle! L’histoire des artistes transsexuelles à Montréal, 1955–1985* (Montreal and Kingston: McGill-Queen’s University Press, 2005). Part of this oppression included systematic surveillance of the transvestite and transsexual communities in Montreal, especially in their places of work (including on the streets and in clubs). [Return to text.](#)
- 4 I deliberately separate queer, transvestite, and transsexual communities since they have distinctive political and social characteristics. However, this is not to say that they did not organize together to resist police repression. [Return to text.](#)
- 5 Ross Higgins, “Extraits d’entrevues avec des militants du FLH,” *L’Archigai: Bulletin des archives gaies du Québec* 5 (March 1996): 3. Higgins states that the first headquarters was at 2065 St. Denis, but, in the winter of 1971, the FLH moved to another location at 279 St. Catherine Street near Sanguinet. For more on the FLH, see Higgins, *De la clandestine à l’affirmation*, esp. 113–16. Addresses found in the FLH file at the Archives Gai de Québec. [Return to text.](#)
- 6 See Gilles Hughes Yvonne de Maujincourt, “Pour un front gai à Montréal,” *Mainmise* 3 (1971): 191. The original quote is French; the translation in the text is mine. [Return to text.](#)



- 7 Don McLeod, *Lesbian and Gay Liberation in Canada: A Selected Annotated Chronology, 1964–1975* (Toronto: ECW Press, 1996), 65. [Return to text.](#)
- 8 Higgins, “Extraits d’entrevues avec des militants du FLH,” 3. [Return to text.](#)
- 9 The actual file is four hundred pages. The second Access to Information request was submitted by my research assistant Péter Balogh. I would like to thank Péter for his assistance both at Library and Archives Canada and at Archives Gai de Québec. The fact that separate access to information requests of the same file resulted in two different sets of documents underlines the problems I deal with more extensively in an article on the Access to Information Act and national security. For more, see Patrizia Gentile, “Restricted Access? National Security, Access to Information, and Queer(ing) Archives,” *Archivaria* 68 (December 2009): 137–58. See also Péter Balogh, “A Queer Silence: Rediscovering the Emergence of the Front de libération homosexuel and Its Contribution to the Lesbian and Gay Liberation Movement, 1970–1972,” paper presented at the “Just Watch Me! 40th Anniversary of the October Crisis and the War Measures Act Conference,” Carleton University, October 14–15, 2010. [Return to text.](#)
- 10 See Gary Kinsman and Patrizia Gentile, *The Canadian War on Queers: National Security as Sexual Regulation* (Vancouver: UBC Press, 2010). [Return to text.](#)
- 11 Library and Archives Canada (hereafter LAC), RG 146, vol. 3050, Homosexuals Liberation Front, Montreal, Quebec, handout entitled “Homosexuels Pour Un Québec Libre,” August 7, 1971 (emphasis in original). [Return to text.](#)
- 12 Higgins, “Extraits d’entrevues avec des militants du FLH,” 3. [Return to text.](#)
- 13 Archives Gai de Québec (ADQ), press clippings box (1886–1980), file 1971, “Manifestation pacifique contre la Confédération,” *Le Devoir*, 2 July 1971, 6. [Return to text.](#)
- 14 LAC, A200800454\_2009-07-09\_09-14-28, vol. 1, Front de Libération des Homosexuels (Homosexuals Liberation Front), Montreal, Quebec, document entitled “Protests and Demonstrations Against Confederation – July 1st-1971 Québec,” July 5, 1971. [Return to text.](#)
- 15 Ibid. This document was not included in my original Access to Information request. [Return to text.](#)
- 16 ADQ, press clippings box (1886–1980), file 1971, “Première Apparition,” *Montréal Matin*, 2 July 1971, 3; and “La Manifestation anti-Canada,” *Le journal de Montréal*, 2 July 1971, 2. [Return to text.](#)
- 17 LAC, A200800454\_2009-07-09\_09-13-34, “Gay Liberation Movement, Montreal, Que.,” document entitled “Front Commun pour la Defence de la Langue Française– Province de Québec,” October 14, 1971. [Return to text.](#)
- 18 Gilles Garneau, “La naissance du Front de Libération Homosexuel,” *L’Archigai: Bulletin des Archives Gaies du Québec* 5 (March 1996): 2. [Return to text.](#)
- 19 LAC, A200800454\_2009-07-09\_09-14-28, vol. 1, Front de Libération des Homosexuels (Homosexuals Liberation Front), Montreal, Quebec, document entitled “Le Front de Libération des Homosexuels–Montreal, Que.,” 14 August 1972. [Return to text.](#)
- 20 For more on Gay Montreal, Montreal Gay Women, Centre homophile urbain de



- Montréal, or other organizations, such as Front homosexuel québécois de libération or the Québec City organization Centre humanitaire d'aide et de libération, see Higgins, *De la clandestine à l'affirmation*, 116–21. [Return to text.](#)
- 21 Ross Higgins presented on this topic at the 2011 “We Demand” conference but recounts a brief history of the bookstore in “From Androgyny to the Archives: The Personal and Institutional History,” *L’Archigai: Bulletin des Archives Gaies du Québec* 21 (November 2011): 6. [Return to text.](#)
- 22 LAC, RG 146, vol. 3049, file “Gay Liberation Movement.” [Return to text.](#)
- 23 LAC, RG 146, vol. 3115, Community Homophile Association, Toronto, “RE: NATIONAL GAY RIGHTS COALITION (NGRC).” [Return to text.](#)
- 24 Ibid. [Return to text.](#)
- 25 For more on the emergence and evolution of Montreal’s gay village, see Frank Remiggi, “Le Village gai de Montréal: Entre ghetto et l’espace identitaire,” in *Sortir de l’ombre: Histoires des communautés lesbienne et gaie de Montréal*, ed. Irène Demczuk and Frank W. Remiggi, 266–89 (Montréal: vlb éditeur, 1998). In this same volume, see also Ross Higgins, “Des lieux d’appartenance: Les bars gais des années 1950,” for a history of gay bars before the emergence of the Montreal gay village. [Return to text.](#)
- 26 For more on this interview and the raid on the Club Baths in Ottawa, see Kinsman and Gentile, *Canadian War on Queers*, 314. [Return to text.](#)
- 27 Ibid., 316. [Return to text.](#)
- 28 Higgins, *De la clandestine à l'affirmation*, 122. [Return to text.](#)
- 29 “Aquarius Raid Start of Police Anti-Gay Clean-Up Campaign,” *Gay Times* 1, 1 (1975): 1. [Return to text.](#)
- 30 “Police ‘Can’t Deny’ Entrapment,” *Gay Times* 1, 2 (May 1975): 1. [Return to text.](#)
- 31 For more on the lesbian movement in Montreal during the 1970s, see Andrea Hildebran, “Genèse d’une communauté lesbienne: Un récit des années 1970,” *Sortir de l’ombre*, ed. Irène Demczuk and Frank W. Remiggi (Montréal: vlb éditeur, 1998): 220. [Return to text.](#)
- 32 For more on the raids, including those on the Club Baths of Montreal, Neptune Sauna, and Sauna Cristal as well as raids in Toronto and Ottawa, see Kinsman and Gentile, *Canadian War on Queers*, esp. chap. 9. [Return to text.](#)
- 33 For a thorough history of GHAP, see Roger Noël, “Libération homosexuelle au révolution socialiste? L’expérience du GHAP,” in *Sortir de l’ombre*, ed. Irène Demczuk and Frank W. Remiggi, 187–206 (Montréal: vlb éditeur, 1998). [Return to text.](#)
- 34 Editorial, “La Semaine de Fierté Gaie?” *Le Berdache* 21 (1981): 3. [Return to text.](#)

# 4

## Fire, Passion, and Politics

### The Creation of Blockorama as Black Queer Diasporic Space in the Toronto Pride Festivities

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*Beverly Bain*

In 1998, a small group of black queer activists met and began a conversation about the absence of a black queer and queer of colour presence in the Toronto Pride festivities. This gathering was spearheaded by Jamea Zuberi, who felt that the Pride parade bore a resemblance to a Trinidad carnival but lacked the presence of bodies of colour. She suggested that the group approach the organizers of Pride with the intention of creating a section called Pelau, which would form part of the parade comprised primarily of black queers and queers of colour. Pelau is a Trinidad dish made with rice and peas and is often the signature dish at parties and carnivals. It also combines a mixture of ingredients and flavours that Jamea associates with the country's racial and ethnic diversity.

Jamea forwarded the idea of a Blockorama, an all-day party with drag queen performers, drummers, dancers, and DJs, fashioned after the event of the same name held in Trinidad around carnival time. The rest of the group embraced the idea, believing this would establish a sustained black queer diasporic presence in the Pride festivities. It was also felt that this event would provide an appropriate venue for those “not out” to feel safe to participate in the Pride celebrations.

In 1999, the members of this group formed a coordinating committee named Blackness Yes. The committee included Zuberi, Angela Robertson, Douglas Stewart, Junior David Harrison, and Camille Orridge. They approached the Toronto Pride Committee with the offer to program a stage that would bring black queers together. It required some work on the part of

Blackness Yes to convince Pride Toronto of the importance of a separate programming space for and by black diasporic queers. As one of the founding members of Blackness Yes, Junior Harrison, stated: “Here we were again as black queers trying to explain why it was important to have space and visibility in the Pride celebrations.”<sup>1</sup>

The Toronto Pride festivities that take place every year along Church and Wellesley Streets officially began in 1981 following the bathhouse raids that culminated in the largest mass arrest of gay men in Toronto’s history. This mass arrest resulted in demonstrations by queers and their supporters, which forced the legal recognition of Lesbian and Gay Pride Day in Toronto. Pride Toronto continued to grow as a yearly event and included dancing in the street, drag performances, DJs, concert stages, LGBT family picnics, and more. The Toronto Pride Committee was formed in 1986 to facilitate the planning of the Pride festivities and to ensure that the event was accessible to all LGBT groups and individuals who wanted to be part of them. It is important to state that the catalyst for LGBT Pride celebrations was the Compton Cafeteria Riot in 1966<sup>2</sup> and the Stonewall Riots<sup>3</sup> in 1969. Both of these events sparked the gay liberation movement. So LGBT Pride is rooted in a larger political project aimed at confronting and eliminating sexual, racial, class, and gender injustices. As the Toronto Pride festivities in the late 1980s and 1990s continued to grow, it was characterized as more of a “big party,” with the events and entertainment attracting primarily a white LGBT crowd. It was also during these decades of Pride celebrations that black queer diasporic and racialized queer bodies seem to disappear or become invisible in the urban spaces where queer lives were being celebrated.

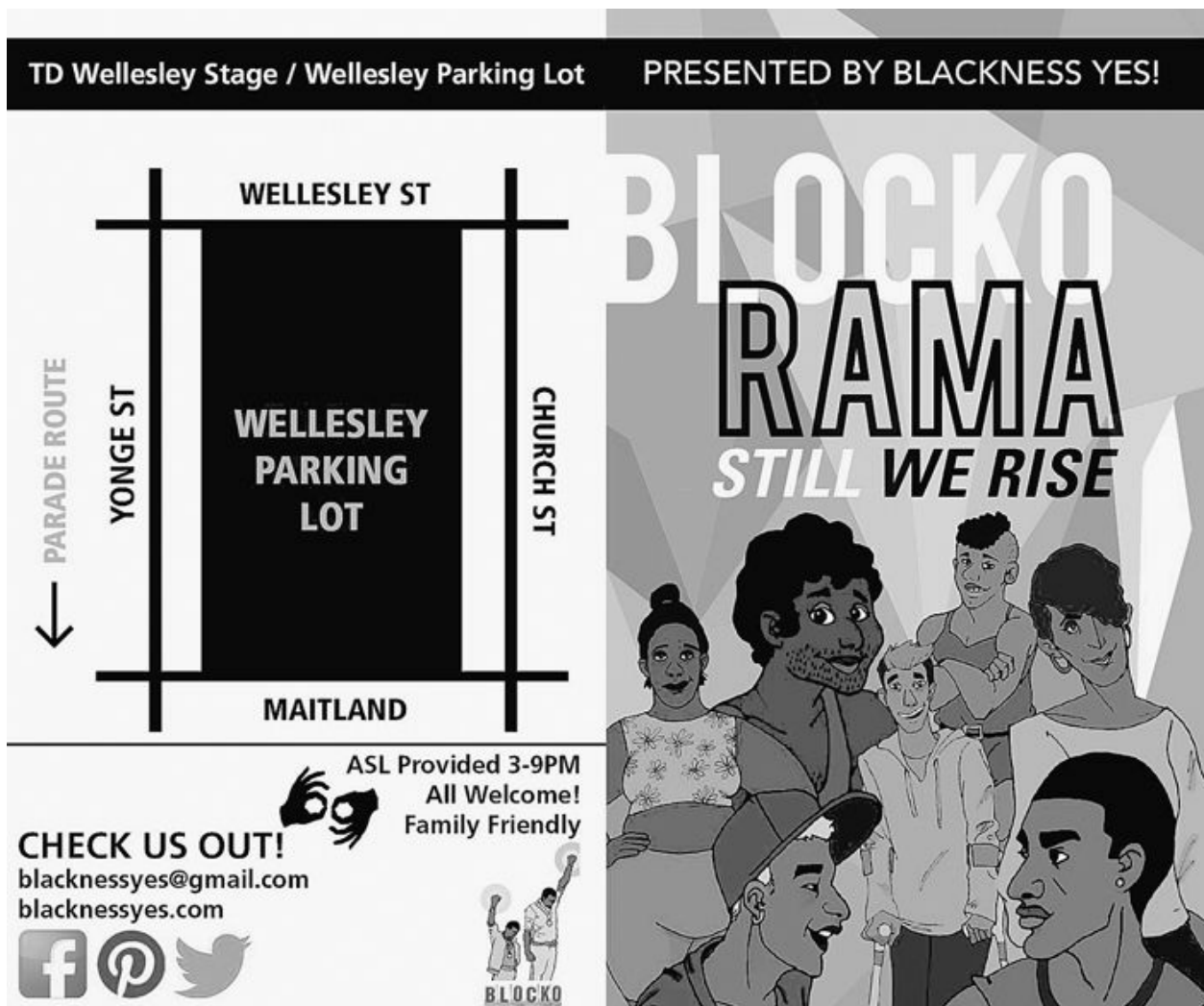
The impetus for this chapter is a desire to document the intervention and creation of space by black diasporic queers in the Toronto Pride festivities. It is a retelling of a history of sex activism in Toronto by black queers who have always had to create spaces to celebrate our lives. This chapter comes out of conversations that I had with LGBT black queer activists who have organized against racism inside the wider LGBT movement and against homophobia inside our own communities. It is a project of “recovery” and “discovery” aimed at bringing into focus the multiple identifications, histories, cultural expressions, tensions, and political strategies that created and continue to shape the Blockorama space and its relationship to the wider black and queer communities within the context of the Toronto Pride festivities.

To situate Blockorama as part of a continuing conversation about black queer activism, I begin this chapter with a discussion of how black queer diasporic activism is intertwined with organizing occurring within the larger black and sexual minority communities. Second, I explain the making of black queer diasporic space as dynamic space in which sexual and racial binaries produced in colonial, racial, sexual, and heteronormative discourses as stable, visible, invisible, knowing, and unknowing are disrupted. Third, I show the connection of black queer space that hosts the Blockorama event with spaces elsewhere, where a shared sense of racial, cultural, and sexual politics brought queers of colour and white queers together. Finally, I demonstrate how the City of Toronto's desire to corporatize and regulate the participation of particular queer groups (i.e., Queers Against Israeli Apartheid) in the Pride parade fostered collective action by queers involved in the Toronto Pride festivities. This collective action is based on recognition of the connections between the challenges faced by queer racialized activism.

### **Black Queer Diasporic Activism**

Much of the writing that draws attention to what is referred to as black queer and Caribbean queer diasporic life in Canada focuses on gay men. This includes work by Rinaldo Walcott, Wesley Crichtlow, Amar Wahab and Dwaine Plaza, and Andil Gosein. Yet black and Caribbean queer women have always been in Canada, as witnessed by writers such as Dionne Brand,<sup>4</sup> Makeda Silvera,<sup>5</sup> and Shani Mootoo.<sup>6</sup> Brand writes:

Often when we talk about the wonderful black women in our lives, their valour, their emotional strength, their psychic endurance overwhelm our texts so much so that we forget that apart from learning the elegant art of survival from them, we also learn in their gestures the fine art of sensuality, the fleshy art of pleasure and desire. The women who taught us these are strewn as heavily across our landscapes as the women who taught us to struggle against hardships. Often they were and are one and the same.<sup>7</sup>



**FIGURE 4.1** Advertisement for 2014 Blockorama: Still We Rise. Blockorama and Blackness Yes Facebook cover photos (2014).

However, when we speak of black queer diasporic bodies and sexualities, black female queer bodies are not the bodies that populate the discourses about black queer and Caribbean diasporic lives. This may have to do with the way “queer” has been constructed as sutured to the bodies of white gay men. It may also have to do with the constitution of blackness and diaspora as male, heterosexual, and nationalist. Finally, this invisibility and silencing of black female queer bodies may be linked to the manner in which black female sexuality has been constructed as troublesome for the nation. Jacqui Alexander explains the danger that black female sexuality poses to the nation:

Erotic autonomy signals danger to the heterosexual family and the nation. And because loyalty to the nation as citizen is perennially within reproduction and heterosexuality, erotic autonomy brings with it the potential of undoing the nation entirely, a possible charge of irresponsible citizenship or no responsibility at all. Given the putative impulse of this eroticism to corrupt, it signals danger to respectability.<sup>8</sup>

Constructing black Caribbean women's sexuality as dangerous not only pervades the discourses at "home" but extends into the diaspora. In an article exploring the Caribbean Canadian community's unwillingness to support same-sex relationships, Wesley Crichlow writes: "Caribbean Communities have policed desire along the lines of good and bad, clean and unclean, and have imposed very stereotypical roles and expectations on men and women."<sup>9</sup> Brand notes the struggle she experienced writing and speaking about the female body for itself as "grappling for it, like trying to take it away from some force."<sup>10</sup> Members of the black queer diasporic community, myself included, came to our sexuality through struggles against sexism, racism, classism, colonialism, and imperialism. The terms "lesbian," "gay," and "bisexual" (LGB) constructed within the gendered binary of male and female came to define our sexualities and shaped much of the way we organized in the LGB communities. Gender binaries came to define the early organizing of Blockorama. It is this logic of binarism that worked to make trans persons invisible in the Blockorama space in the early years. According to Angela Robertson, "there wasn't an emphasis on trans inclusion. As Blocko[rama] was developing, there were individuals involved in Blockorama who were identifying as trans" (Interview, September 28, 2012).

Concepts such as blackness, queerness, lesbian, gay, bisexual, and diaspora "lend themselves to the interrelated tropes of sameness and difference: the coherence of each is contingent upon a deep investment in sameness even in spite of a broad range of differences."<sup>11</sup> Yet concepts like LGB are difficult to dispense with because of the social, political, and economic relations that have shaped the coming into being of these identities at the intersections of gender, race, class, and sexuality. This is evident in numerous ways, including how racialization and heteronormativity shaped us

as homogeneously racialized as blacks and sexualized as heterosexuals. We have faced many challenges: racism and hypersexualization in the white lesbian and gay communities, and gender and sexual oppression in the black community.

Concerns regarding dispensing with labels such as LGB include subverting the experiences, histories, politics, and identities that gave birth to them in the first place.

These anxieties, even though not spoken publicly, marked the Blockorama space as it shifted from being labelled a black lesbian, gay, bisexual space to one that was a black queer diasporic space. In “Punks, Bulldaggers, and Welfare Queens: The Radical Potential of Queer Politics,” Cathy Cohen expresses concerns about engaging non-normative approaches – in this case queer theory and politics – in coalition building that did not attend to the materiality of power and privilege at the intersections of gender, race, and class. She asserts that queer, even though it offers subversive potential for change, is constructed along a homo/hetero divide that has created a false dichotomy between heterosexual and queer. This has left unexamined the distribution of power on both sides of the dichotomy: “Queerness, as it is currently constructed, offers no viable political agenda that makes visible the prominence of race, class, and to varying degrees gender in determining the life chances of those on both sides of the hetero/queer divide.”<sup>12</sup> Cohen does not view queer as it currently exists as able to shift rigid binaries or as “truly liberating, transformative and inclusive of all those who stand on the (out)side of the dominant normalized ideal of state-sanctioned, white, middle- and upper-class male heterosexuality.”<sup>13</sup> She aims to create a coalition politics organized around intersectionalities that queer subjectivities, attached to whiteness and maleness, often conflate and subvert.

E. Patrick Johnson, like Cohen, critiques “queer” and white queer activists for failing to deal with the material realities of LGBT of colour. He seeks to “quare” queer. However, Johnson does recognize the potential of queer, with its non-normative qualities, if infused with the knowledges of racialized sexualities:

“Quare” offers a way to critique stable notions of identity and, at the same time, to locate racialized and class knowledges. My



project is one of recapitulation and recuperation. I want to maintain the inclusivity and playful spirit of queer that animates much of queer theory but I also want to jettison its homogenizing tendencies. As a disciplinary expansion, then, I wish to “quare” queer such that ways of knowing are viewed both as discursively mediated and as historically situated and materially conditioned. This reconceptualization foregrounds the ways in which lesbian, bisexual, gay and transgendered people of color come to sexual and racial knowledge.<sup>14</sup>

Johnson “disidentifies” with queer, a term he takes from José Esteban Muñoz, who refers to decoding not as a way to dispense with the term queer but, rather, as a way to intervene in it.<sup>15</sup> Johnson’s use of “quare,” then, is a way to unhinge queer from its homogenizing tendencies and, thus, to reveal the materiality of race, class, and sexualities.

I would argue that the black queer diasporic space we call Blockorama was, to riff off Johnson’s term, conceived “quarely” as a black diasporic cultural space. It afforded room for those whose “blackness” included black-hyphenated, Creole, mixed, or other designations,<sup>16</sup> sexualities already given names, and those unnamed. The emergence of a trans presence and the reinsertion of a trans politics and history by trans-identified persons in black queer organizing not only shifted the discourse of an essentialized LGB space but also revealed the potential of that space as one for celebrating non-normative racialized sexualities and the making of “home.” In the words of Syrus Marcus Ware, a trans-identified member of Blockorama’s organizing committee, Blackness Yes: “The Blockorama black queer diasporic and trans space is a space of resistance and activism. A space of celebration, resistance, survival and community.” It is also a space that is conceived elsewhere, here, unbounded, and inseparable from other queer spaces.

### **The Making of Blockorama as Black Queer Space**

Black queer life in Canada “borrows and shares across national borders to constitute itself locally. Black queer life thus refuses national designation as its primary site of identification and instead casts its lot with black queers transnationally.”<sup>17</sup> The group that formed Blackness Yes had either come

from or had parents and family members who were originally from the English-speaking Caribbean. They were also individuals who were active in the feminist and gay and lesbian movements in Toronto.

Several of their members had been involved in organizations like the Toronto Black Women's Collective, a black radical feminist queer group founded in the late 1980s. This group was formed to bring attention to black women's working and sexual lives and was influential in making black lesbian lives visible in the women's movement and in the larger queer, black liberation, and communist movements. Other organizations of note include Aya, founded in 1994 to provide social support for black gay men, and Zami, the first group in Toronto for black lesbians and gays. Angela Robertson explains: "We were friends that came together with a feminist agenda from the [Toronto] Black Women's Collective with queer black men who were supporters of the Black Women's Collective. These were men who came with a strong foundation of queer and inclusive politics" (Interview, September 28, 2012).

The individuals who came together to organize the Blockorama event in its early stages had been organizing in the larger Toronto queer community and participated in actions to stop police raids on bathhouses, gay bars, and other gay spaces. However, in these spaces where white gay and lesbian bodies are marked as more desirable they also had to combat the positioning of black bodies and the notion of blackness as representing both "desire and repulsion." Thus black gay and lesbian groups like Aya and Zami, founded by some of the members involved with organizing Blockorama, provided safe erotic spaces for black diasporic queers while addressing other social, political, and economic issues affecting black queers in the city.

As a self-described black lesbian feminist who had recently "come out" in the early 1990s and had been attending the Pride celebrations, I yearned to see more bodies of colour at Pride. The availability of a black queer transnational, feminist space meant that there was a space in which I could be visible as a feminist and as a black lesbian from the Caribbean who was an anti-colonial, anti-imperial, and an anti-racist activist. I knew the women who were the organizers of Blackness Yes. We had marched against racist police violence, fought racism in the women's movement, and challenged sexism and homophobia in the black community. Dionne Brand insists that home is an uneasy place marked by common purpose. She writes: "Funny how home is the first place you look for even if you are running from it, you are

nonetheless always running toward it, not the same spot but a spot you're sure that you'll know."<sup>18</sup> So being in that space for me was like coming home.

Blockorama was a way to create space for black queers in the city to find ways to connect what often gets disconnected. Our blackness gets severed from our queerness inside the white queer community, and our queerness gets cut off and deemed an aberration inside the heteronormative black and Caribbean community.<sup>19</sup> It was often my experience inside the women's community that the work I did as an anti-racist feminist positioned me along the lines of race and as heterosexual. As an anti-racist activist in the black community working to end police violence, my queerness was erased so as to legitimize my blackness. Walcott describes this process of legitimization as a "counterweight of forces":

The black queer diaspora is a counterweight to forces, both white and black, that position black queer sexuality as either non-existent or in need of spokespeople on its behalf. In this way, then, the black queer diaspora functions simultaneously as an internal critique of black homophobia and a critique of white racism.<sup>20</sup>

The organizers of Blackness Yes refused this dichotomous split between blackness and sexuality and reached out to the wider black community in Toronto prior to the Blockorama event in 1999. Courtney MacFarlane, one of the organizers at the time, states: "We really had a commitment to visibility. We were interested in engaging with black communities. Queer life existed outside downtown. In doing so, we were searching wider for a black queer presence" (Interview, September 24, 2012).

Blockorama, as black queer diasporic space in formation, was influenced by the history and politics of mobilization that shaped the black and Caribbean Canadian community. Black queers organizing to make queer life visible have found it necessary to build and foster connections with the larger black diasporic community because of the realities of racism, sexism, and classism. MacFarlane, in discussing the line up of DJs and performers, commented: "They were not always necessarily queer but allies." As black queers living in Canada, we have had to negotiate the heteronormativity and

black nationalism that occlude black queerness in the diaspora and the homonormativity that affixes queerness to white male subjectivity. We have also had to negotiate and make visible the activism of black queer feminists that gets erased at the sites of queer, blackness, and feminism.

### **Blockorama as a Space of Transnational Celebration and Politics**

Black queer spaces, then, are encompassed and encompassing. I remember dancing in the early 1990s at the Red Spot, a space created by black, Indo-Caribbean, and South and East Asian queers and featuring DJs from those communities. It had become the place to dance to soca, calypso, bhangra, chutney, disco, salsa, and soul. Some of the regular DJs included Nik Redd, Verlia, Vashti, Jo, and Maria Elena. Other clubs existed at that time, such as the Manhattan, operated by a black lesbian known as DJ Janet. It is clear that the events at Blockorama included the participation of many diasporic queers of colour across ethnicity, class, and sexualities. Angela Robertson, speaking about her involvement in organizing Blockorama, says: “Feminists informed the politics around organizing and how programming was developed” (Interview, September 28, 2012). As she recalled, black, South Asian, and Filipina queer feminists played a key role in shaping the entertainment program that defined Blockorama’s cultural space in the earlier years. They included some of the DJs we had danced to in the club, such as DJs Janet, Verlia, Nik Redd, Jo, and Vashti, and they played music that spanned the black Caribbean, South Asian, and North American diasporic spectrum (e.g., house, soul, reggae, chutney, bhangra, and soca). Drag performances also reflected the wide range of black diasporic influences that shaped this space. Walcott, referring to how we in the black and queers of colour communities often created cultural spaces, asserts that these functioned more as a community of musical taste than as something to highlight blackness as a racial category. I would also say that the experience of racism, as well as our work together in other sectors, served to foster the creation of these cultural spaces.

Prior to Blockorama there was Desh Pradesh, a queer South Asian cultural festival sponsored by Kush, an organization of queer South Asian men in Toronto. Many of us from the black queer and feminist communities attended this event to support our queer South Asian allies. It began as a one-day festival but became a very popular yearly celebration that featured South

Asian art, film, music, dance, and politics. Desh, like Blockorama, was a way for South Asian queers to connect and to create space that brought South Asian queers and straight South Asians in the diaspora together to celebrate through self-expression and activism. Punam Khosla, in her opening address to the 1991 Desh Pradesh Festival, stated:

We have made a conscious effort with this year's program to bring forward the views of South Asians who originate from all over the Sub-continent, the Caribbean and Africa. And I think what this speaks to is a real conscious movement towards unity for progressive social change in the world that we actually live. It is moving away from romantic notions of nostalgia towards a forum within which we speak from our real memories, without any kind of shame or apology; within which we can extend genuine solidarity to our other sisters and brothers, people of colour communities around us who also know in their bodies the experience of racism.<sup>21</sup>

So, from the onset, the organizers of Blockorama focused on sharing the Blockorama performance stage with other diasporic queers of colour while still maintaining it as primarily a space that reflected the artistic and political contributions of the black diasporic and Caribbean queer communities.

The Blockorama event always began with recognition of the history of the LGBT movement and the role that black and queers of colour played in the struggle to end sexual and racial oppression. The organizers of Blockorama insisted that the event remain one to which black queer diasporic individuals and their loved ones could come and celebrate. The organizers refused the commodification of this space by resisting a beer garden and any other corporate activities within it.

Black queer diasporic space is not static space. It shifts and evolves to make visible new and existing forms of queer sexualities and desires. I mentioned earlier that there was a trans presence in the Blockorama space early in its creation, even though the internal discourse at the time elided its existence. In 2006, change within the organizing structure of Blackness Yes reflected more of a trans presence in Blockorama. Trans and queer DJs and cultural performers were more visible on the program. The event has since grown larger and reflects a younger generation of black queers, queers of

colour, and white queers. Black queers from the Canadian, American, and Caribbean diasporas perform spoken word, rap, dances, drag, and spin tunes that span the North American and European continents and the Caribbean region. The faces and bodies reflect the multiplicities of blackness. According to Jafri S. Allen:

Black diaspora is at once about particular location (actual or imagined); roots/uprooting (principally understood as from Africa, but just as much to and within Africa, in other cases) and routes that bodies, ideas and texts travel. By diaspora, we refer to these conditions of movement and emplacement, and to processes of (dis)identification, but also to relationality.<sup>22</sup>

Thus Blockorama as a black queer and Caribbean diasporic space is not constructed upon a singular notion of blackness, or queerness, or diaspora, and it cannot function as such because its transnational and trans-local space is shaped by multiple racialized sexualities.

### **Corporatization, Racism, and Homonationalism in Pride Toronto**

Between 2007 and 2010, Blackness Yes and the supporters of Blockorama became engaged in an ongoing struggle against what had become the uprooting and displacement of the only black queer diasporic event in Pride Toronto. In this period, Blockorama moved three separate times to accommodate corporate-sponsored events. Each location proved less suitable than its predecessor and moved further from the centre of Pride festivities. A respondent in Wahab and Plaza's study entitled "Queerness in the Transnational Caribbean Canadian Diaspora" describes these series of displacements "as a way of cleansing the village space to reflect a predominantly white version of pride."<sup>23</sup>

The removal of black queer bodies from the Wellesley lot did not mean that black queer diasporic cultural expression also vanished from that space. In 2007, the year that the Blockorama event was removed from the Wellesley parking lot, I remember coming out of the Wellesley subway station on my way to find the new location of Blockorama and hearing soca, dancehall, and reggae coming from the Toronto Dominion Bank stage and feeling "appropriated and consumed." In that moment, I was witnessing an

“imposturing,” whereby black queer diasporic bodies were made to reappear culturally without their actual physical presence in a space that was designated as corporatized. OmiSoore Dryden, a regular attendee at Blockorama, stated:

Pride kicked Blocko[rama] the first time out of Wellesley. They got funded from TD [Bank] and then TD [Bank] put a stage in there and they played nothing but soca, dancehall, house, R and B, everything that Blocko[rama] was doing when Blocko[rama] was there.<sup>24</sup>

The attempt to erase black diasporic lives from the Canadian landscape has a long history. In the 1960s, Nova Scotia’s blacks who were living in Africville were violently removed and their community destroyed to make room for condominiums and other corporate establishments. In her article, “Their Blood Is There and They Can’t Throw It Out: Honouring Black Canadian Geographies,” Katherine McKittrick demonstrates how, in 1996, the Holland Township in Ontario forced a name change from “Negro Creek” (after black settlers) to “Moggie Road” (after a white settler), until descendants of the black settlers objected and had the original name reinstated. She asserts that this was an attempt to restore whiteness to the Canadian landscape by attempting to conceal and erase the existence of blackness.<sup>25</sup> It is this historical practice of producing black populations and, in this case, black queers as *place-less* that informed the series of removals and displacement of the Blockorama event by Pride Toronto.

At the time that Pride Toronto was attempting to push black diasporic queerness out of a central location, in another strategy aimed at sanitizing Pride it was also engaged in a battle with Queers Against Israeli Apartheid. A critical aspect of understanding the white racism inherent in Pride celebrations involves highlighting and unpacking the connections between the ousting of QuAIA, a group interested in eradicating queer and racialized colonial violence perpetrated by white settler countries like Israel, and the racism experienced by the organizers of Blockorama. Examining the connections between these seemingly disparate examples of systemic racism helps to demonstrate the internal workings of epistemic violence often associated with Pride organizing.



QuAIA is a Toronto-based grassroots group made up of LGBT individuals working in solidarity with Palestinians. The group formed in 2008 in response to Brand Israel, which paints Israel as a safe haven for queers in the Middle East. In May 2010, the Board of Directors of Pride Toronto passed a resolution banning QuAIA from marching in the parade if it used the term “Israeli Apartheid.” According to some members of the Toronto City Council, QuAIA’s very name incited hatred against Israel. Council threatened to withhold funding from Pride Toronto if it did not prevent QuAIA from participating in the parade. The Pride Board met soon after and passed a resolution claiming that QuAIA’s use of the term “Israeli Apartheid” contravened the City of Toronto’s anti-discrimination policy. Consequently, the organization would not be allowed to participate unless it agreed not to use this term.

Pride Toronto’s invocation of the municipal government’s anti-discrimination laws as a basis for excluding QuAIA signals an entrance into what Jasbir Puar calls “homonormative belonging.” This form of “pinkwashing” signals an attachment to racial privilege and corporate spending that requires regulating other(ed) queers.<sup>26</sup> Homonationalism is a process that reveals how some queers (mainly white middle-class gay men and women) gain acceptance by embracing neoliberal practices such as consumerism and by securing normative rights such as marriage. This allows some queers to be accepted into the state as “normal” and “exceptional” queers who may be juxtaposed against other queers, mainly queers of colour.<sup>27</sup> Homonationalism is an extension of Lisa Duggan’s concept of homonormativity, but it goes a step further in making explicit links between whiteness, nation, belonging, and exclusion. In this case, queers invested in the neoliberal agenda of corporatization, who have turned to the state to make claims for justice, fairness, and recognition and have invested in a kind of sexual exceptionalism (we are more liberated here than in the Middle East, Africa, and the Caribbean), get to participate in determining who is a threat to whom, who belongs in the nation and who does not.<sup>28</sup>

The war on terror has been instrumental in creating the discourse that shapes this form of Western exceptionalism, which allows any criticism of Israeli state policies towards Palestinians and its Arab neighbours to be labelled a hate crime. Israel presents itself as a “gay mecca” while representing its Arab neighbours as intensely homophobic, a discourse

embraced by its Western allies and by many queers in the West. This particular move, which is a way to demobilize and to depoliticize queer communities,<sup>29</sup> has serious implications for queers of colour and queer organizing in general. As Gary Kinsman and Patrizia Gentile explain:

The war on terror is generating a racialized heterosexual masculinist patriotism in the global North that, among others, is directed against queers, especially against queers of colour. Efforts of some mostly white middle-class queers to identify with this heterosexual patriotism are not creating more space for queer people; rather, they are narrowing the space that is available for other queers while giving more power to campaigns against people of colour.<sup>30</sup>

The City of Toronto's determination to censor the use of the term "Israeli Apartheid" and Pride Toronto's capitulation with this homonationalist agenda drew protests from numerous queer activists and participants in the Pride festival. Several recipients of Pride awards returned them in protest. Blackness Yes member Syrus Marcus Ware took the issue internationally. In his letter to Judith Butler, dated June 21, 2010, he urged her not to accept an award at the Berlin Pride Festival, citing the racist and homonormative treatment of Blockorama, QuAIA, Trans, and other queer events that were marginalized in the Toronto Pride festivities as well as the way in which Pride committees internationally had treated queers of colour.<sup>31</sup> The organizers of Blockorama, in this move of support for QuAIA, demonstrated solidarity and the recognition of Pride as a space of celebration and resistance to all forms of oppression.

In June 2010, amidst the controversy over QuAIA, the displacement of Blockorama, and a funding crisis experienced by the Pride Organizing Committee, Pride Toronto implemented an advisory committee to restore its credibility in the larger queer community. In 2011, the advisory committee released a report that recommended that the Wellesley stage be returned to Blockorama along with an increase in funding. Blackness Yes and many of us in the community applauded this decision because it meant a reclaiming of the parking lot and its ability to accommodate approximately four thousand people. However, it came with a stipulation: the Wellesley stage was to

remain licensed. The presence of alcohol in this space signalled surveillance and the regulation of black and trans diasporic queers of colour, making it unsafe for those already policed along the lines of race and gender. Despite this heightened level of surveillance, Blackness Yes agreed to return to the Wellesley stage. However, for most attendees, the return was not necessarily pleasant since it meant having to line up for hours to get into the Blockorama event. We had to submit to searches and provide proof of identification. Scholars and writers such as Walcott, Brand, and McKittrick document that blackness in Canada is situated on a continuum that runs from the invisible to the hyper-visible. The paradox of re-entering a space that was shaped and marked by black queer diasporic bodies wanting to celebrate our shared and multiple experiences, and having to submit to a racialized regulatory process of searches and proof of documentation resembling some form of prison lockdown aimed at regulating and confining black queer diasporic desires, was not lost on us. The following year, Blackness Yes was able to restrict all requests for identification in the Blockorama space to the purchase of alcohol. Once again, this opened up Blockorama to all wanting to celebrate our sexualities in that space.

Blackness Yes hosted a series of events, called “The Fire This Time” and “Back to Our Roots,”<sup>32</sup> that were designed to trace black queer diasporic and trans histories and activism in the Toronto Pride festivities as well as in building links with the LGBTQ movements (locally, transnationally, and globally) in 2011 and 2013. Syrus Marcus Ware, curator of the above events, stated: “We do this while recognizing and remembering the Turtle Island People, on whose land we are making space, while supporting queer and trans Palestinians and other disenfranchised queers and trans” (interviewed October 24, 2012). Ware and the organizers of Blackness Yes recognized Pride as a celebration had become disconnected from its roots in sex activism. The events hosted by Blockorama in 2011 and 2013 were meant to draw attention to the struggles that queers of colour and trans queers waged collectively for sexual rights.

The creation of the Blockorama space was achieved through a process of multiple negotiations, challenges, shifts, and strategic interventions within the black queer diasporic space as well as within the white hegemonic and homonational spaces of Pride Toronto and the Pride festivities. The Blockorama space allows for cultural expression, passion, and politics while fostering links and activism within local and transnational queer movements.

## Notes

- 1 Taken from History of Pride Toronto, June 2015, <http://www.pridetoronto.com>. [Return to text.](#)
- 2 The Compton Cafeteria Riot occurred in August 1966 in San Francisco. The Compton Cafeteria was one of the few places that transsexuals and transgender individuals could congregate as they were not welcomed in gay bars. The staff at the Compton began calling the police to crack down on the transgender community. In response to ongoing police arrests and harassment, the transgender and transsexual communities launched a picket of the Compton. Although the picket was unsuccessful, it was one of the first demonstrations against transgender and transsexual violence in San Francisco. [Return to text.](#)
- 3 In 1969, LGBT individuals rioted at the Stonewall Inn in Greenwich Village when police raided. LGBT patrons had become accustomed to police raids, but on June 27, 1969, they had had enough. As the police raided the bar that night, crowds of over two thousand gathered in the street and began rioting. The riot went on for six days and came to be known as the Stonewall Riots. The Stonewall Riots occurred at a time when racial tensions were high in the United States. African American LGBT individuals who played a key role in the Stonewall Riots were simultaneously engaged in struggles to end sexual and racial oppression throughout this period. [Return to text.](#)
- 4 See Dionne Brand, *Bread out of Stone: Recollections on Sex, Recognitions, Race, Dreaming and Politics* (Toronto: Coach House Press, 1994). [Return to text.](#)
- 5 See Makeda Silvera, *Silenced: Caribbean Domestic Workers Talk with Makeda Silvera*, 2nd ed. (Toronto: Sister Vision, 1989). [Return to text.](#)
- 6 See Shani Mootoo, *Cereus Blooms at Night* (New York: Avon Books, 1996). [Return to text.](#)
- 7 Brand, *Bread out of Stone*, 93. [Return to text.](#)
- 8 M. Jacqui Alexander, *Pedagogies of Crossing: Meditations on Feminism, Sexual Politics, Memory and the Sacred* (Durham, NC: Duke University Press, 2005), 22. [Return to text.](#)
- 9 Wesley Crichlow, as quoted in Amar Wahab and Dwaine Plaza, eds., “Queerness in the Transnational Caribbean Canadian Diaspora,” *Caribbean Review of Gender Studies* 3 (November 2009): 7. [Return to text.](#)
- 10 Brand, *Bread out of Stone*, 95. [Return to text.](#)
- 11 Lyndon K. Gill, “Situating Black, Situating Queer: Black Queer Diaspora Studies and the Art of Embodied Listening,” *Transforming Anthropology* 20, 1 (2012): 33. [Return to text.](#)
- 12 Cathy Cohen, “Punks, Bulldaggers, and Welfare Queens: The Radical Potential of Queer Politics,” *GLQ* 3, 4 (1997): 35. [Return to text.](#)
- 13 *Ibid.*, 39. [Return to text.](#)
- 14 E. Patrick Johnson, ““Quare” Studies or (Almost) Everything I Know about Queer I

- Learned from My Grandmother,” in *Black Queer Studies: A Critical Anthology*, ed., E. Patrick Johnson and May G. Henderson (Durham, NC: Duke University Press, 2005), 127. [Return to text.](#)
- 15 José Esteban Muñoz, *Disidentifications: Queers of Color and the Performance of Politics* (Minneapolis: University of Minnesota Press, 1999), 11–12. [Return to text.](#)
- 16 Jafari S. Allen, “Black/Queer/Diaspora at the Current Conjuncture” *GLQ* 18, 2–3 (2012): 214. [Return to text.](#)
- 17 Rinaldo Walcott, “Homopoetics: Queer Space and the Black Queer Diaspora,” in *Black Geographies and the Politics of Place*, ed. Katherine McKittrick and Clyde Woods (Cambridge: South End Press, 2007), 235. [Return to text.](#)
- 18 Brand, *Bread out of Stone*, 27. [Return to text.](#)
- 19 Walcott, “Homopoetics,” 235. [Return to text.](#)
- 20 Ibid. [Return to text.](#)
- 21 Punam Khosla, excerpt from her Desh Pradesh Opening Remarks, *Canadian Journal of Communication* 31, 1 (2006): 24. [Return to text.](#)
- 22 Allen, “Black/Queer/Diaspora,” 216. [Return to text.](#)
- 23 Amar Wahab and Dwaine Plaza, “Queerness in the Transnational Caribbean Canadian Diaspora,” *Caribbean Review of Gender Studies* 3 (November 2009): 21. [Return to text.](#)
- 24 OmiSoore Dryden was interviewed on April 13, 2010, by Lali Mohammed, videographer and co-founder of Deviant Productions, an alternative youth media collective. This interview follows the meeting held between Pride Toronto and supporters of Blockorama to discuss Pride’s treatment of the Blockorama event. [Return to text.](#)
- 25 Katherine McKittrick, “Their Blood Is There and They Can’t Throw It Out: Honouring Black Canadian Geographies,” *Topia* 7 (Spring 2002): 27–28. [Return to text.](#)
- 26 “Pinkwashing” describes the marketing of Israel as a gay friendly state and functions to cover up the human rights abuses committed against Palestinians in the West Bank and Gaza. Like Jasbir K. Puar, I use this term to refer to a global corporate strategy aimed at silencing any opposition to Israel’s racist policy in the Middle East. Pinkwashing then creates “good gays” versus “bad gays.” “Good gays” must regulate gays who seek to criticize Israel. The City of Toronto expected that Pride Toronto would prevent QuAIA from participating in the parade if it refused to stop referring to Israel as an apartheid state. Not doing so would mean that Pride Toronto would risk losing funding for the Pride Parade. [Return to text.](#)
- 27 Jasbir K. Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham, NC: Duke University Press: 2007), 39. [Return to text.](#)
- 28 Lisa Duggan, “The New Homonormativity: The Sexual Politics of Neoliberalism,” in *Materializing Democracy: Toward a Revitalized Cultural Politics*, ed. Russ Castronovo and Dana D. Nelson (Durham, NC: Duke University Press, 2002), 179. [Return to text.](#)
- 29 I use “depoliticize” to refer to an undermining of an intersectional and anti-capitalist analysis of race, class, and sexualities that, over the years, many of us who are queers

of colour and working-class queers brought to the wider queer movement. [Return to text.](#)

30 Gary Kinsman and Patrizia Gentile, *The Canadian War on Queers: National Security as Sexual Regulation* (Vancouver: UBC Press, 2010), 456. [Return to text.](#)

31 In his letter to Judith Butler, Syrus Marcus Ware asked Butler and others who were honourees at the Berlin Pride Festival to consider pulling their support for the Berlin Pride Festival Organization. Queer activists in Berlin had contacted Ware about similar treatment with regard to homonationalism and racism in the Berlin Pride Committee. Butler publicly turned down the award. [Return to text.](#)

32 “The Fire This Time” was a retrospective of fourteen years of art that reflected the history of Blockorama and black queer activism in the City of Toronto. Curated by Syrus Marcus Ware, one of the organizers of Blockorama, the art exhibit demonstrated a history of African diasporic LGBTTIQQ organizing and activism. The title “The Fire This Time” was borrowed from James Baldwin’s book *The Fire Next Time*, in which the author details a history of racial injustice in the United States. [Return to text.](#)

# 5

## The Emergence of the Toronto Dyke March

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*Allison Burgess*

The Toronto Dyke March has come to be one of the major events during Pride week celebrations, and it occurs annually on the Saturday afternoon of the weekend preceding the Sunday Pride Parade. In this chapter, I examine both the historical and the contemporary components of the Dyke March in order to analyze the multiplicity of positions and activist initiatives that are at work in shaping the Dyke March as a contemporary phenomenon. I am also committed to offering historical details that have not been highlighted in the existing historical record. I am, in part, looking for the subjugated knowledges, particularly the voices of queer women, to tell a story about how the Dyke March came to be. The voices of queer women can be understood as subjugated both by mainstream heteronormativity<sup>1</sup> and by gay male homonormativity,<sup>2</sup> but they must also be understood as multiple, complex, and layered. To think of subjugated knowledges in relation to the emergence of the Dyke March is to examine what Foucault refers to as a “*historical knowledge of struggles*.”<sup>3</sup> Thus, I ask: How does the Dyke March emerge in this particular time and place?

This chapter is part of a larger research project on the Toronto Dyke March. I employed multiple methods, including genealogy and visual ethnography, which involved participant observation, interviews, and archival research. I begin by considering the implications of reconstructing a time line while simultaneously problematizing the “truth” of history and of the Dyke March. I then explore the historical context leading up to each of the Dyke March emergences and analyze each of these moments. I conclude with post-data collection reflections of the 2010 Take Back the Dyke.

**“Look Over Here, Look Over There, Lesbians Are Everywhere!” The 1981 Dyke Marches**



The growth of the gay and lesbian movement in Canada paralleled the expanding movement in the United States, growing from before and after the 1969 Stonewall Riots in New York City (and summarized effectively in other chapters in this collection). By 1969, homosexual acts were partially decriminalized in Canada; by the early 1970s, gays and lesbians were becoming increasingly visible and community building was growing. While gays and lesbians worked together in many organizations, lesbians struggled against sexism and to attain a voice and visibility within gay organizations. They also struggled against homophobia within mainstream women's organizations.

Despite the increasing resolve of the gay and lesbian community, towards the end of the 1970s and into the early 1980s social and political conservatism grew in North America. Police regularly conducted bathhouse raids in major cities across Canada as a way of intimidating gay community members.<sup>4</sup> By the late 1970s, the religious right was effectively organizing across North America, causing what Tom Warner calls “a cataclysmic convergence of the agendas of the religious right and social and political conservatives [that] rocked lesbian and gay liberation and queer communities.”<sup>5</sup>

Canadian gay and lesbian history is marked by the events of February 5, 1981, the fourth largest mass arrest in Canadian history,<sup>6</sup> when police simultaneously invaded four bathhouses, arresting 286 men as “found-ins” and twenty men as “keepers,” and inflicted a significant amount of property damage. The raids were perceived as an unprovoked attack on the whole of the gay and lesbian community.<sup>7</sup> The following night, the gay and lesbian community responded by holding a huge demonstration, at which protestors were met with severe police brutality and many arrests. The bathhouse raids ignited the Toronto gay and lesbian community, and, in queer Canadian history, this moment became known by some as the Canadian Stonewall.<sup>8</sup> According to Barry Adam: “the unintended consequence of police actions was the revitalization of gay organizations that had fallen into some disarray in the 1970s.”<sup>9</sup> George W. Smith points out that the raid revealed homophobia and heterosexism not only among the police force but also within the Canadian Criminal Code.<sup>10</sup>

This revitalization had significant effects for gay and lesbian organizing,

manifesting, in part, through Pride demonstrations and celebrations. Early Pride celebrations in Canada were held in August 1981, marking the 1969 change to the Criminal Code and the 1971 We Demand demonstration on Parliament Hill.<sup>11</sup> Through the 1970s, although not marked annually, Toronto Pride events included picnics at Hanlan's Point,<sup>12</sup> film festivals, and rallies.<sup>13</sup> Organizers continued to ask Toronto City Council to officially recognize Pride organizing and to grant permission to walk down Yonge Street, but these requests were repeatedly denied. In 1981, Lesbian and Gay Pride Day Toronto was legally incorporated as a not-for-profit organization. This year also marked the beginning of regularly scheduled annual Pride events that began in city parks and that gained more participants every year. Eventually, Toronto Pride became a march and then a parade, but it was not until ten years later, in 1991, that Toronto City Council officially proclaimed Pride Day.<sup>14</sup>

In 1981, over the weekend of May 16–18, more than five hundred women registered and attended the fifth Binational Lesbian Conference in Vancouver, British Columbia. According to Chris Bearchell's article in *The Body Politic*, June 1981, the focus of the conference was the meaning of being out as a lesbian movement. As a part of the conference, approximately two hundred women took to the streets and marched, chanting "Look over here, look over there, lesbians are everywhere." At the time, this march did not symbolize the beginning of an annual tradition, although Bearchell notes it as "Canada's first lesbian pride march" and characterizes it as "one of the country's rowdiest and most boisterous demonstrations."<sup>15</sup> She writes:

"Look over here, look over there, lesbians are everywhere." The chant drew the attention of highrise dwellers who hung from their balconies gaping. Along the march route, the din of car horns followed the 200 women who wound their way from Robson's [sic] Square through downtown streets to the West End Community Centre.<sup>16</sup>

Little else has been written about the march, although Bearchell's article is noted in Tom Warner's history of Canadian queer activism.<sup>17</sup> So while, in some ways, it might be argued that this was the origin of the Dyke March (or any kind of queer women's march organizing), it does not seem to be

accorded the kind of role in the lore of Canadian gay and lesbian activism as do events such as the 1971 demonstration on Parliament Hill, Anita Bryant's visit to Toronto,<sup>18</sup> or the bathhouse raids in Toronto.

In April 1981, Gays and Lesbians Against the Right Everywhere (GLARE) held workshops in Toronto about how to fight against the right wing. Based on discussions that occurred in these workshops, a lesbian conference was organized for May 9, 1981, in which lesbians from a variety of social and political organizations participated.<sup>19</sup> One hundred women took part in a forum entitled "Lesbians Fighting the Right": "There was an energy that day which had not been evident among lesbians in this city for quite a while. Now the trick was to keep that energy flowing."<sup>20</sup> From this forum, Lesbians Against the Right (LAR) was formed, particularly in response to the closing of both the Lesbian Organization of Toronto (LOOT) and the Fly By Night (a popular women's bar) as well as in response to growing hostility from police, from homophobic groups, and from the right wing in general. The massive bathhouse raids occurred in early 1981, and, as Sharon D. Stone explains, even though the raids were not directed towards lesbians, lesbians were feeling increasingly under threat and felt the need to create their own organization. LAR was formed as a way of creating an organization focused primarily on the concerns of lesbians. According to Stone: "LAR was envisioned as a primarily political organization, informed by a lesbian-feminist analysis of oppression."<sup>21</sup> The organization was comprised largely of lesbians with previous left-wing political organizing, feminist organizing, and political protest experience. LAR was dedicated "to protecting the emergence of a right wing backlash against gays and lesbians" and was committed to "giving visibility and a political voice to lesbians."<sup>22</sup> LAR was, in large part, formed in response to what was understood to be the "particularly repressive social climate of the early eighties."<sup>23</sup> Like LOOT, LAR served a dual purpose. While LOOT was more of a community service group, which also served as a way to meet and socialize with other lesbians, LAR, as a social group, was primarily intended to be a politically active organization.<sup>24</sup> According to Stone:

At the time of LAR's formation, much was going on in the city to make lesbians feel threatened and vulnerable, for example, the distribution of virulently anti-lesbian literature. There were fewer

and fewer spaces left where it was safe to be openly lesbian. These circumstances were the impetus for the formation of LAR.<sup>25</sup>

Although LAR folded in 1983, for the two years in which it was active, it worked to be a grassroots organization that tried to make links between lesbian and gay, women's, anti-racist, labour, reproductive-rights, anti-nuclear, and anti-poverty movements.<sup>26</sup> Although there were some early debates over LAR's goals and strategies, LAR was action-oriented, and one of its major actions was the Dykes in the Streets March of October 17, 1981, which it conducted in coordination with LOOT. LAR produced a pamphlet of essays and speeches, and, in the concluding article, it described the Dykes in the Streets March:

We organized Toronto's first lesbian pride march so that lesbians could openly declare our pride and power, happily and without fear. Political dykes, street dykes, bar dykes, gay women, lesbian mothers, socialist feminists, radical feminists, lesbian separatists, working women ... we were all there.<sup>27</sup>

Interestingly, the limited literature on the Toronto Dykes in the Streets March makes no reference to the lesbian march in Vancouver six months earlier.

The Dykes in the Streets March was held in Toronto on Saturday, October 17, 1981,<sup>28</sup> and according to the flyer advertising the event, it was a march and dance for lesbian power, pride, and visibility. According to Anna Marushka's report of the event in *The Body Politic*, 350 women marched. Led by Dykes on Bikes, the march was organized by LAR. The ad for the march in *TBP* included the sentence: "Women Only Please." Many women's and lesbian groups participated in the march, and men supported the women by standing on the sidelines and showering them with confetti.<sup>29</sup> The march began at the 519 Community Centre and then followed a route, which passed local lesbian landmarks and "wound through crowds of Saturday afternoon Yonge Street shoppers."<sup>30</sup> As the LAR pamphlet describes: "We danced down Bay Street, the financial heart of Canada, singing 'We're here because we're queer' and chanting, in syncopated rhythm, 'We are the D-D-K-E-S'

[sic] all the way to City Hall. It was magical. Nobody wanted to disperse.”<sup>31</sup>

Referring to her copy of the march’s flyer, Amy Gottlieb explained how the march stopped to celebrate important lesbian landmarks in Toronto and to protest against people or places that were problematic. The march marked the following places: Quest, a gay men’s bar owned by Phil Stein, who was also the owner of the Fly by Night, a bar run by women in the back of Stage 212 on Dundas Street East near Jarvis Street (Stein was responsible for the closure and eviction of the Fly by Night, so this stop was both about protesting against him and about figuring out how to enlarge public social spaces for lesbians in Toronto); the LOOT house at 342 Jarvis Street; the YWCA McPhail House, a low-cost rental living space that was home to many lesbians; Cinema 2000, as Amy explained,<sup>32</sup> “to protest their pornographic, anti-woman movies, particularly the movie *Snuff*, which portrayed women being tortured and killed”; the Continental Hotel on the corner of Dundas and Elizabeth Streets, to celebrate an old lesbian bar that had since closed but that was a very strong part of the pre-1969 lesbian culture in Toronto;<sup>33</sup> and Old City Hall, in order to address the issue of the legal system’s attitudes towards women and lesbians. Old City Hall was the march’s last stop, and here “the demonstration ... emphasize[d] lesbian protest against police harassment, lesbian solidarity with gay men on the bath raids protest, child custody cases of lesbian mothers and the exclusion of lesbians from the Ontario Human Rights Code.”<sup>34</sup> The march, like LAR, spoke out against the right-wing conservative moment. Amy spoke of how the march was designed to address the multiplicity of issues at work as well as to highlight the importance of creating visibility for queer women’s communities.

The Vancouver and Toronto marches in 1981 were the first lesbian-specific marches in North America, but they did not become annual events, nor did they get recorded as moments to be commemorated (beyond the brief reports in *TBP*). Unlike the eventual manifestation of Pride demonstrations and celebrations as annual events, these marches are marked as specific temporal and spatial moments. Though LAR did not organize any other Dyke Marches, the group did participate in Lesbian and Gay Pride Day in 1982 under the LAR banner.<sup>35</sup> LAR members were also actively involved in organizing many other events and workshops, including participating in International Women’s Day events and working to create a visible lesbian

presence at the International Women's Day March.<sup>36</sup>

### **The 1980s and Early 1990s**

The 1980s and early 1990s were marked by an emerging recognition of the serious realities of HIV and AIDS, and much of the energy in gay and lesbian organizing during this period was directed towards HIV/AIDS activism. There were also major rights-oriented struggles during this period, including, in 1982, the inclusion of the Canadian Charter of Rights and Freedoms in the Canadian Constitution. The legal struggles in this era are evidence of activists' struggles over rights and access to rights – in other words, of the struggles of gays and lesbians to be recognized, in law, as equal citizens.<sup>37</sup>

Through the 1980s and 1990s, lesbians were actively involved in feminist organizing, working to create lesbian visibility at events such as International Women's Day. By the early 1990s, there was a noticeable change in the representation of gays and lesbians in the media and popular culture. A particular kind of gay became visible, and an image of the respectable gay citizen emerged. This kind of representation has continued to play a role in the changing landscape of queer politics and its relationship to the heteronormative mainstream.<sup>38</sup>

Alongside this change in popular culture was the emergence of Lesbian Chic, a glossy, feminine, and sexy version of lesbian visibility that contrasted with earlier representations. As Walters writes: "If lesbians were previously depicted (if at all) as flannel-shirted, overweight, hairy-legged 'man-haters,' then they are now being envisioned as the ultimate '90s party girl – perfectly coifed and nattily attired, either enjoying the benefits of corporate culture or standard-bearers for a world-weary Gen-X hipness."<sup>39</sup> Though the early- to mid-1990s did see an increase in the number of images of lesbians and bisexual women in popular culture, they were usually extreme stereotypes – "man-haters" or "Lesbian Chic" – with limited plot and character possibilities. Disrupting these limitations was, in part, what motivated some of the lesbian activist organizing in this period.

### **The Lesbian Avengers and the 1993 Dyke March on the White House**

In 1992, six women joined together in New York and founded the Lesbian



Avengers. Anne-Christine D'Adesky, Marie Honan, Ann Maguire, Sarah Schulman, Ana Maria Simo, and Maxine Wolfe decided that they wanted to create a grassroots lesbian organization: they defined themselves as a “direct action group focussed on issues vital to lesbian survival and visibility.”<sup>40</sup> Dawn Walsh argues that, despite the emergence of Lesbian Chic, lesbians found that they were generally rendered invisible both within social movements and within culture more broadly.<sup>41</sup> The Lesbian Avengers organized to battle this state of affairs and worked to increase lesbian visibility. Further, they promoted an “Activist Chic” in contrast to the Lesbian Chic that was predominant in popular culture.<sup>42</sup> Activist Chic was a humorous, intelligent, sex-positive, in-your-face kind of activism. Sally Munt contends that “the Lesbian Avengers were *the* inspirational figure for the 1990s politically progressive North American lesbian.”<sup>43</sup> The Avengers drew from a familiar history of direct-action street protests and public interventions, and from the history of gay and lesbian activism, to bring about a very public lesbian visibility.<sup>44</sup> Some argue that the Lesbian Avengers picked up where the work of Queer Nation left off.<sup>45</sup> The name of the group is also significant. Discussing the figures of the amazon and the avenger as lesbian outlaws, Sally Munt argues that outlawry offers a simultaneous sense of belonging and affiliation and that “these figures have helped to coalesce cultural movements of lesbian feminists in the 1970s and queer lesbian activists in the 1990s.”<sup>46</sup> She further argues that the lesbian warrior figures of the amazon and the avenger “are the folk heroes, fantasy figures who carry a multi- symbolic load of aspiration.”<sup>47</sup> It is these figures upon which the Lesbian Avengers drew for their organizing efforts.

The Lesbian Avengers and their legacy are credited with the emergence of the Dyke March as an annual event in New York and other cities.<sup>48</sup> When the program for the 1993 National March on Washington for Lesbian, Gay and Bi Equal Rights and Liberation came out,<sup>49</sup> the Avengers were critical of the fact that there were no women-only events scheduled.<sup>50</sup> In response to this, they organized the Dyke March on the White House on April 24, 1993, on the eve of the larger March on Washington. In the few weeks leading up to these events, the Avengers coordinated with lesbian groups across the United States in order to create visibility and a women-only space. A few days before the March, the Avengers distributed cards in Washington



announcing the Dyke March. Sarah Schulman writes: “Our little cards were received with overwhelming excitement and it began to occur to us that we were going to get more than the three or four thousand dykes we had anticipated.”<sup>51</sup> It is estimated that twenty thousand women marched in this Dyke March, without a permit, from Dupont Circle to the White House. This was followed by fire-eating in front of the White House.<sup>52</sup> Schulman contends that this was the “largest lesbian event in the history of the world.”<sup>53</sup> While in Washington, the Avengers distributed information on how to form a lesbian direct action group.<sup>54</sup> Following the March on Washington, Lesbian Avenger chapters sprang up all around the United States<sup>55</sup> as well as in the United Kingdom<sup>56</sup> and in Canada.<sup>57</sup>

After the March on Washington, the Avengers returned to New York and began planning a Dyke March for New York City. This march was held the day before the Pride Parade on June 26, 1993.<sup>58</sup> In 1994, in commemoration of the twenty-fifth anniversary of the Stonewall Riots, Pride celebrations were larger than usual in New York City, and the Avengers planned to hold an International Dyke March. Avenger groups from across the United States were invited to join in.<sup>59</sup> It was estimated that between five thousand and twenty thousand women attended the 1994 International Dyke March on Saturday June 25. Although the marching was delayed by the police, who attempted to contain the group and to control traffic, the Dyke March eventually took over Fifth Avenue and was credited with being the largest permitless march on that street since the anti-Vietnam protests.<sup>60</sup> The International Dyke March drew a large crowd, and despite the widespread circulation of press releases about the event, news reporting on the event was limited to a short piece in the *New York Times*.<sup>61</sup> The press chose, instead, to focus on Sunday’s International March on the United Nations, thus ensuring the widespread news invisibility of this queer women’s event.<sup>62</sup> Since 1994, New York City Dyke March organizers have continued to fight for visibility, and the Dyke March has become an annual event in the city’s Pride celebrations.

## **The Emergence of the 1996 Toronto Dyke March**

The Dyke March on Washington, and ensuing Dyke Marches in New York

City, played a direct role in the emergence of the Dyke March in Toronto. Lesha Van Der Bij,<sup>63</sup> one of the co-organizers who started the Dyke March in Toronto in 1996, published an article in *Siren*, a free magazine for lesbians, to invite women in Toronto to participate in the march. In the article, she describes how, in the summer of 1995, she and a friend went to New York City for Pride weekend. Having recently come out, Lesha portrayed the New York City Dyke March as “transformative.”<sup>64</sup> She enthusiastically described the large number of women marching in the street, despite the police’s attempt to keep them on the sidewalks. She writes: “All were there in solidarity. The feeling was one of intoxication.”<sup>65</sup> Lesha Van Der Bij was one of my interviewees, and she repeated the same sentiments to me, explaining how the experience had marked a significant change in her life. For her, the march marked the dividing line between her former closeted self and her newly out self. This is further exemplified by what she says in the *Siren* article: “But I can say with clarity that I left New York that weekend a different person. The feelings of discomfort and unease about my sexuality that I had carried for years were left behind ... For the first time in my life, I felt proud to be a lesbian.”<sup>66</sup>

Lesha explained that she felt a sense of disappointment when, a week later, she attended Toronto Pride in 1995. She felt that the Pride Parade was for and about men and that there were hardly any women in attendance. She described her experience of Toronto Pride as “a real let down,” and she wanted to do something in Toronto that was specifically for women. Six months later, she approached the Pride Committee with the idea of holding a Dyke March in 1996 in order to create a specifically women-focused event during Pride. This marked the beginning of the annual Toronto Dyke March. Interestingly, Lesha asked for support from the Toronto Pride Committee and sought permission for city permits. This contrasts with the organizing style of the Lesbian Avengers, who demanded space and organized by networking directly with lesbian organizations.<sup>67</sup>

Though Lesha’s organizing efforts began by contacting Toronto Pride organizers, she and co-organizer Lisa Hayes made connections within the queer women’s community. One way they did this was by inviting well-known local lesbian community members to play key roles in the march, including well-known Toronto lesbian activist Deb Parent,<sup>68</sup> who stood on a truck screaming her lungs out to get people going, and lesbian comedian

Elvira Kurt, who did a comedic routine on the same truck. The organizers also used publications such as *Siren* and *Xtra!* to announce the new Dyke March to the Toronto community. Through her coming-out story and the sense of elation she derived from the march experience, Lesha set the tone for the emergence of the Toronto Dyke March. From its beginnings, the Toronto Dyke March organizers offered a narrative of what the Dyke March might come to symbolize for the queer women's community in Toronto. That narrative became one of the dominant narratives of the Toronto Dyke March.

Lesha recounted the challenges of gaining access to street space in the first year of the Dyke March. The police would not let the march go down either Yonge Street or Church Street, arguing that, if they had fewer than one hundred women,<sup>69</sup> the March would have to stay on the sidewalk. Contrary to concerns that very few women would show up, it was estimated that approximately five thousand women participated in the 1996 march, despite the heavy rains.<sup>70</sup> The march began in front of the 519 Community Centre on Church Street, headed north to Bloor Street, turned east, and then moved southbound on Sherbourne Street, returning to Church Street by moving westbound along Wellesley Street.

Lesha explained that, as a result of the large number of participants and the overall success of the first Dyke March, they were granted a lot more credibility, and, by the second year, the police agreed to close Yonge Street for the march. This is an aspect of the New York Dyke March that did not get transferred to Toronto. In New York, the Dyke March was and continues to be a permitless event. By contrast, from the first year that Lesha and Lisa organized the Toronto Dyke March, they sought permission to hold the event in the streets; and, when they did not get permission, they obeyed the police. This illustrates the very overt ways in which spaces are regulated and, in this case, literally policed. From its beginning as an annual event, the Toronto Dyke March abided by the City of Toronto's police and space policies.

Lesha and Lisa received some animosity over the creation of the women-only policy for the march. Some, like Lesha, argued that lesbians needed a space of their own in order to create visibility; others argued that separating the Dyke March from Pride "just foreground[ed] the political infighting within lesbian and gay communities."<sup>71</sup> There were also many women who wanted the march to be more political, but Lesha argued that the very act of marching in the street collectively as out lesbians was a political act. This

tension over the definition and meaning of the Dyke March has been repeated over the years. Each year, the march contends with differences in the level of political engagement of the organizing committees, of individual women and groups of women, and of ongoing local and global struggles. However, since 1996, no matter the politics or the weather, thousands of women show up and march on Saturday afternoon. They bring with them diverse political projects, perspectives, and expressions.

### **Take Back the Dyke in 2010**

In the lead-up to the 2010 Pride season, major disputes arose over the inclusion of the group Queers Against Israeli Apartheid in Toronto Pride (QuAIA) events. QuAIA is a Toronto-based group that critiques the occupation of Palestine and the apartheid state in Israel and works in solidarity with queer Palestinians. It critiques the way that Israel cultivates “an image of itself as an oasis of gay tolerance in the Middle East.”<sup>72</sup> This is problematic because Palestinians living in Israel are denied rights and are subjected to state violence and control.<sup>73</sup> QuAIA further supports the Boycott, Divestment, and Sanctions Movement (BDSM), a movement initiated by Palestinian civil society.<sup>74</sup> Though the group had participated in the 2008 and 2009 Pride Parades and Dyke Marches, its participation came into question during the lead-up to the 2010 Pride season because of the politically provocative use of the term “Israeli Apartheid” in its name.

In late May 2010, Pride Toronto was pressured by city officials to prohibit QuAIA from participating in Pride Toronto. Toronto City Council, a major Pride funder, banned the expression “Israeli Apartheid” from the events. Pride co-chairs argued that the controversy over this issue had put the whole festival in jeopardy, not only because of threats that the City of Toronto would cut funding but also because of the potential loss of hundreds of thousands of dollars in corporate sponsorship.<sup>75</sup> Councillor Giorgio Mammoliti presented a motion to withdraw city funding and support, which would have involved the loss of permission to close streets, the loss of city permits, the loss of in-kind services (including police and garbage), as well as the potential loss from other major funding bodies, including provincial and federal funding.

There was a tremendous community response in opposition to the ban of

QuAIA. Organizers from Toronto's 1981 Pride wrote an open letter to Toronto Pride organizers, urging them to reconsider banning the use of "Israeli Apartheid" at Toronto Pride events. Many of the past grand marshals and honoured dykes renounced their honours in opposition to the ban, and some of those nominated for the awards in 2010 rejected their invitations.

The ensuing debate both within queer communities and, more broadly, on public radio and in the mainstream press was, in part, about whether or not Pride Parades are political events. By June 23, 2010, after weeks of pressure from community organizers, Pride Toronto changed its position on language use. Rather than restricting the phrase "Israeli Apartheid," it required that all groups participating in the parade "read, sign and agree to abide by the City of Toronto's Declaration of a Non-Discrimination Policy."<sup>76</sup> This compromise came out of a proposal from community leaders who offered it as a way of appeasing city policy makers, Toronto Pride organizers, and Pride participants. In the end, QuAIA was allowed to participate in the 2010 Pride events.

At the height of the debates over QuAIA's inclusion in Pride, a new Dyke March organization emerged: the Take Back the Dyke (TBTD). TBTD was held on July 3, 2010, at 2:00 PM, at the exact same time as the annual Pride Toronto Dyke March.<sup>77</sup> TBTD met for a rally in front of Toronto City Hall at Nathan Phillips Square and then spilled onto Queen Street, marching west and then north along University Avenue, concluding on the lawn of Queen's Park.

TBTD was organized quite quickly and relied on word of mouth, e-mail, and Facebook as well as on some postering around the city. TBTD organizers critiqued the annual Dyke March for having lost track of its political purpose thanks to allowing itself to be controlled by Pride Toronto. The debates around QuAIA's inclusion in Pride raised a number of broader issues for TBTD organizers concerning the right of access to queer spaces and the right to gather without corporate or city money dictating the terms. Organizers drew links to Dyke Marches that, in other cities, function without permits. This became emblematic of a level of radical political engagement – a refusal to ask for permission to take to the streets in order to create visibility for queer women. They argued that asking for permission to march amounted to falling under the control of city policies, corporate interests, and the possibility of being censored. The TBTD Facebook page stated: "We don't

need money to be proud. We are dykes. All we need is a can of lentils and some sunscreen ... It is time to reclaim our march.”

TBTD thus set itself up to be understood in a number of important ways. First, the organizers distinguished themselves from the annual Dyke March, arguing that they were more committed to its original principles. They also claimed they were *more* grassroots than those involved in the Dyke March because they refused to request a permit from the City of Toronto or to function within the structure of Pride Toronto. Although TBTD claimed inclusivity, its organizers delineated a specific image of the dyke subject – one conjured up by the image of “lentils and sunscreen.” Although the Facebook statement’s tone is sarcastic and slightly in jest, it nonetheless evokes a particular historically contextualized image of dyke subjecthood – a political, vegetarian (or vegan), sun-smart, health-conscious woman who takes to the streets in radically activist ways. These signifiers also invoke a nostalgia for earlier counter-cultural moments.

It is also notable that TBTD has not become an annual event. While TBTD was the third emergence of the Dyke March in Toronto, like the 1981 Dykes in the Street March, it was not repeated the following year. The next year, TBTD organizers collaborated alongside other community organizers on a Stonewall Toronto March that took place on June 26. This march marked the forty-first anniversary of Stonewall and was a political, non-corporate event for which the organizers did not request street permits.

Although many scholars and archivists have been committed to preserving memories, much still goes unrecorded, particularly queer women’s histories. These stories are critical to understanding histories of sex activism. My conversations with many of the interviewees revealed how few had much sense of the Dyke March histories. Many had unknowingly participated in one of the “first” marches but had blurred these experiences into a longer and broader history of feminist, political, and sex activism in the City of Toronto. The historical trajectory I offer in this chapter thus serves to contribute to the remembering of queer women’s histories. This project is, in part, an effort to write against the grain of the heteronormative local and national narratives – narratives that often do not include queer communities, unless they are used to herald moments of progress and, thus, to indicate a kind of “enlightened” national identity.<sup>78</sup>

The caveat I offer here is that any chronology is always partial. This work

is about searching for the ways in which particular “truths” about the Dyke March circulate and for the ways in which particular subject positions are called into being.<sup>79</sup> There are risks in the retelling of historical narratives: I risk reinscribing some discourses and contributing to particular truth-tellings while missing others. I also understand that, as Joan Wallach Scott writes, “history is as much the object of analytic attention as it is a method of analysis.”<sup>80</sup>

This research raises the importance of understanding history in order to think about how the future might manifest itself. As Ladelle McWhorter writes:

Most importantly ... it is only by really understanding how we got here – which is what genealogy enables us to do – that we can see what possibilities remain for us for changing things. The only way to imagine and bring forth a future different from the present is to see how the present evolved from the contingencies of the past.<sup>81</sup>

As the Toronto Pride Parade has become increasingly corporate, and critiques of the monetary control exercised by a wide variety of funding bodies and corporate entities continue to mount, it remains important to consider the consequences of continued claims to queer women’s visibility at sites such as the Dyke March. The Dyke March is, and continues to be, an important representation of various forms of sex activism throughout Canadian history.



## Notes

- 1 Mary Louise Adams, *The Trouble with Normal: Postwar Youth and the Making of Heterosexuality* (Toronto: University of Toronto Press, 1997). [Return to text.](#)
- 2 Lisa Duggan, “The New Homonormativity: The Sexual Politics of Neoliberalism,” in *Materializing Democracy: Toward a Revitalized Cultural Politics*, ed. Russ Castronovo and Dana D. Nelson, 175–94 (Durham, NC: Duke University Press, 2002). [Return to text.](#)
- 3 Michel Foucault, “Two Lectures,” in *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977*, ed. Colin Gordon (New York: Pantheon Books, 1980): 83. Emphasis in original. [Return to text.](#)
- 4 Barry D. Adam, *The Rise of a Gay and Lesbian Movement* (Boston: Twayne Publishers, 1987), 118. [Return to text.](#)
- 5 Tom Warner, *Never Going Back: A History of Queer Activism in Canada* (Toronto: University of Toronto Press, 2002), 135. [Return to text.](#)
- 6 The largest mass arrest in Canadian history took place in June 2010 at the G20 protests in Toronto when over one thousand people were arrested. The second largest mass arrest occurred in 1993, when over eight hundred people were arrested during the protests over resource use at Clayoquot Sound. The third largest was in 1970, when the federal government declared the War Measures Act, and almost five hundred people were arrested in Quebec. [Return to text.](#)
- 7 *Stand Together*, produced and directed by Nancy Nicol (Toronto: V Tape, 2002), DVD. [Return to text.](#)
- 8 Doreen M. Fumia, “‘I Do’ Belong in Canada: Same-Sex Relations and Marriage,” in *Canadian Families Today: New Perspectives*, ed. David Cheal (Don Mills, ON: Oxford University Press Canada, 2007), 10. [Return to text.](#)
- 9 Adam, *Rise*, 120. [Return to text.](#)
- 10 George W. Smith, “Policing the Gay Community: An Inquiry into Textually-Mediated Social Relations,” *International Journal of the Sociology of Law* 16 (1988): 163–83. [Return to text.](#)
- 11 Warner, *Never Going Back*, 84–85. [Return to text.](#)
- 12 Hanlan’s Point refers to Hanlan’s Point Beach, located on Toronto Island and along the shores of Lake Ontario. In 2002, the City of Toronto declared Hanlan’s Point Beach as clothing-optional, although it has a history of being used as an unofficial clothing-optional beach as well as a gay men’s cruising space in the tree- and bush-lined area next to the beach. This area has informal access points, which were implemented in the fall of 2010 due to ecological and environmental concerns about the protection of vegetation, sand dunes, and the shoreline. This raises concerns about the elimination of what Gary Kinsman (in Burrell) calls “quasi-public erotic spaces” and is reminiscent of a history of the policing of Hanlan’s Point and other popular gay cruising spaces in the name of development. See James Burrell, “Environmental Concerns Threaten Hanlan’s

- Point Beach,” *Xtra.ca*, June 3, 2010, [http://www.xtra.ca/public/Toronto/Environmental\\_concerns\\_threaten\\_Hanlans\\_Point\\_B-8719.aspx](http://www.xtra.ca/public/Toronto/Environmental_concerns_threaten_Hanlans_Point_B-8719.aspx); John Grube, “‘No More Shit’: The Struggle for Democratic Gay Space in Toronto,” in *Queers in Space: Communities, Public Places, Sites of Resistance*, ed. Gordon Brent Ingram, Anne-Marie Bouthillette, and Yolanda Retter, 127–45 (Seattle: Bay Press, 1997). [Return to text.](#)
- 13 Pride Toronto, “History,” Pride Toronto, 2011, <http://www.pridetoronto.com>. [Return to text.](#)
- 14 Ibid. [Return to text.](#)
- 15 Chris Bearchell, “Lesbian Pride March Is a First for Canada,” *The Body Politic* 74 (June 1981): 10. [Return to text.](#)
- 16 Ibid. [Return to text.](#)
- 17 The Vancouver Dyke March website (<http://www.vancouverdykemarch.com>) stated in 2011 that the first Vancouver Dyke March occurred in 1979, but it provided no other information or context. I have not found any other references to a march in this year. The website also explained that later Vancouver Dyke Marches were organized in the 1980s and 1990s, though it admits to minimal knowledge about these events. [Return to text.](#)
- 18 Anita Bryant was a well-known singer and vocal gay rights opponent who launched the anti-gay rights campaign Save Our Children in Florida and across the United States in a sometimes successful attempt to prohibit gays and lesbians from being hired in public schools. In Toronto, the conservative backlash was marked by Anita Bryant’s tour of Canadian cities in 1977 and 1978. Gays and lesbians organized the Coalition to Stop Anita Bryant, which helped to counter some of the conservatism and homophobia. Though gays and lesbians both organized in the struggle against Anita Bryant, some lesbians were troubled by misogynistic and anti-woman responses to Bryant. See Becki Ross, “Sexual Dis/Orientation or Playing House: To Be or Not to Be Coded Human,” in *Lesbians in Canada*, ed. Sharon Dale Stone, 133–45 (Toronto: Between the Lines, 1990). [Return to text.](#)
- 19 LAR (Lesbians Against the Right), “Dykes in the Streets: Lesbians Are Everywhere Fighting the Right” (Toronto: Lesbians Against the Right, 1981), 1. [Return to text.](#)
- 20 Ibid. [Return to text.](#)
- 21 Sharon D. Stone, “Lesbians Against the Right,” in *Women and Social Change: Feminist Activism in Canada*, ed. Jeri Dawn Wine and Janice L. Ristock (Toronto: James Lorimer, 1991), 237. [Return to text.](#)
- 22 Warner, *Never Going Back*, 182. [Return to text.](#)
- 23 Stone, “Lesbians Against the Right,” 238. [Return to text.](#)
- 24 Ibid., 239. [Return to text.](#)
- 25 Ibid., 248. [Return to text.](#)
- 26 Warner, *Never Going Back*, 182. [Return to text.](#)
- 27 LAR, “Dykes in the Streets,” 31. [Return to text.](#)
- 28 There is very little writing about the Dykes in the Streets March. I have seen the march date listed as October 7, 1981. Whether or not this is a simple typo or an actual error

- remains unclear to me, but the original flyer for the event strikes me as the most reliable source for this date. [Return to text.](#)
- 29 LAR, “Dykes in the Streets,” 31. [Return to text.](#)
- 30 Anna Marushka, “Dykes Against the Right,” *The Body Politic* 78 (November 1981): 13. [Return to text.](#)
- 31 LAR, “Dykes in the Streets,” 31. [Return to text.](#)
- 32 I offered confidentiality to all participants in this study; however, some preferred to have their real full names included. In this research, participants who were given pseudonyms are identified by a first name; otherwise, upon first mention, full names are used. [Return to text.](#)
- 33 For a more detailed analysis of lesbian bar culture in Toronto in the 1950s and 1960s, see Elise Chenier, “Rethinking Class in Lesbian Bar Culture: Living ‘The Gay Life’ in Toronto, 1955–1965,” *Left History* 9, 2 (2004): 85–118. [Return to text.](#)
- 34 Marushka, “Dykes Against the Right,” 13. [Return to text.](#)
- 35 Stone, “Lesbians Against the Right,” 241. [Return to text.](#)
- 36 LAR, “Dykes in the Streets,” 32. [Return to text.](#)
- 37 Miriam Smith, *Lesbian and Gay Rights in Canada: Social Movements and Equality-Seeking, 1971–1995* (Toronto: University of Toronto, 1999); Warner, *Never Going Back.* [Return to text.](#)
- 38 Rebecca Beirne, ed., *Televising Queer Women: A Reader*, 2nd ed. (New York: Palgrave Macmillan, 2012); Louise Carolin with Catherine Bewley, “Girl Talk: Femmes in Discussion,” in *Butch/Femme: Inside Lesbian Gender*, ed. Sally R. Munt, 109–21 (Washington, DC: Cassell, 1998); Sally R. Munt, *Heroic Desire: Lesbian Identity and Cultural Space* (Washington Square, NY: New York University Press, 1998); Sally R. Munt, *Butch/Femme: Inside Lesbian Gender* (Washington, DC: Cassell, 1998); Suzanna Danuta Walters, *All the Rage: The Story of Gay Visibility in America* (Chicago: University of Chicago Press, 2001). [Return to text.](#)
- 39 Walters, *All the Rage*, 161–62. [Return to text.](#)
- 40 Lesbian Avengers, “Overview of the Lesbian Avengers,” *LesbianAvengers.com*, 2013, <http://www.actupny.org/documents/Avengers.html>. [Return to text.](#)
- 41 Dawn Walsh, “The Lesbian Avengers: Placing Them in the Center of the Spotlight” (MA thesis, Sarah Lawrence College, 2004). [Return to text.](#)
- 42 *Ibid.*, 63. [Return to text.](#)
- 43 Munt, *Heroic Desire*, 107. [Return to text.](#)
- 44 Walsh, “Lesbian Avengers,” 40. [Return to text.](#)
- 45 Nancy Whittier, “From the Second to the Third Wave: Continuity and Change in Grassroots Feminism,” in *The US Women’s Movement in Global Perspective: People, Passions, and Power*, ed. Lee Ann Banaszak (Oxford: Rowman and Littlefield, 2006), 62. [Return to text.](#)
- 46 Munt, *Heroic Desire*, 96. [Return to text.](#)
- 47 *Ibid.*, 102. [Return to text.](#)
- 48 Walsh, “Lesbian Avengers.” [Return to text.](#)
- 49 Perhaps the issue of lesbian invisibility, raised so effectively by the Avengers, is most

- clearly echoed in the absence of any mention of the group or their activities in Amin Ghaziani's *The Dividends of Dissent*, which offers a comprehensive examination of the four lesbian and gay marches on Washington. Though he offers an incredibly detailed and in-depth analysis of the organizing and infighting at the marches, the absence of the 1993 Avengers' Dyke March on the White House is quite stark. Amin Ghaziani has also co-authored two publications on the Chicago Dyke March that *do* offer a historical link to the work of the Avengers. However, given the wider potential circulation for his book, the rendering invisible of this piece of history is worth noting. See Amin Ghaziani, *The Dividends of Dissent: How Conflict and Culture Work in Lesbian and Gay Marches on Washington* (Chicago: University of Chicago Press, 2008); Amin Ghaziani, "Post-Gay Collective Identity Construction," *Social Problems* 58, 1 (2011): 99–125; Amin Ghaziani and Alan Fine, "Infighting and Ideology: How Conflict Informs the Local Culture of the Chicago Dyke March," *International Journal of Politics, Culture, and Society* 20, 1–4 (2008): 51–67. [Return to text.](#)
- 50 Walsh, "Lesbian Avengers," 104. [Return to text.](#)
- 51 Sarah Schulman, *My American History: Lesbian and Gay Life during the Reagan/Bush Years* (New York: Routledge, 1994), 286. [Return to text.](#)
- 52 Fire-eating and the general use of fire during protests and demonstrations became a symbol for the Lesbian Avengers. See Lesbian Avengers, "The Lesbian Avengers: An Incomplete History," 2013, <http://www.lesbianavengers.com/about/history.shtml>. [Return to text.](#)
- 53 Schulman, *My American History*, 286. [Return to text.](#)
- 54 Ibid. [Return to text.](#)
- 55 Walsh, "Lesbian Avengers," 106. [Return to text.](#)
- 56 Munt, *Heroic Desire*, 109. [Return to text.](#)
- 57 Eleanor Brown, "Billy Graham Will Never Know: Lesbian Avengers Hope for Fast, Furious and Fun Demos," *Xtra!* 297 (June 23, 1995): 15. The Lesbian Avengers website cites chapters of the organization in Vancouver, BC; Winnipeg; Guelph, ON; Ottawa, ON; and Waterloo, ON. See Lesbian Avengers, "We Recruit: Avengers Worldwide, 2013, <http://www.lesbianavengers.com/about/chapters.shtml>. [Return to text.](#)
- 58 Walsh, "Lesbian Avengers," 106. [Return to text.](#)
- 59 Ibid., 107. [Return to text.](#)
- 60 Ibid. [Return to text.](#)
- 61 Amy C. Branner, "There Was a Dyke March?" *Off Our Backs: A Women's Newsjournal* 24, 8 (1994): 1. [Return to text.](#)
- 62 Ibid. [Return to text.](#)
- 63 In this study, Lesha Vanderbij and Lesha Van Der Bij are the same person. Lesha used the second spelling when she introduced herself to me, but the first spelling appears in the newspaper articles. [Return to text.](#)
- 64 Lesha Vanderbij, "Dyke March: Toronto's First Annual," *Siren Magazine* 1, 2 (1996): 21. [Return to text.](#)
- 65 Ibid. [Return to text.](#)

66 Ibid. [Return to text.](#)

67 I can only speculate on this difference in organizational practices between Toronto and New York. Perhaps they were due to different motivational factors for the organizers, different sets of personal, local, or national politics, or different numbers of people involved in organizing each of these marches. A broader comparative study is needed to more fully explore these differences. [Return to text.](#)

68 Deb Parent is a well-known Toronto lesbian activist who was the first out lesbian to work at the Toronto Rape Crisis Centre in the 1970s and who was a member of LAR in the early 1980s. She helped to organize dyke dances through the 1980s and 1990s and has been actively involved in Take Back the Night and Dyke Marches by leading them on a sound truck while playing music to energize participants. In 2007, Deb Parent was awarded a City of Toronto Access, Equity and Human Rights Award for her ongoing contributions. See Toronto, “Pride Awards for Lesbian, Gay, Bisexual, Transgender, Transsexual and Two-Spirited Issues,” Access Equity and Human Rights Awards: 2007 Recipients, City of Toronto, 2007, <http://www.toronto.ca/civicawards/2007winners.htm>. [Return to text.](#)

69 During my interview, Lesha said that the minimum needed was one hundred women, but in her 1997 article in *Siren* she said that the minimum was fifty women. She also casually acknowledged how arbitrary the quoted participation numbers were, many of which she provided to the media, and laughed about how she really had no way of effectively making these estimates. [Return to text.](#)

70 Lesha Vanderbij, “Dykes Go Marching On and On: Hurrah! Hurrah!” *Siren Magazine* 2, 1 (1997): 17. [Return to text.](#)

71 Cait Ryan, “Power, Pride and Visibility,” *Siren Magazine* 4, 1 (1999): 18. [Return to text.](#)

72 QuAIA (Queers Against Israeli Apartheid), “Queers Against Israeli Apartheid: Who We Are,” <http://queersagainstapartheid.org/who/>. [Return to text.](#)

73 Jasbir K. Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham, NC: Duke University Press: 2007); Sarah Schulman, *Israel/Palestine and the Queer International* (Durham, NC: Duke University Press: 2012). [Return to text.](#)

74 Boycott Divestment Sanctions Movement (BDSM), BDS Movement: Freedom Justice Equality, <http://www.bdsmovement.net/>. See also Judith Butler, “Israel/ Palestine and the Paradoxes of Academic Freedom,” *Radical Philosophy* 135 (2006): 8–17. [Return to text.](#)

75 Daniel Dale, “‘Israeli Apartheid’ Group to Defy Pride Ban,” *TheStar.com*, May 25, 2010, <http://www.thestar.com/news/gta/article/813914-israeli-apartheid-group-to-defy-pride-ban>. [Return to text.](#)

76 “Pride Toronto to No Longer Restrict Language in the Parade,” Pride Toronto Press Releases, June 23, 2010. <https://groups.google.com/forum/#!topic/colourofchange-network/RMH4ow3uPQU>. [Return to text.](#)

77 In 2010, Toronto Pride events were organized on the first weekend of July rather than on the last weekend of June, which traditionally marked the anniversary of Stonewall. The move was partly about accommodating the G20 Toronto Summit meeting, which

met June 26–27, the last weekend of June. In 2011, Toronto Pride was again held over the first weekend in July rather than the last weekend in June. It remains unclear to me why this change has been maintained, although perhaps it is a move towards establishing a decreasingly political Pride celebration. This move might be considered an attempt to capitalize on the tourism that accompanies the Canada Day long weekend. This change was also notable in the lead-up to 2014, when Toronto hosted World Pride. [Return to text.](#)

78 I am thinking here, for example, of how the legalization of same-sex marriage in Canada has been discursively constructed to celebrate Canada as a leader in social issues relating to human “diversity,” quietly disregarding the long history of struggle, the more contemporary conservative backlash over marriage, and further disregarding the ongoing ways that marriage contributes to the continued perpetuation of inequities and the reinscription of whiteness and ability in Canada. For further discussion, see Suzanne J. Lenon, “Marrying Citizens! Raced Subjects? Re-Thinking the Terrain of Equal Marriage Discourse,” *Canadian Journal of Women and the Law* 17, 2 (2005): 405–21; Suzanne J. Lenon, “A White Wedding? The Racial Politics of Same-Sex Marriage in Canada” (PhD diss., Ontario Institute for Studies in Education of the University of Toronto, 2008); Jocelyn Thorpe, “Redrawing National Boundaries: Gender, Race, Class, and Same-Sex Marriage Discourse in Canada,” *Canadian Woman Studies/Les cahiers de la femme* 24, 2–3 (2005): 15–21. [Return to text.](#)

79 This is examined in Allison Burgess, “It’s Not A Parade, It’s A March! Subjectivities, Spectatorship, and Contested Spaces of the Toronto Dyke March” (PhD diss., Ontario Institute for Studies in Education of the University of Toronto, 2011). [Return to text.](#)

80 Joan Wallach Scott, *Gender and the Politics of History* (New York: Columbia University Press, 1988): 3. [Return to text.](#)

81 Ladelle McWhorter, “The Technology of Biopower: A Response to Todd May’s ‘Foucault Now?’” *Foucault Studies* 3 (2005): 85. [Return to text.](#)



## 6

### Rupert Raj, Transmen, and Sexuality

#### The Politics of Transnormativity in *Metamorphosis Magazine* during the 1980s

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*Nicholas Matte*

While the late 1970s marked the early beginnings of neoliberalism, much of the activism around gender and sexuality during this decade concentrated primarily on liberal formations of individual representation and achieving legal rights, especially for gays and lesbians. At the original We Demand protest in Ottawa in 1971, for example, the political issues presented were staunchly homosexualist, despite the existence of trans activism and the presence of trans people within gay and lesbian communities and gay liberationist movements.<sup>1</sup> Gay and lesbian history and politics in Canada are now fairly well documented, but Canadian contributors to the development of trans communities and politics are less so.<sup>2</sup> This is due, in part, to the fact that scholars have concentrated on the experiences and activities of gays and lesbians over those of trans people as well as to the fact that trans people's histories stand in complex relation to both hetero- and homonormativity.

This chapter engages with the central themes of this volume in that it foregrounds and highlights components of transsexual history that have been "socially forgotten." Like other chapters in this collection, this one is indeed an act of documenting legacies of queer, sex, and gender activism as a form of resistance to social marginalization. But it also destabilizes the notion that queer or leftist anti-oppressive politics and trans politics are inherently related and compatible. The community of transsexual men examined here, for example, wrote to each other and published stories about how to handle what would today be called transphobia and cisnormativity in gay, leftist spaces. Trish Salah, in a piece about more recent trans activism within the Canadian



labour movement, writes that “the significant question of queer as a paradigm that leads to the devaluation of transsexuality” needs to be more directly recognized and addressed.<sup>3</sup> This chapter provides further evidence of this need by unearthing examples of trans politics and communities that complicate many present-day assumptions that frame trans politics as implicitly univocal and socially radical or revolutionary.

Transnormativity must be recognized as distinct from (and only sometimes in conversation with) homonormativity so as not to reproduce utopic or mythologizing oversimplifications about trans communities. A range of popular trans, queer, and sexuality studies scholarship has defined and rejected homonormativity and homonationalism to focus on queer and trans forms of power as resistance to neoliberalism and the reproduction of oppressive social systems.<sup>4</sup> This chapter, however, shows that trans people became a recognizable minority group not simply through resistance to or subversion of existing social power structures but, rather, often through the articulation of liberal identity terms. Historical investigations of trans politics and communities shed light on the fact that transsexual activism of the recent past does not necessarily sit well with present-day queer (or even trans) political desires or frameworks.

A great deal of trans activism during the 1970s focused on achieving inclusion within mainstream society, a goal at the core of what I am calling “liberal transnormativity.” Legal issues such as the criminalization of cross-dressing and rampant employment discrimination were of concern to, and pursued by, trans activists during this period, but the primary interest of activists such as Rupert Raj was to provide support for trans people whom they believed should be recognized as upstanding members of society. Transnormativity refers to the expectations and discursive norms that were used to develop and constitute trans people and communities. During the 1970s and 1980s, for example, a liberal framework provided the basis for developing a discourse of transsexual activism. This chapter illustrates that many transsexual activists’ understandings of trans people’s needs were framed in terms of normative structures of capitalism (via class) and sexuality (via heteronormativity and homophobia) and, to a certain extent, gender (via patriarchy). It introduces the concept of liberal transnormativity through examples of social and political work undertaken by Rupert Raj, a Canadian transman activist who built and contributed to a small but influential segment

of trans activism during the 1970s and 1980s, both in Canada and internationally.<sup>5</sup> As becomes clear, some of the strategies and debates that occurred during this period differ greatly from what present-day readers might expect: the perspectives, social realities, and activism of Raj and others, like Leslie Feinberg (1949–2014), who remain respected as trans activists into the present, have changed greatly since the 1980s.



**FIGURE 6.1** Rupert Raj, founder of the Foundation for the Advancement of Canadian Transsexuals (FACT). Rupert Raj/Canadian Lesbian and Gay Archives (CLGA)

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Rupert Raj formed his first transsexual organization, the Foundation for

the Advancement of Canadian Transsexuals (FACT), in 1971 while he was living in Calgary as a patient of the University of Calgary Sexuality Clinic. By 1980, he was finished the program and took FACT with him back to Ontario, where he began attending George Brown College and working on a newsletter called *Gender Review*.<sup>6</sup> Throughout the 1970s, Raj was involved with several North American transsexual and transvestite groups that worked to present transsexualism as including both male-to-female (MtF) and female-to-male (FtM) transsexuals and to (re)gender public perceptions of transsexualism, which often equated “transsexual” with “transsexual woman” – a common practice at the time.

While Raj engaged in a broad range of trans activism, one of his most important contributions was to encourage the development of specifically transman (or FtM transsexual) communities. In 1981, Raj announced that he had decided to focus his energies more specifically on the interests of transmen. He formed an organization called Metamorphosis Medical Research Foundation, a membership-based group that would also produce a regular newsletter-style publication simply called *Metamorphosis*. Between 1982 and 1986 he self-published *Metamorphosis*, later rebranded *Metamorphosis Magazine*, on a quarterly basis. He saw the publication as providing transmen with an opportunity to discuss their common experiences while promoting their shared interests. Despite its small size, *Metamorphosis* had a far-reaching impact. At its zenith, it had only sixty subscribers, but its readership spanned North America and even reached other continents. The Rosenberg Gender Clinic in Galveston, Texas, for example, made copies of *Metamorphosis* available to patients in its waiting room; the clinic director wrote that he frequently got “positive comments from the guys” and found it “quite informative and helpful for our men.”<sup>7</sup>

The central argument of this chapter is that the *Metamorphosis* community of transmen regendered transnormativity by mobilizing a discourse of sexuality that stressed the distinction between gender and sexuality and thereby served the interests of both transnormative transsexuals and non-trans, gender-normative lesbians and gays. During the 1980s, there were three significant ways in which Raj and his *Metamorphosis* community pursued this regendered transnormativity through a binary discourse of sexuality. Initially, *Metamorphosis* defined transsexual men as heterosexual rather than as lesbian. When that became problematic, Raj and

*Metamorphosis* began recognizing that transsexual men could also be gay men. Finally, Raj argued that transnormative trans people, like homonormative gays and lesbians, deserved legal protection from discrimination, and he attempted to translate their shared distinctions between gender and sexuality into a unified political victory for gays, lesbians, and trans people.

This chapter takes the ongoing articulation of transnormativity, distinct from both hetero- and homonormativity, as its central context. Heteronormativity, at its core, is the basic and pervasive assumption that everyone is, or should be, heterosexual; heteronormativity is understood as the system and practices through which social institutions attempt to enforce and create a strictly heterosexual society. Homonormativity, on the other hand, expresses a critique of the process by which some homosexuals have gained social status by drawing upon other mainstream cultural norms (such as class, citizenship, race, and gender), particularly in the current context of neoliberalism. In both cases, binary ways of thinking about gender and sexuality provide the framework for understanding how individuals express and relate to themselves and their social status. Transnormativity, as I employ it, refers to the norms and assumptions that were developed by, about, or within trans communities regarding who could and should be considered “trans.” In North America during the 1980s, transnormativity was disputed and contested as it was increasingly articulated by people who defined themselves as trans rather than primarily by medical professionals, as had previously been the case.<sup>8</sup>

Transnormativity has been articulated and rearticulated in different ways and contexts. Susan Stryker expresses hope regarding the social and political relationships between trans people and gay, lesbian, and queer people, defining trans politics as inherently linked with queer struggles.<sup>9</sup> By contrast, David Valentine argues that the cultural separation of gender and sexuality constructed “transgender” as distinct from gay and lesbian social subjectivity, ultimately dividing communities along lines that are easier to address than are those of race and class.<sup>10</sup> Canadian scholars Viviane Namaste and Dan Irving stress the need to recognize class and labour issues affecting trans people’s experiences, politics, and histories.<sup>11</sup> This chapter illustrates how, during the 1980s, discourses of gender, sexuality, and class were all central to the articulation and rearticulation of transnormativity in the pages of

*Metamorphosis Magazine.*

The first way *Metamorphosis* readers regendered transnormativity was through a discourse of sexuality that defined transsexual men as distinct from lesbians. To address issues transmen were facing, a number of *Metamorphosis* articles took as their starting point the mainstream public perception that transmen were actually lesbians. *Metamorphosis* readers discussed the need to educate the broader public about the difference between transsexual men and lesbians. In one early article, entitled “F-Ms and Lesbians,” Raj writes:

Are female-to-male transsexual men identical or similar to lesbian women? No, they are not! In fact, these two classes of people are miles apart insofar as the former concerns gender identity and the latter sexual orientation. The sole factor common to the two groups is the sexual attraction towards women.<sup>12</sup>

Raj used a binary conception of sexual orientation to explain that the two groups shared a common sexual object choice (women) but not gender identity. Initially, this differentiation proved fruitful for clarifying transmen’s status as men.

In a small but controversial booklet by Diane Leslie Feinberg called *Journal of a Transsexual*,<sup>13</sup> *Metamorphosis* readers expressed particular concern about the lack of distinction between lesbianism and FtM transsexuality. Published in 1980 by the workers’ union-affiliated World View Publishers, the publication arm of the Workers World Party, *Journal of a Transsexual* tells the story of a person who had transitioned from FtM, undergone testosterone therapy and chest surgery, but then decided to return to living as a woman. The booklet chronicles, in diary format, a depressing series of social encounters in which the author experiences fear, prejudice, misunderstanding, harassment, and outright violence for failing to achieve gender normativity. The only positive thread in the story is the author’s sense of happiness about romantic relationships with and between women.

*Journal of a Transsexual* presents Feinberg’s attempts to live as a man as an unhealthy way to deal with a homophobic and transphobic culture. The story culminates with Feinberg accepting womanhood, and the back cover of the book quotes Feinberg as saying: “I am a woman. I am the way I am. It is

a fine way to be.” For transmen readers, however, the book seemed to reinforce the mainstream cis-sexist assumption that gender is fixed and that anyone who is assigned female at birth needs to accept this as “her” gendered fate. The fact that it was published by the Workers World Party, which had split from the Trotskyist Socialist Workers Party, suggested a preference and concern for homo-centric, gender queer, or anti-transsexual discourses within the context of organized leftist politics.<sup>14</sup> Feinberg was heavily engaged in labour politics and wrote for the Workers World Party for almost twenty years. Trish Salah points out that Feinberg’s involvement in communism and anti-imperialism organizing on the left was part of her “making the working-class butch legible in terms of left masculinism.”<sup>15</sup> For many transsexual men, however, Feinberg’s anti-transsexual tract undermined their social legitimacy as men and their ability to gain access to health care related to “changing sex.”

Raj made little mention of leftist politics, however, and used Feinberg’s *Journal of a Transsexual* as an opportunity to distinguish transmen from lesbians and to provide a cautionary tale about the fact that changing sex was not the best option for everyone. He summarized the book in *Metamorphosis* and distributed copies of the whole book to subscribers. Raj told readers: “The moral of this story is simple: Not everyone who undergoes sex reassignment is a ‘true transsexual.’” He cautioned “patient and psychiatrist alike [to] think long and hard before making the mostly irreversible commitment to hormones and surgery!”<sup>16</sup> Raj respected Feinberg’s experience without denying the validity of hormone therapy and surgeries for “true transsexuals” by constructing it as one of mistaken diagnosis and treatment. His seemingly moderate stance, however, proved controversial among his wider community of transmen.

*Metamorphosis* readers wrote in outrage that Feinberg had been falsely diagnosed and represented as an FtM transsexual. When Reed Erickson of the Erickson Education Foundation received Raj’s review, he scribbled his own notes over the headline, changing it from *Journal of a Transsexual* to *Journal of a Non-Transsexual*, putting the word “Homosexuality” in brackets.<sup>17</sup> Reader responses to *Journal of a Transsexual* show that, in order to achieve transnormative status within the budding FtM-community of *Metamorphosis*, and to be accepted as transmen, people not only had to fit with the official diagnostic criteria for transsexuality but also had to demonstrate that they



were not lesbians and were happy and successfully living as men. Many readers were suspicious of the book's representation of Feinberg as a transsexual and of Raj for supporting it. Another reader, for example, wrote to Raj: "Since the author is obviously not a true TS, I don't understand your intentions in distributing it."<sup>18</sup>

Raj initially resisted the idea that *Journal of a Transsexual* was doing more damage than good by misrepresenting a lesbian as an FtM transsexual. He explained to readers:

My intentions in distributing the JOURNAL ... [was] to serve as a warning precaution to supposed pre-op F-Ms in case they are NOT true transsexuals ... [and to draw attention to] the attendant problems of: incorrect diagnosis, poor evaluation/assessment, inadequate or no counseling/ therapy, and also, media misrepresentation of these "PSEUDO transsexuals" ("change-backs") as being "TRUE transsexuals."<sup>19</sup>

Raj's explanation highlights the complexity of the social realities he was navigating at the time, including the concern that "misrepresentation," or the representation of "failed transsexualism," would have widespread negative effects on "true transsexuals" and the framework through which he articulated his interpretation of Feinberg's book. This perspective especially highlights the importance of liberal, medical discourses of "true transsexualism" within some trans communities at the time and the ways in which that discourse played a formative role in trans people's experiences, politics, allegiances, and social realities.

By distinguishing between "true transsexuals" and others who were mistaken as such, *Metamorphosis* readers were cultivating the distinction between gender and sexuality as well as that between transsexuality and homosexuality. Some saw this distinction as beneficial to both transsexuals and homosexuals. For example, one reader wrote that, because it was common for people to "confuse gender dysphoria with other conditions, such as self-deception, with being gay," Feinberg's story could help to prevent future homophobic stigma by clarifying that lesbian homosexuality was different from (heterosexual) FtM transsexuality. In fact, the writer reported giving the book to a friend who had been contemplating transitioning and

who, as a result of reading it, decided to work “on accepting her lesbianism.”<sup>20</sup> The writer continued: “We need potential TSs to be aware of all possible perspectives BEFORE going through the change, as it’s the ones who change and are sorry that give us all a bad image.”<sup>21</sup> This anonymous writer saw it as mutually beneficial to lesbians and transsexuals to understand the many complex ways that a person could relate to gender, sexuality, homophobia, transphobia, and the various transition options that were increasingly available.

Just as *Metamorphosis* implemented a division between gender identity and sexual orientation in order to distinguish between transmen and lesbians, so, too, did Raj construct transwomen as fundamentally distinct from gay men. Raj defined transmen as “real men,” as opposed to lesbians, and transwomen as “real women,” as opposed to queens or effeminate men. By comparing transmen’s supposedly normative masculinity to transwomen’s genuine femininity, it became evident that the gender status of both transnormative transmen and transnormative transwomen relied heavily on class-based gender norms of appropriate sexuality. Thus, while Raj’s aim was to increase cooperation between transmen and transwomen, he did so along class lines that further reproduced social and sexual hierarchies of normativity within trans communities. In an article entitled “Rupert Sets the Record Straight,” Raj encourages transmen readers to embrace relationships with normative transsexual women:

It’s really a shame more of you haven’t had the good fortune (as I have had) to meet some of the “new” (M-F) women on the middle and upper end of the scale – including the “good-lookers,” the “rich bitches,” the successful career women, and the happy housewives, most of whom are very “together” (stable) and very low-profile (socially integrated). Not all M-Fs are hookers, strippers, female impersonators, ex-convicts, mental patients, or welfare recipients.<sup>22</sup>

As it had with transmen, therefore, *Metamorphosis* constructed an acceptable transnormativity for transwomen by prioritizing some transwomen’s ability to appear socially normative, particularly in terms of gender and sexuality. This was important with regard to the regular

expectation and, indeed, insistence on the part of many medical professionals at the time that transsexual men and women be able to physically and socially pass as non-transsexual men and women both prior to and after hormones and surgery – a requirement that placed a heavier personal and economic burden on many transwomen due to the physiological differences between the effects of testosterone and estrogen.

Rather than critiquing class, gender, and sexual norms, Raj sought to help transsexual people to achieve both legibility as men and women and legitimacy by existing within, and conforming to, existing social norms. Raj explicitly told transsexual men that they should recognize and associate with “quality ladies,” and he encouraged transsexual women to present themselves as such. This being the case, Raj set transmen (but not transwomen) up as implicitly socially normative and respectable in terms of gender, sexuality, and class. Where transmen could more easily claim patriarchal privileges, transwomen had to navigate not only a slew of negative gendered stereotypes as women but also marginalized class positions, stigma against sex work, and cultural associations with gender and sexual deviancy. Raj inadvertently highlights and reproduces these class-based female stereotypes in an article entitled “Woman or Queen,” in which he tells transwomen to be careful to represent as women and ladies rather than as sluts, broads, or queens:

I have nothing against effeminate men – heterosexual or homosexual – but my stomach turns when I see a so-called transsexual (a self-styled woman) mince and prance and flit about, speak gay slang from the “queens’ English” in an affected nasal intonation, and gesture and gesticulate in a decidedly derogatory and sexually crude manner. For then, to me, the illusion is not one of womanliness, of femininity, of lady-likeness: of grace, poise, elegance and beauty, but rather, the image of maleness, of effeminacy: of caricature, crudity, travesty and perversity. A woman, particularly a lady (as opposed to: a “slut,” “sleaze,” “slouch,” “fishwife,” “broad,” “dame,” “chick,” etc.) thinks, feels, and acts like a woman. She is feminine. She is womanly. An effeminate transsexual (or homosexual) male behaves and acts (and possibly thinking [sic] and feels) like a man – an effeminate man.<sup>23</sup>

This construction of transsexual womanhood through the concept of being a “lady” demonstrates some of the ways in which class, sexism, and homophobia played important roles in the constitution of liberal transnormativities in the 1980s.

As he constructs solidarity between normative transmen and transwomen, however, Raj emphasizes transmen’s overall superiority and chastises those trans people on the feminine spectrum who fail to embody normative gender presentations. These normative gender presentations primarily involve distinguishing oneself from homosexuals and achieving middle- or upper-class status. Raj’s advice may seem particularly sexist, and he did, in fact, receive a great deal of criticism for it, but he also received accolades from various readers, including some transwomen who felt similarly with regard to class-based notions of transsexuality. For many transsexuals, an absence of diverse role models and an over-abundance of negative stereotypes provided them with very narrowly defined options. To be accepted as women and men often seemed to require assuming the most normative gender and sexual expressions in a culture of cis-centrism, thus reinforcing the assumption and enforcement of the idea that transsexuals are an aberration from the “norm” of non-transsexuality/transness.<sup>24</sup>

Heterosexuality seemed to underpin the transnormative status of transmen more than class. *Metamorphosis* initially presented transmen as heteronormative not only to refute the claim that transmen were lesbians but also because the few transmen who were public about their transsexual status were heterosexuals and were able to achieve their gender status as men at least in part because of social, cultural, and medical expectations of heteronormativity (and homophobia).<sup>25</sup> In the first issue of *Metamorphosis*, Raj likewise defines transmen in very sexually and gendered normative terms. *Metamorphosis* quotes transman Mario Martino, who had become famous after publishing his autobiography *Emergence*, as stating publicly and authoritatively that transmen were on the “heterosexual spectrum.”<sup>26</sup> Martino not only claimed for transmen the greater social respectability assigned to heterosexuals but also reproduced a conceptualization of sexuality as a spectrum on which homo- and heterosexuality represented opposing ends. As self-elected representatives of transsexual men who sought communication with others, however, Raj and Martino soon learned that not all transmen felt the same way they did.

*Metamorphosis* wasn't solely or primarily responsible for defining transnormativity as heterosexual, however, or for promoting the essentially transmisogynistic contrast of appropriate female sexual expression for transwomen against gender and sexual expressions deemed inappropriately male. Clinicians had been using such criteria to screen MtF trans people's sexuality for years in order to determine whether they would be considered "true transsexuals" or transvestites. Those diagnoses then translated to whether or not they were considered appropriate candidates for sex reassignment surgery. Transsexual women were considered to be largely asexual before their surgeries, based on the notion that it was impossible for a woman with a penis to be sexual as a woman. Transvestites, on the other hand, were mostly considered to be sexually deviant men who sometimes mistook their sexual fantasies for reality and thus sought out hormones and sex reassignment surgeries.<sup>27</sup> As Jason Cromwell argues, medical discourses of the time rendered all true transsexuals as asexual and oversimplified gender and sexuality in ways that couldn't account for the complexities of trans people's desires.<sup>28</sup> It remained impossible for transmen's sexuality to be recognized as complex and multifaceted while their sexuality was measured against problematic assumptions about transwomen's sexuality, but transmen also benefited from less scrutiny of their sexuality, provided they conformed roughly to heteronormative standards post-transition. Thus, one of the reasons that transmen continued to be seen as strictly heterosexual throughout the 1970s was that mainstream public and medical discourses had focused primarily on the sexualities of transwomen and transvestites, often oversimplifying or ignoring transmen's sexuality under a shroud of heterosexism.

In contrast to cultural suspicions faced by transwomen (i.e., that they might actually be sexually deviant males), transmen faced a different problem: it was often stated that transmen had no equivalent sexualized associations with wearing men's clothing because women were not prevented from "cross-dressing." Historian Brice Smith traces how Lou Sullivan, one of the few major transmen activists of the period, was in conversation with Virginia Prince, the lead transvestite activist of the period, specifically on the question of how and if transvestism developed differently for those raised male than it did for those raised female.<sup>29</sup> When Prince heard that Sullivan had been writing as an out female transvestite in gay liberation publications,

she was shocked at the possibility that there may be such a thing as a female transvestite.<sup>30</sup> Up until that point, many of the frameworks for understanding transvestism assumed that only men would develop the urge to cross-dress because they were prevented from wearing women's clothing, whereas, because women could cross-dress freely, it was assumed that this activity would not have the same sexual charge or sense of taboo-breaking. Sullivan, by contrast, explains female transvestites' seeming invisibility as a product of patriarchal sexist preoccupations with men's sexuality and a failure to accord complex sexual desires to women. Likewise, the sexist impression that women could cross-dress without reproach was inaccurate: women were regularly policed and could be arrested in many places if they were deemed to be wearing an insufficient number of articles of "women's clothing."

It was Lou Sullivan who eventually convinced Raj to stop distributing and promoting Feinberg's book. This occurred when Sullivan submitted a poignant letter to Raj for publication in *Metamorphosis* – a letter that described a recent conflict he had had with leftists at a gay pride celebration in San Francisco.<sup>31</sup> In publishing this letter, Sullivan revealed the complexity of viewing gender and sexuality issues in relation to organized class and labour politics. Sullivan writes that, at first, he had been excited to come across *Journal of a Transsexual* at a union literature table. His enthusiasm waned significantly, however, when he realized that the book's central message seemed to be that FtM transsexuals were actually butch lesbians who had been forced by society and the medical establishment to live as heterosexual men. Sullivan confronted the person behind the table and asked him to remove the book from the display, arguing that, since it was the only representation of FtM transsexuality at the entire event, it was creating a negative stereotype based on the bad experiences of one person. The staff person dismissed Sullivan's complaint and refused to remove the book, leaving Sullivan, who identified strongly with gay liberation as a gay transman, feeling angry and alienated from the Pride event. It was clear from Sullivan's experience that Feinberg's complex account of transitioning potentially muddied the distinction not only between transmen and lesbians but also between gender and sexuality in ways that affected interpersonal, social, and political negotiations in gay, lesbian, and trans communities.<sup>32</sup>

By the early 1980s, a small group of transmen who identified as gay was beginning to further distinguish transsexuality from homosexuality, making it



increasingly problematic to define transmen as strictly heterosexual. By mobilizing a discourse of (homo)sexuality to regender transnormativity in a way that recognized and allowed for a broad range of sexual desires while maintaining the binaries of gender/sexuality and hetero-/homosexuality, this third example nevertheless also demonstrates the ways in which, at the time, transnormativities were still framed within binary conceptions of gender and sexuality that were both hetero- and homocentric, if not normative. Readers had agreed unanimously with Raj that FtMs were not lesbians, but several took exception to the fact that Raj, as part of his mission to present transmen as socially acceptable normative men, had over-generalized transmen as heterosexual. Readers who identified as gay transmen noted that Raj's unconscious heterosexism translated to a transnormative discourse that made it more difficult for them to come to terms with their transsexuality in the first place. In a piece entitled "Identity: Gay Man," Erik Julian Clarke writes that he had believed for quite some time that "transsexuals were interested in the opposite [sex]; therefore [he] could not be a transsexual."<sup>33</sup> Similarly, Sullivan writes: "I know it took me a long time just to determine that I was in fact transsexual because my experiences/background/feelings were not textbook."<sup>34</sup> For these readers, it was necessary to redefine transnormativity in relation to hetero- and homonormativity if they were to accept, understand, and clearly express their gender and sexual desires as gay transmen. In so doing, they again reframed and rearticulated transnormativity in relation to cis-centric homonormativity.

Despite its initial heterosexist construction of transnormativity, *Metamorphosis* provided space for many transmen who defined themselves as gay men. These readers used its pages to seek out other gay transmen with whom to discuss the specific issues they faced, particularly because of their difficulty relating to either mainstream transnormativity's heterosexism or mainstream homonormativity's cis-sexism. Clarke writes that he became involved with the community of *Metamorphosis* readers to make "contact with other female-to-males – particularly those who [were] pursuing or hope[d] to pursue a lifestyle as a gay man, as [he did]."<sup>35</sup> Sullivan writes to one gay FtM: "I was overjoyed to read your letter to Rupert regarding your identity as a gay man" as "[I] had been searching for others like myself since beginning to live as a F-M gay man 13 years ago." Thus, regardless of its initial limits, *Metamorphosis* provided gay transmen with the opportunity to



connect and form new communities and transnormativities, working out experiences and conflicts in relation to cis-centrism, heterosexism, homonormativity, and transnormativity.

As an example, since one of the major issues facing gay FtMs was heterosexism within medical contexts, readers began using *Metamorphosis* to discuss how to increase gay transmen's visibility with clinicians without jeopardizing their individual ability to gain access to services. One reader, who had been living as a man for four years without hormones or professional assistance, writes: "I feel that my main problem with doctors will be the fact that I consider myself to be a homosexual male," and he asked others for advice on "how to handle this situation with counselors and officials connected with established programs."<sup>36</sup> Indeed, Clarke also writes: "[I had] been rejected by one gender program because of my sexual preference and met with resistance on the part of my therapist, who believes that I would be 'better off staying a straight female' – ignoring the fact that simply liking men does not make me a straight female."<sup>37</sup> Just as readers of Feinberg's book were upset about being perceived as lesbian women, transmen who were attracted to men resented being perceived as straight women. As they articulated their right to be gay transmen, they also further distinguished gender identity from sexual orientation along lines that served mutually reinforcing transnormative and homonormative binary conceptions of sex and gender.

Because he had borne the brunt of it for many years, Sullivan was particularly outraged at the pervasive heterosexism influencing transsexual men's ability to gain access to medical treatment. "My advice to you, 'Anonymous,'" he wrote, "is to always over-emphasize those few sexual encounters you have had with females to the doctors and admit to, but don't stress, your sexual encounters with other men. They'll be able to handle your bisexuality easier than your total homosexuality."<sup>38</sup> He encouraged the anonymous reader, however, to push medical professionals to acknowledge that transmen could be gay, writing: "You would do all of us guys a favor by letting the doctors know that we are, after all, interested in the male sex." By demonstrating how medical heterosexism specifically affected them as gay transmen, Sullivan and other gay transmen integrated their sexuality into their gender community and its concerns for the needs and issues of transsexual men.

Raj soon began taking an active role in promoting a transnormativity that embraced homosexuality as a possibility for gay transmen. He regularly announced that he knew of many gay FtMs and also told readers he was making efforts to address their issues with medical practitioners. For example, he wrote to both the executive director and the consumer advocate of the Harry Benjamin International Gender Dysphoria Association to request that they address the issue of heterosexism at the organization's 1985 Annual General Meeting. Unfortunately, he told readers, he received no reply to either letter.<sup>39</sup>

In spaces like *Metamorphosis Magazine*, where transmen's sexualities and gender identities were respected and could be recognized as distinct, it was possible to modify cis-centric, heterosexist transnormative discourses of gender and sexuality by demonstrating that transmen could simultaneously be both transsexual men and gay men. Outside such small communities of transmen, however, many people continued to see transsexuals as sexually perverse or extreme variations of homosexuality. As such, one of the main social and political goals for Raj and other transnormative activists was simply to have transsexuals recognized as a distinct group of legitimate people, separate from gays and lesbians. The public discourse of sexual minority rights, however, was largely focused on homosexuality. Nevertheless, Raj mobilized the homonormative public discourse of sexual minority rights to argue that transsexuals, like gays and lesbians, should be entitled to legal rights and protection against discrimination.

It was during public debates about creating legislation to protect homosexuals from discrimination that Raj began actively mobilizing homonormative political efforts on behalf of transsexuals. In 1986, the New Democratic Party representative for Ottawa-Centre, MPP Evelyn Gigantes, proposed an amendment to Bill 7, a piece of provincial legislation that would protect gays and lesbians in Ontario from discrimination. Raj wrote to Gigantes to suggest it should also prohibit discrimination specifically on the grounds of "gender identity" or "transsexualism."<sup>40</sup> Gigantes thanked Raj for his letter, told him of a personal acquaintance who was transsexual, and said that she understood that transsexuals had distinct legal and social issues that needed clarification in law. She declined, however, to support his proposal for two reasons. First, she felt that to include transsexual issues would hinder the bill's potential success because transsexual issues were distinct from

those of gays and lesbians: “Bill 7 and the debate that will occur do not seem to me the appropriate place to raise [trans issues].” Second, she felt that it would already be hard enough to deal with homophobic backlash to Bill 7 without introducing trans issues into the mix, telling Raj: “The lobby which has arisen in opposition to the amendment is quite fierce” and “it will be all we can do to beat it back.”<sup>41</sup> Thus, despite the fact that the transnormativity developed in *Metamorphosis* differentiated between gender and sexuality in ways that were compatible with homonormative political goals, a mutually agreed upon distinction between gender identity and sexual orientation did not translate into mutual political goals but, rather, created (at least) two distinct socio-political minority groups with their own interests and issues.

When Bill 7 passed, Raj took the legal victory for gays and lesbians as an opportunity to revisit the state of transsexual political activism both provincially in Ontario and nationally. He publicly congratulated the gay and lesbian community in the pages of *Metamorphosis* for having “won a 15-year battle to have sexual orientation added to the Ontario Human Rights Code as a prohibited ground of discrimination,” but he reminded readers that transsexuals still needed similar protections. In a social and political context that was beginning to grant political rights to gays and lesbians, many trans people felt that they were next in line for achieving similar kinds of systemic social inclusion through the liberal state structure. While significant critiques have since been raised about the strategy of achieving legal rights for trans people within a neoliberal framework, Raj fully supported and embodied such a strategy in his articulation of liberal transnormativity.<sup>42</sup>

Even though Gigantes and others had not actively supported transsexuals in Ontario by including them in Bill 7, Raj remained optimistic. He told readers that trans people might still achieve legal protection if MP Svend Robinson succeeded in passing a similar bill on a national level. Of all the politicians to whom Raj wrote, Robinson, another NDP member of the House of Commons, offered the most encouraging reply. He wrote that Raj’s was the first letter he had received from “an organization representing transsexuals and gender dysphoric people” and that it was clear to him that “similar arguments would apply to discrimination against transsexuals” as had applied to discrimination on the basis of sexual orientation.<sup>43</sup> Ironically, both Gigantes’ refusal to include trans people in the fight for gay and lesbian rights, on the one hand, and Robinson’s interpretation of transsexual rights as

analogous to gay and lesbian rights, on the other, fit within and, in part, established emerging and compatible homonormative and transnormative differentiations between gender and sexual orientation that ultimately relied on the pervasiveness of the cis-centrism that presumed trans people were different from and more rare and exceptional than (non-trans) gays and lesbians.

During the 1980s, *Metamorphosis* consistently separated gender identity from sexual orientation in ways that were compatible with emerging homonormativities as a strategy to enable transmen to distinguish themselves as a specific minority group with particular needs and issues. At first, transmen were defined as heterosexual men in order to distinguish between transsexual men's sexuality and lesbian women's sexuality, initially defining transmen in heterosexist terms. A number of transmen who identified as gay, however, then challenged this heterosexist transnormativity. These gay transmen further emphasized a distinction between gender and sexuality by demonstrating that it was possible to be both a transsexual man and a gay man. In both cases, Raj and his *Metamorphosis* community of transmen produced new forms of transnormativity that not only included transmen but that were also compatible with homonormativity in that they divorced gender identity from sexual orientation. Raj then mobilized this common distinction to try to include trans people in homonormative gay and lesbian political efforts to achieve legal rights and protection against discrimination.

Political efforts to seek protection from discrimination on the basis of sexuality in Ontario in the 1980s, however, focused on a homonormative agenda of protecting gays and lesbians. Despite this, the distinction between gender identity and sexual orientation became an increasingly important political factor across English-speaking Canada.<sup>44</sup> This distinction between gender and sexuality continues to frame the majority of today's political efforts to achieve legal protections for trans people. For example, in 2010 and 2011, trans activists successfully worked with members of Parliament to amend the Human Rights Code and the Criminal Code of Canada to include "gender identity" and "gender expression" as protected grounds.<sup>45</sup> Thus, trans activism and politics often appear to have recently emerged within a historical narrative of homonormative gay and lesbian rights. This chapter provides several key examples, however, of how trans people's issues and efforts may have been rendered invisible within the homonormative rubric of

gay and lesbian history and politics.

As the pages of *Metamorphosis Magazine* demonstrate, transmen and other trans people have been deeply and personally engaged in working through the complexities of gender and sexuality, even in contexts in which their experiences were marginalized, denied, or ignored. They lived in complex social contexts and were never simply innocent or heroic characters. Regardless, liberal transnormative activists like Raj have been framing and reframing transnormativities, trans communities, and trans politics for over twenty-five years, alongside and in conversation with more widely known and accepted cis-centric notions of (homo)sexuality.

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# 7

## Queer Resistance and Regulation in the 1970s

### From Liberation to Rights

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*Gary Kinsman*

How the hell did smash the family and smash heterosexual imperialism become same-sex marriage as the end game of our struggle?

– Gary Kinsman, presentation at the 2011 “We Demand” conference

### **Readings of “Canada”: True North Strong and Gay**

At the We Demand demonstration on August 28, 1971, the lead banner read “Canada: True North Strong and Gay.” In the context of current forms of Canadian homonationalism,<sup>1</sup> this could be read as an assertion that Canada is a more “civilized” country when it comes to gay rights than are other countries. But read in the very different historical context of the 1971 demonstration, it is a campy send up of the heterosexist character of Canadian state formation.<sup>2</sup> Were some of the roots of this first homonationalist reading put in place in the transitions emerging in the 1970s?



**FIGURE 7.1** Canada, True North Strong and Gay, at the first Ottawa demonstration, August 28, 1971. Photographed by Jearld F. Moldenhauer

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## **The Past *and* the Present**

When I remember my queer activism, which started in 1972,<sup>4</sup> I am struck by the disjuncture between the movement I joined and what exists today in mainstream queer community formation. Without romanticizing early gay liberation organizing,<sup>5</sup> there is a major difference between (1) a movement organizing against state repression and national security, the heterosexist family, sexual and gender hierarchies, the war in Vietnam, and in alliance

with other oppressed people and (2) a movement whose aim often seems to be gaining middle-class respectability and affirming that, aside from the gender of those with whom we have sex and love, we are just like heterosexuals. Entrenched at the centre of this is the ideology that “we” (queers) are just like other white, middle-class people.<sup>6</sup> This chapter is part of my preliminary work on the making of the contemporary “neoliberal queer.” I attempt to excavate the social and historical basis for the accommodation with capitalist, racialized, and patriarchal social relations for social layers within queer communities in the historical present. This includes attempts to “privatize” and institutionalize our sexualities and relationships as well as to construct our “citizenship” claims in more limited “rights” and commercialized terms.<sup>7</sup> How did a movement that initially challenged not only heterosexism but also the ways in which it was tied up with gender, and more partially with class and race, become a class project for integrating some white gay men (and smaller numbers of lesbians) into capitalist social relations and a defence of “Canadian” national security? Here I focus on what I have so far discovered about resistance to, as well as accommodation with, initial emerging forms of neoliberalism in the 1970s. The method and theory I use in this investigation draw upon, but are rather different from, those I used in my previous historical sociological and institutional and political activist ethnographic work.<sup>8</sup> Here I draw on memory work associated with my own idiosyncratic but social experiences to begin a historical exploration of how they were socially organized.<sup>9</sup> In part, this chapter should be read as a historical memoir.

This is not a sad history of an inevitable long march towards what I call the neoliberal queer. Indeed, because there were other possibilities, it is also a history of diverse forms of resistance to the emergence of this figure. Unfortunately, in popularized forms of “gay history” that focus on rights struggles, the Charter of Rights and Freedoms, and same-sex marriage, this resistance has been mostly forgotten. And white, middle-class, gay male elites who hold positions of social privilege within class, gender, and racialized relations prefer to forget this resistance.

In this chapter, I set the stage by defining neoliberalism and the emergence of what I call neoliberal queer history. The main body of the chapter investigates the shift that took place in the 1970s, from an emphasis on liberation to an emphasis on human rights, culminating in an emphasis on

human rights protection. It restores the important queer resistance to sexual policing and national security in the 1970s, and how lesbian feminism presented an obstacle to emerging neoliberalism. It also examines some of the openings created for neoliberal trends, with commercialization and the “pink market,” along with the trend towards portraying the gay community as an “ethnic group.” Finally, I draw some conclusions about regulation and resistance in the 1970s.

## **What Is Neoliberalism?**

Understanding neoliberalism requires an analysis anchored in class and social struggles.<sup>10</sup> Neoliberalism begins to emerge as a distinct capitalist perspective in the mid- to late 1970s, in response to social struggle and with a number of currents of “economic” and moral conservatism articulating into a distinct project. At first this approach was referred to as “monetarism,” “neoconservatism,” and/or the “new right,” but eventually it became commonly known as neoliberalism. These initial formulations were associated with policies implemented after the 1973 coup in Chile and,<sup>11</sup> especially, with the Thatcher and Reagan regimes of the 1980s. They were introduced into the “Canadian” context unevenly, not beginning to centrally inform state policies until the 1980s.

Neoliberalism is often understood simply as standing in opposition to earlier Keynesian perspectives, which focused on the need for social funding and the development of the “welfare state.” Instead, neoliberalism concentrates on cutting back social programs and expanding private capitalist relations. Keynesian approaches were rooted in a wave of class and social struggles during and following the Great Depression. In the postwar years, this wave won greater access to social programs and increasing rights for workers. In response to this composition of class struggle, Keynesianism was a pro-capitalist attempt to save capitalist relations through granting limited concessions to workers and people living in poverty. At the same time, however, these concessions continued exclusions and differential inclusions that affected women, people of colour, Indigenous people, queers, and non-citizens,<sup>12</sup> and it included the building of national security state relations.

The 1960s and early 1970s witnessed another global wave of class and social insurgency, of which the feminist and gay revolts were a part, that



called capitalist profitability and social relations into question. In response to this wave, Keynesianism came to be seen in capitalist and many state circles as giving too much social power and income to workers and people living in poverty. Conversely, neoliberalism as a longer-term project restored profitability and capitalist relations through undermining this composition of struggle by dismantling social programs, targeting social wages, and attacking workers and people living in poverty around the world. Despite a weakening of aspects of state formation regarding social funding, there was an intensification of disciplinary forms of state formation, including campaigns against unions, “law-and-order” campaigns, and the tightening up of borders to exclude poor people of colour from the global South. Neoliberalism also laid the basis for new waves of capitalist globalization through “free trade” and other regional and international agreements.<sup>13</sup> The impact of these neoliberal measures developed unevenly, depending in part on the level of resistance they faced.

Neoliberalism often exhibited a moral conservative tendency, especially in the 1970s and 1980s, focusing on disciplining workers and the poor. This included attacks on feminism and gay and lesbian liberation in order to defend the heterosexual and patriarchal family coded as white and middle class.<sup>14</sup> The anti-gay/anti-lesbian/anti-feminist “Moral Majority” in the United States crystallized differently in the Canadian context, where a weaker fundamentalist Protestant movement supported the development of anti-choice and anti-feminist groups and, more explicitly, anti-gay/ anti-lesbian organizations. Anita Bryant became the symbol of the moral conservative tendency within neoliberalism most visible to gay and lesbian activists in the later 1970s. Following the success of her involvement in a Florida campaign against gay and lesbian rights, Bryant was brought to Canada in 1978 to assist in organizing anti-queer campaigns. In response, coalitions involving gay men, lesbians, feminists, unionists, sections of the left, and others opposed efforts to amplify right-wing campaigns in Canada. Actions were organized against Bryant’s visits in Toronto, Winnipeg, Edmonton, Moose Jaw, Vancouver, London, and Peterborough.<sup>15</sup> These mobilizations, combined with popular educational work, began to shift the tide against anti-feminist/anti-gay moral conservatism and laid the basis for more long-term anti-right organizing, including Gay Liberation Against the Right Everywhere and Lesbians Against the Right in Toronto in the early 1980s.



But this was not the only form of neoliberalism to emerge. Non-moral conservative forms based on a limited moral deregulation of queers were beginning to emerge by the later 1970s and early 1980s,<sup>16</sup> extending the Wolfenden public/private regulatory approach to allow for a privatized homosexuality and community as well as a “consumer”-focused form of citizenship. In part, the non-moral, conservative strands of neoliberalism emerged in response to the resistance moral conservatism faced from feminists, gays, and others.

### **A Critique of Emerging “Neoliberal” Queer History**

My current research on the making of the “neoliberal queer” arises from my work with Patrizia Gentile in *The Canadian War on Queers*. This work includes an examination of how, after being central targets of national security practices, some queers transformed into supporters of “Canadian” national security.<sup>17</sup> However, it also responds to the emergence of what I characterize as the beginnings of a neoliberal queer history that hides from our memory some of the main features of the resistance to, as well as the development of, the neoliberal queer in our historical past and present.

Neoliberal queer history arises from a number of different sources – including gay business interests, the emergence of a queer middle-class stratum, and interactions with official state representatives and political parties – that can assume an almost popularized “common sense” within queer communities. The narrative line reads as follows: (1) the 1969 reform instituted by Trudeau and the Liberal Party legalized or decriminalized homosexuality; (2) the equality rights section of the Charter of Rights and Freedoms established our rights; and (3) same-sex marriage rights ended discrimination against gays and lesbians. This shift can be seen most clearly, perhaps, in how Pride celebrations, especially in larger urban areas, have been uprooted from their roots in anti-police resistance in the Stonewall Riots, in the formation of Gay Liberation Fronts, and in the mass responses to police raids across Canada in the 1970s and 1980s. Pride has been commercialized and sponsored by corporate and state agencies (on this, see Bain, chap. 4, this volume; Burgess, chap. 5, this volume).<sup>18</sup> Tendencies leading towards a neoliberal queer reading of 1970s history include: the broader social organization of the forgetting of queer resistance bolstered by

neoliberal class forces and, in particular, the emergence of a new queer middle class that has gained hegemonic status in our communities; the mythology perpetuated by the Liberal Party and others regarding the 1969 reform “legalizing” homosexuality;<sup>19</sup> the forgetting of the major struggles of the 1970s against national security surveillance and escalating sexual policing; and the general reduction of our struggles to being about rights (and human rights in particular), which begins in the mid- and later 1970s.<sup>20</sup> In part, this chapter inserts into the historical narrative precisely those actions that a neoliberal approach to the past obscures. I argue against the social organization of forgetting by advocating for the active remembering of resistance in the 1970s and for the need for grounded, materialist, activist histories.<sup>21</sup>

One important insight concerns the double-sided character of our movement and its human rights victories. While victories were won (although far more in the 1980s and 1990s than in the 1970s) that affected people’s lives, they benefited some queers more than others. The impact of these human rights successes provided far more space for white middle-class gay men than they did for other queers. The social form of the classed, racialized, and gendered social relations in which these victories were won, and how they were delivered (however unanticipated), created more possibilities for those queers who experienced racial, class, and gender privileges. The character of these possibilities is entwined with the emerging project of a white, middle-class queer stratum – this is never named as a distinct class and racializing project but, rather, is disguised as a “universal” strategy for lesbian and gay rights.<sup>22</sup>

## **From Liberation to Human Rights**

It is helpful to situate the activism of the 1970s within the historical shifts in movement organizing over the last four decades. First, the broad liberationist approaches of the early 1970s shifted to a more human rights-based strategy by the mid-1970s, although earlier liberationist approaches continued to inform human rights organizing into the 1980s. Consequently, our organizing became increasingly directed towards struggles for formal legal equality with heterosexuals. While the call for repeal of anti-queer laws at the core of “We Demand” continued, the focus now was on human rights protection. Fighting

for “sexual citizenship” began with the inclusion of sexual orientation protection in human rights legislation. This initiated a trajectory leading to later struggles for inclusion in the legal and social forms of spouse, family, marriage, the military, and even the national security state. The moment for the possible radical transformation of these institutional relations, which was stronger in the 1970s than later, was subordinated to the moment for *inclusion* within these heterosexual dominated, gendered, racialized, and classed social forms in the later 1980s and the 1990s.<sup>23</sup> This approach was only beginning in the 1970s, but it was starting to emerge in some of the human rights campaigns I examine later.

The limitations of human rights strategies and the legal protection they afford is based on their formal and abstract character. While successful human rights cases can have a substantive impact on individuals who experience discrimination, such efforts are directed at individuals or institutions that have overtly discriminated against a “protected” group.<sup>24</sup> This does not adequately address the social roots of how oppression is organized in institutionalized heterosexuality and the two-gender binary system. Addressing the social roots of oppression requires more than human rights protection.

This also raises broader questions about the social form of law itself, and not only human rights law. The social form of law, I suggest, is heterosexist and two-gender binary in character. This being the case, legal reforms, no matter how important, do not eliminate the underlying social organization of oppression.<sup>25</sup> For example, trans legal scholar and activist Dean Spade critiques the lesbian and gay human rights model offered to trans\* people because it ignores how the daily fabric of oppression is organized through administrative law and regulations – the daily administrative practices through which gender and sexuality are policed. Combatting sexual censorship, Criminal Code-mediated sexual policing, how people are gendered when arrested and incarcerated, and/or unjust social assistance policies, for instance, can be as important, if not more important, than fighting for human rights protection.

In Canada, where there was still a significant homophile current in the early and mid-1970s, there was also a shift from more liberationist perspectives to more rights-oriented perspectives. Liberationist organizations in the early 1970s included the Front de libération homosexuel in Montreal,

Toronto Gay Action, and the Gay Liberation Front in Vancouver, which organized resistance against heterosexual establishments, gay contingents in anti-war demonstrations, and, in the case of the FLH in Quebec, independence actions as well as social and educational activities. These groups were unable to sustain themselves for longer than a few years for various reasons, including: police repression;<sup>26</sup> growing tensions between those who saw themselves as part of a broader revolutionary movement, those who saw themselves as proponents of human rights struggles for gays, and those who wanted to focus only on providing social services; tensions over informal and relatively unaccountable leadership and more formal elected “leadership” bodies;<sup>27</sup> and, finally, major ruptures between lesbians and gay men over the latter’s continuing sexism, despite ostensible commitments to support feminism.

The social organization of lesbian oppression differed from that of gay men in that it included a mediated sexual and gender oppression (and often class and racialized oppression as well). Many lesbians left gay organizations to form their own groups, thus initiating the basis for an autonomous lesbian feminist movement. Many lesbians were involved in the feminist movement, where they often assumed leading roles, but they also had to challenge the heterosexism they encountered there.

### **Towards a Human Rights Protection Strategy**

From 1972 to 1975, a significant but uneven shift occurred from a liberationist approach to struggle to a human rights approach based on including sexual orientation protection in human rights legislation. GATE Vancouver, formed in June 1971, was the first to adopt this shift, followed by GATE Toronto, which emerged out of the liberationist TGA in 1973. Other human rights-based groups organized across the country, including Edmonton’s Gay Alliance for Equality (1971), Winnipeg’s Gays for Equality (1973), and the Gay Alliance for Equality in Halifax (1972).<sup>28</sup>

Brian Waite’s “A Strategy for Gay Liberation,” published in the third issue of *The Body Politic*,<sup>29</sup> offers a preliminary articulation of the move towards a human rights approach. Waite, a member of TGA as well as the League for Socialist Action and a founding member of the *TBP* collective, drew upon parallel internal LSA documents co-authored with John Wilson

that argued the same position.<sup>30</sup> The proposed human rights strategy was offered by part of the left of the gay liberation movement as an explicit way of continuing the movement, but it also marked a distinct move away from a liberationist approach. Significantly, Waite argues: “The fight to include the term ‘sexual orientation’ in the Ontario Human Rights Code is a fundamental one in the struggle for gay liberation.”

Waite invokes the term “sexual orientation” to conceptualize discrimination against lesbians and gay men. Sexual orientation developed as a way of conceptualizing homosexuality in such a way as to separate it from notions of gender inversion,<sup>31</sup> and it is based on the assumption that sexuality is an essential biological characteristic. This is rather different from earlier liberationist approaches to sexuality, which suggested that it was socially constructed and that the gay movement was about the liberation of the queer potential in everyone. This human rights approach became associated with a legal discourse of naturalized categories.

While Waite is explicit that “winning this demand, in itself, will not end our oppression,” he suggests that, “in the process of fighting for it many gay men and women will develop a higher level of pride and consciousness.” This is based on the struggle to have homosexuals recognized as “a legitimate oppressed minority” and on the belief that this would lead to more people coming out. The implication is that homosexuals are just like other minority groups, despite the major difference of sexual oppression and regulation. He argues that sexual orientation protection will “give us the right to choose whether or not we tell our workmates or fellow tenants of our sexuality – freely, without fear of reprisals from a bigoted boss or landlord” (emphasis in original).

Waite maintains that this approach would allow the gay movement to make links with the women’s liberation movement and earlier struggles to include the word “sex” in human rights legislation. What he does not point out, however, is that many feminists had already realized that this formal inclusion, while useful, did not bring about social equality. In particular, Waite drew connections between the gay movement and the struggle for repeal of the abortion laws, in which the LSA was heavily involved. At the same time, however, the LSA had moved away from the earlier, more left-wing, feminist perspective, which had called for free abortion on demand. This went beyond abortion as a *formal* right to the attempt to secure access to

abortion for poorer and working-class women as a *substantive* right.<sup>32</sup>

In particular, Waite emphasizes mass action as key: “It is extremely important to organize large public demonstrations on as wide a scale as possible.” Here, he draws upon the LSA’s single-issue, mass action strategy. At this point, the leading group in the LSA believed that single-issue mass actions could almost spontaneously radicalize participants. The strategy proposed in this instance was to avoid a lobbying campaign and to focus instead on fighting against the privatization of our sexualities. As such, it contested limited liberal right-to-privacy approaches. At the same time, Waite argues against adopting “the programme and demands of other minorities and oppressed groups, for it is only by organizing around issues with which all gays can relate that we will realize our strength.”<sup>33</sup> As far as Waite is concerned, gay liberation should no longer support other oppressed groups. He ends with the call: “*Homosexuality is a human right!*” (emphasis in original). This approach inspired a focus on sexual orientation protection in human rights legislation that shaped gay rights activism into the 1980s.

## **Early Human Rights Campaigns**

Two early pivotal human rights campaigns illustrate major features of the human rights protection strategy embraced by many gay and some lesbian activists. Along with the more limited publicity surrounding the purging of Barbara Thornborrow and Gloria Cameron from the military (which raised broader questions concerning opposition to military and national security policies),<sup>34</sup> the John Damien and Doug Wilson “cases” gave a public face to the campaign for human rights for lesbians and gay men in the mid- and later 1970s.

Dismissed by the Ontario Racing Commission in February 1975 for being gay, John Damien, a racing steward (someone who oversees jockeys) lost his job after a twenty-year career. For many, Damien became the public face of discrimination against gays. The Coalition for Gay Rights in Ontario and GATE Toronto set up a defence campaign for Damien. This led to a protracted legal battle after it became clear that the Ontario Human Rights Commission would not address his case. Despite its links to employment rights for gays and lesbians, the campaign was frequently constructed around the dignity and respectability of Damien as an individual. In December 1986,



the same year he died of pancreatic cancer, Damien finally received an out-of-court settlement of \$50,000 in his wrongful dismissal suit.<sup>35</sup>

In the early stages of the case, there was much criticism of the mass marketing of Damien in mainstream media coverage. In *TBP*, Gerald Hannon noted the separation of Damien's individual struggle for dignity from gay liberation and gay sex more generally.<sup>36</sup> This critique was advanced further by Gillean Chase of *The Other Woman* (a Toronto-based feminist paper) during a panel discussion on lesbians and the gay and feminist movements at the 1976 cross-country conference in Toronto.<sup>37</sup> She criticized the defence campaign as single-issue, legally focused, centring on the respectability of one white gay man and not linked to broader questions of social transformation.<sup>38</sup> Chase was influenced by discussions of class undertaken by the Furies (a lesbian feminist collective in the United States) and lesbian feminist discussions of class in the Canadian context.<sup>39</sup> As the *Old Mole* reports: "Chase discussed the middle class roots of both the women's and gay movements. Both movements must break with their origins to link up in struggle with organizations having an analysis of class, race and social oppression, she said."<sup>40</sup> Many gay men in the audience offered a defensive response to these remarks, with some misinterpreting what she said as a personal attack on Damien. Chase's insightful remarks highlighted some of the dangers associated with the human rights strategy in privileging individuals who were white, "respectable," and perceived as middle class, thus effectively separating these struggles from broader lesbian and gay liberation and social justice concerns.

In September 1975, after discovering that Doug Wilson was a campus gay activist, the dean of Education at the University of Saskatchewan refused to allow him to supervise practise teachers or to be placed in schools.<sup>41</sup> This prompted a major campus mobilization in Saskatoon and across the country. Despite widespread support, this case also reached a legal impasse. The Human Rights Commission did not challenge an injunction that held that "sex" did not include "sexual orientation" and, therefore, decided not to pursue his case. Based on my discussions with him, it is clear to me that Wilson was aware that, at this point, pursuing the legal case further would have focused attention on his struggle as an individual instead of building the gay community and movement. He chose, instead, to continue as a major



activist in grassroots organizing. He did this in Saskatoon with the Saskatchewan Gay Coalition and later in Toronto through AIDS activism as well as in broader forms of social justice activism, including solidarity with struggles in Central America.<sup>42</sup>

## **Mobilizing against Sexual Policing**

While human rights campaigns became central to organizing in the 1970s, sexual policing continued to be a major problem provoking major mobilizations. The public visibility of gay men and lesbians' community formation (gay men's sexualities, in particular), as well as that of street sex workers, challenged the public-private regulation embedded in the 1969 Criminal Code reform. The police used the Criminal Code to confront "public" forms of gay and lesbian sexual expression. Specifically, the "acts of indecency" section of the bawdy house legislation was invoked to charge people with being "found-ins" in bars and bathhouses and that same legislation was part of the legal repertoire used by police against sex workers.<sup>43</sup> One of the first instances of this occurred during the clean-up campaign in Montreal prior to the 1976 Summer Olympics. While the clean-up was also directed against poor and homeless people, it included police raids on gay and lesbian establishments. At one point, almost all gay and lesbian establishments in the city were closed down. Nevertheless, activists in Montreal and Ottawa resisted this police repression, and this forced the police to retreat.

Such mobilization in Montreal helped set the stage for the rebellious response to the police raid on the Truxx Bar in October 1977, when more than two thousand gay men, lesbians, and supporters took to the streets. Along with a lobbying campaign by the Association pour les droits de la communauté gai(e)s du Québec (ADGQ), this produced the context in which the Parti Québécois government quietly added sexual orientation protection to human rights legislation in late 1977. Interestingly, the impetus for what was the most significant human rights victory in the 1970s was not a human rights campaign but, rather, a major protest against police repression. As ADGQ activist Ron Dayman notes: "The lobbying groundwork was important, but it was the militancy of gays in the streets which brought results."<sup>44</sup>

In the 1970s, police repression and attempted “moral panics” perpetrated against queers and sex workers in Toronto met with resistance.<sup>45</sup> This included the attempt to organize a moral panic in response to the 1977 sex-related murder of Emmanuel Jacques and the clean-up campaign against sex workers that ensued as well as the police raid on the offices of *TBP* in the same year, which led to a successful defence campaign for that magazine.<sup>46</sup> A 1978 police raid on the Barracks, a leather and BDSM (Bondage and Discipline/Sado-Masochism)-identified bathhouse, produced the collective resistance of hundreds of gay men and allies, culminating in the formation of the Right to Privacy Committee (RTPC).<sup>47</sup> Initially, this organizing against the bath raids was motivated by a moderate use of right to privacy as a liberal attempt to defend the men who had been arrested. This liberal individualist approach would later accommodate emerging neoliberal trends, which included the continuing privatization of queer sexualities. Later, in the midst of the explosive mass protests against the 1981 raids, the use of right to privacy within the RTPC was resituated in a more transformative fashion, becoming a platform for defending all those who had engaged in the social practices of constructing privacy, including within a state-defined “public” place.<sup>48</sup> In most centres outside of Vancouver, police repression during the 1970s negated the possibility of police-gay liaison committees.

In Vancouver, however, a dialogue committee was formed in 1975 between the police; the Society for Education, Action, Research, and Counseling on Homosexuality (SEARCH); and the Metropolitan Community Church (MCC). This committee focused on police concerns over “public” cruising and “public” sex, and it attempted to tone them down.<sup>49</sup> At the same time, a shift towards policing sex workers who worked indoors pushed many of them onto the streets,<sup>50</sup> and this underpinned the widespread police arrests that formed part of the clean-up campaign against gays and sex workers. In this context, GATE Vancouver and other activists opposed the dialogue committee and its collaboration with the police. On April 6, 1977, a group of 350 gays, prostitutes, and trans\* people confronted police at a public meeting at the West End Community Centre, which had been organized by the police to discuss “prostitutes and other unsavoury characters” on Davie Street. The protest was so vigorous that police were forced to walk out of their own meeting.<sup>51</sup> Opposition to collaboration with the police was one early form of resistance to the emerging neoliberalism within queer communities. While

some gay and lesbian activists built connections with sex workers in opposition to police harassment, others forged alliances with the police. It was the latter that, in the 1980s, laid the basis for some gay men organizing against sex workers and “public sex” in pursuit of a politics of respectability and the defence of real estate values in the Davie Street area.

## **National Security and “Liberal” Gay Groups**

Throughout the 1970s, organizing also confronted national security practices. From the We Demand demonstration onwards, early queer activist organizing opposed the national security purges against gay men and lesbians in the public service and the military and, as a result, became the object of RCMP surveillance. This initially included surveillance of gay and lesbian dances and social service groups. However, by the mid-1970s, the RCMP began to realize that not all gay and lesbian activities were “subversive.” In a 1976 report, they noted: “our interest has been in those gay groups controlled and directed by Gay Political Activists.”<sup>52</sup> This concept of “gay political activists” – defined as young and out, open to Marxism and the left, and supporting demonstrations and rallies – allowed the RCMP to differentiate between gay groups in terms of their potential “security” threat. More moderate groups were no longer felt to be much of a threat because they were not usually controlled by gay political activists. On the other hand, groups identified with gay political activists came under more intense surveillance.

In a 1973 RCMP assessment report on GATE Vancouver, there is even an argument for the creation of a new “liberal” gay group (seemingly defined as being out, mostly focusing on social services, with no relation to Marxism or demonstrations, and interested in collaborating with the police), which could diminish the influence of the gay-political-activist GATE.<sup>53</sup> Interestingly, by the mid-1970s, government-funded groups like SEARCH emerged: these groups were largely directed at service provision and willingly participated in committees with the police.<sup>54</sup> This organizing began to undermine the support activist groups like GATE could garner. Despite the important support work they provided, groups like SEARCH may be seen as forerunners of neoliberal queer organizing.

## **Lesbian Feminism as an Obstacle for Emerging Neoliberal Trends**

The RCMP also used the concept of “radical lesbians” to organize their surveillance. Here, again, they concentrated on lesbians who were out and open to left-wing and radical ideas like Marxism and radical feminism, including those connected to international networks like Wages for Housework, those who were feminist activists, and those who demonstrated publicly.<sup>55</sup> This was related to broader practices of surveillance that often focused on the “unfeminine” appearance of women involved in the feminist movement.<sup>56</sup> It was as though the defence of proper heterosexual femininity became part of the defence of national security.

As discussed, many lesbians coming from both the gay and feminist movements formed autonomous lesbian feminist groups in the 1970s. The core objective of lesbian feminism was to challenge what Charlotte Bunch calls institutionalized heterosexuality – the ways in which heterosexuality is institutionalized in state and social policies and forms the basis of the oppression and denial of autonomy to all women – it was *not* simply concerned with human rights protection and formal legal equality.<sup>57</sup>

In the 1970s, this generated a range of autonomous lesbian groups, including: Lesbians of Ottawa Now; Atlantic Provinces Political Lesbians for Equality (APPLE); the Lesbian Organization of Toronto; significant lesbian feminist organizing within the BC Federation of Women; Wages Due Lesbians, an autonomous lesbian group within the international Wages for Housework network; and a more distinct lesbian separatist current in Montreal.<sup>58</sup> One project of these groups was to create social, cultural, and political spaces for women and for lesbians, and there was an overlap with currents within radical feminism concerning the development of women’s culture and women’s music. The lack of commercial spaces available to lesbians was exacerbated by the social and economic inequality facing women. While some of these lesbian and feminist efforts involved small businesses, they were generally organized along non-commercial, collective, and relatively egalitarian lines. Often this autonomy was not only articulated as autonomy from men (and sometimes heterosexual women) but also from capital (at least capital controlled by men). Within lesbian feminist movement organizing and community formation in the mid- and later 1970s, there was considerable discussion of class and class privilege. For some lesbian feminists, this was also influenced by a socialist feminist politics that linked gender and class oppression and exploitation.<sup>59</sup>

For these reasons, I argue that lesbian feminism as a current within lesbian community and movement formation, sometimes participating in organizing with the gay movement, resisted emerging trends leading towards neoliberalism in the later 1970s. Lesbian feminist critiques of legal and human rights strategies, an emphasis on addressing the oppression of women in a broader feminist sense, a general opposition to commercialization, and a greater sensitivity to dealing with questions of class privilege created an obstacle in contrast to mainstream gay men's circles, which were often more open to neoliberal capitalist influences. These critiques existed despite problems with gender essentialism and anti-trans perspectives among many lesbian feminists as well as an oft-generalized opposition, influenced by currents within radical feminism, to most erotic materials. In the later 1970s, this left gay men's community formation more open to the incursion of emerging forms of neoliberalism. The beginning of what I suggest is the weakening of lesbian feminism after the early 1980s, with the dissolution of groups like Lesbians Against the Right in Toronto and the gradual loosening of connections between many lesbians and feminism as a movement, allowed for the more pervasive entry of neoliberal relations into lesbian "communities" by the later 1980s.

### **Community Formation, Commercialization, and the Emerging "Pink Market"**

The expansion of movement organizing and its growing intersection with people in bars and "ghettos" was linked to the expansion of gay community formation, which produced less space for lesbians. With the expansion of gay businesses, the Toronto Lambda Business Council was incorporated in March 1978 as the first Canadian association of gay business owners.<sup>60</sup> Struggles to defend bars, clubs, and bathhouses against the sex police also helped to create some of the basis for the emergence of the "pink market."

Mainstream companies began to recognize that gay men, in particular, could become a market for their commodities. Targeting gay men as a particular market niche was a response to the emergence of openly gay establishments and businesses, the growing visibility of gay communities, the organizing efforts of gay entrepreneurs, and the selling by mainstream gay men's media of gays as a solid business prospect. A major assumption driving these changes was that gay men had higher than average disposable

incomes. This was never the case.<sup>61</sup> However, the social power of this construction created the mythology that the gay community had a particular middle-class – and, by implication, white – character and had no children or other dependents to support. This assumption also has a clear gendered character, given that men generally have higher incomes than women in a patriarchal society.

A 1976 article in *Toronto Life* discusses the rise of gay capitalism.<sup>62</sup> Waxman quotes Peter Maloney, then a gay businessman, who states: “[Gays are] people with a high disposable income, no children to spend it on and the urge to socialize.” After using Maloney to set the frame, the article recounts how various business ventures had achieved success. “A buck is a buck,” it concludes, “Who the hell cares if the wrist holding it is limp.” At the same time, the article criticizes gay “militants” like the *TBP* crowd.<sup>63</sup> The production of the pink market was an active process involving emerging class interests within gay communities and their intersection with straight capitalist interests.

This pink market also began to operate as an inclusion/exclusion device in gay/queer community formation as money became key to gaining access to the “gay community.” While white, middle-class gay men able to participate in these commercialized practices were included, those excluded (or those who could participate only occasionally and differentially) included queer youth, queers living in poverty, working-class queers, queers of colour, Indigenous queers and two-spirit people, trans\* people, and others. Gay community formation tended to assume a particular classed character, excluding people living in poverty and many working-class people.<sup>64</sup> Questions of class and poverty began to fall off the gay agenda. This opened up more possibilities for neoliberal capitalist practices to enter into gay community formation.

### **Community Formation: Like an Ethnic Minority?**

In gay and lesbian organizing, the mirage of “community” began to coalesce. The early dismissive liberationist and lesbian feminist critiques of the “ghetto” gave way to a new unitary “community” that tended to hide class, race, and other social differences. Many lesbian feminists actively contested this, as did those involved in the emerging forms of self-organization among



queers of colour and two-spirit Indigenous peoples.<sup>65</sup>

With the progress of the human rights approach away from earlier liberationist struggles, and its growing articulation in legal discourse with immutable/essential characteristics, some human rights activists began to construct the gay community on the basis of an ethnic community model. Although this approach does not adequately address racialization and ethnic oppression, it becomes an available course of action for a “minority group” seeking to secure its rights. Stephen O. Murray argues that the Toronto gay men’s community, like ethnic communities, is basically “institutionally complete,” despite the absence of “familial orientations.” He uses this as a basis for arguing for minority and citizenship rights just like those achieved by ethnic minorities. What Murray misses is that the oppression of gay men and lesbians differs from the oppression of ethnic minorities given that we are oppressed on the basis of our sexualities.<sup>66</sup>

Catherine Nash’s work on Toronto queer geography shows that the “ethnic minority” approach portrays gays and lesbians as an identifiable group similar in legitimacy to other so-called minority communities in the city, and she shows how part of this approach relates to occupying a legitimate urban territory.<sup>67</sup> According to Nash: “By the early 80s, the ethnic minority perspective, developing within a human rights agenda, re-conceptualized the gay ghetto as the rightful home of a minority group and as the foundation for political and economic strength and community building.”<sup>68</sup>

Within this broader context, Nash tracks one aspect of this developing approach in the responses to articles written by two police officers and published in the March 1979 issue of the Metropolitan Toronto Police Association magazine *News and Views*. These articles are racist and homophobic/heterosexist statements of police opposition to people of colour and to gay men and lesbians. In rejecting the overt racism in these articles, much of the mainstream media, many official politicians, and some leaders of people of colour communities adopted a heterosexist position: they asserted that, unlike those in people of colour communities, gays and lesbians were not a “legitimate” minority group. This, then, became the discursive terrain of struggle for gay activists who wanted gays and lesbians, like ethnic minorities, to be considered as a legitimate minority group.<sup>69</sup> While arguing that gays and lesbians were a legitimate minority group, some white gay



activists failed to recognize the specificity of racialization, instead choosing to speak of discrimination more generally so that it could include “homophobia.”<sup>70</sup> This dissolving of the fight against racism into a broader struggle against discrimination made connections between people of colour and white gay activists more difficult. At the same time, many white gay and lesbian activists joined in the protests against the police killing of Albert Johnson, an unarmed black man, in August 1979.<sup>71</sup> There was also a developing view among some white gays and lesbians that people of colour were more “homophobic” than white people. However, this stance was not based on an anti-racist analysis of gender and sexual formation within these communities.<sup>72</sup> This line of thinking then became a building block for later forms of white-settler and orientalist homonationalisms.<sup>73</sup>

The forging of a strong anti-racist position among gay activists coupled with a firm defence of gays and lesbians from heterosexist attack would have been more productive; instead, gay activists became increasingly trapped within, and came to define their perspectives through, a series of associations between human rights claims and being a legitimate minority group. By the close of the 1970s, despite the liberationist inclinations of those who originated the human rights strategy, in practice this strategy was increasingly associated with having fixed characteristics (along the lines of an ethnic minority) in part because this was seen as the best way to win broader official and popular support. This, in turn, provided openings for the entrance of neoliberal practices into gay community formation since this model of community was based on having a business elite and on integrating into capitalist social and state relations.

### **Some Preliminary Conclusions**

In the 1970s, queer resistance contested the liberal regulatory strategy of the privatization of sexualities, and we won important victories over the sex police, national security, and, to a lesser extent, morally conservative forms of neoliberalism. There was a general shift away from early liberationist politics (except for currents within lesbian feminism) towards a human rights approach to gay and lesbian struggles, which led to significant organizing and some early victories. While this rights approach was initially shaped by liberationist politics, by the end of the 1970s this was beginning to change.

While liberationist perspectives originally envisioned our liberation as intertwined with the liberation of other oppressed groups, by the end of the decade this was also in retreat, even as significant human rights coalitions remained. Police repression precluded collaboration with the police in most centres, except for Vancouver. The expansion of gay (and, to a lesser extent, lesbian) community formation and commercial scenes created the basis for new business and middle-class elites to emerge and for expanded opportunities for neoliberalism to enter into gay community formation. This would help lead to new regulatory regimes constraining movements and community formation in the 1980s and 1990s.

On balance, the 1970s was a decade of resistance to not only sexual policing and national security practices but also to emerging neoliberal trends. However, it also enabled openings for a non-moral conservative form of neoliberalism. Despite the fact that the 1980s started with mass resistance to the sex police, the implementation of the equality rights section of the Canadian Charter of Rights and Freedoms began to create a firmer basis for the emergence of the neoliberal queer. But this is a topic for future exploration.

## Notes

- 1 On homonationalism see Jasbir Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham, NC: Duke University Press, 2007); and OmiSoore H. Dryden and Suzanne Lenon, eds., *Disrupting Queer Inclusion: Canadian Homonationalisms and the Politics of Belonging* (Vancouver: UBC Press, 2015). [Return to text.](#)
- 2 On state formation, see Philip Corrigan and Derek Sayer, *The Great Arch: English State Formation as Cultural Revolution* (Oxford: Basil Blackwell, 1985). [Return to text.](#)
- 3 In this chapter, I use the 1970s to cover the time period from the later 1960s through to 1979–80. This is not an attempt to offer a more general history of the gay and lesbian movements in this period but, rather, an excavation of some of the social roots of resistance to, and accommodation with, emerging forms of neoliberalism during these years. For work on the history of queer movements during this period, see Tom Warner, *Never Going Back: A History of Queer Activism in Canada* (Toronto: University of Toronto Press, 2002); Becki Ross, *The House That Jill Built: A Lesbian Nation in Formation* (Toronto: University of Toronto Press, 1995); Miriam Smith, *Lesbian and Gay Rights in Canada: Social Movements and Equality Seeking, 1971–1995* (Toronto: University of Toronto Press, 1999); and some of the chapters in Manon Tremblay, ed., *Queer Mobilizations, Social Movement Activism, and Canadian Public Policy* (Vancouver: UBC Press, 2015). For general references to this period and further elaboration on the bathhouse raids, John Damien, Doug Wilson, and the national security purges in the public service and military, see my *The Regulation of Desire* (Montreal: Black Rose, 1996); and Gary Kinsman and Patrizia Gentile, *The Canadian War on Queers: National Security as Sexual Regulation* (Vancouver: UBC Press, 2010). [Return to text.](#)
- 4 See interview by Deborah Brock, entitled “Workers of the World Caress,” at [http://www.yorku.ca/lefthist/online/brock\\_kinsman.html](http://www.yorku.ca/lefthist/online/brock_kinsman.html). [Return to text.](#)
- 5 Here I am referring specifically to the gay liberation movement, although some of this relates to lesbian feminism as well. Lesbians were involved in the early gay liberation movement but, because of the sexism they encountered, most left to form their own organizations. [Return to text.](#)
- 6 On this, see Lisa Duggan, *The Twilight of Equality? Neoliberalism, Cultural Politics and the Attack on Democracy* (Boston: Beacon, 2003); Puar, *Terrorist Assemblages*; Ryan Conrad, ed., *Against Equality: Queer Revolution Not Mere Inclusion* (Oakland: AK Press, 2014); and Dryden and Lenon, *Disrupting Queer Inclusion*. Also note that I use the term “queer” first to reclaim it and so to disavow it as a term of abuse used against us. Second, I use it because it is a broader term than “homosexual,” “lesbian,” “gay,” and/or “bisexual” and can potentially include all those who live even partially in rupture with institutionalized heterosexuality and the two-gender binary “system” (however, this is an ongoing project, and it must be kept in mind that “queer” can be

used to marginalize lesbians and trans\* people and can be used to obscure social gender differences). Third, I use the term queer to denormalize what is taken for granted. Finally, I do *not* use it to displace class struggle, as has often been done in queer theory; rather, I use it from a queer Marxist perspective. [Return to text.](#)

- 7 On sexual citizenship, see D. Evans, *Sexual Citizenship: The Material Construction of Sexualities* (London: Routledge, 1993) for a useful materialist exploration of the emergence of sexual citizenship claims. On the commodification of sexuality and desire, see Rosemary Hennessy, *Profit and Pleasure: Sexual Identities in Late Capitalism* (New York: Routledge, 2000); Duggan, *Twilight of Equality*; Kevin Floyd, *The Reification of Desire: Toward a Queer Marxism* (Minneapolis: University of Minnesota Press, 2009); Mattilda, a.k.a. Matt Bernstein Sycamore, ed., *That's Revolting: Queer Strategies for Resisting Assimilation* (Brooklyn, NY: Soft Skull Press, 2004); Alan Sears, "Queer Anti-Capitalism: What's Left of Lesbian and Gay Liberation?," *Science and Society* 69, 1 (2005): 92–112; Peter Drucker, "Towards a Queer Marxism," *Against the Current* 151 (March–April 2011); Peter Drucker, *Warped: Gay Normality and Queer Anticapitalism* (Chicago: Haymarket Books, 2015); Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth Century America* (Princeton, NJ: Princeton University Press, 2011) and Conrad, *Against Equality*. [Return to text.](#)
- 8 See, for example, Dorothy E. Smith, *Writing the Social: Critique, Theory and Investigations* (Toronto: University of Toronto Press, 1999); Dorothy E. Smith, *Institutional Ethnography: A Sociology for People* (Lanham, NY: Alta Mira, 2005); and George Smith, "Political Activist as Ethnographer" in *Sociology for Changing the World*, ed. Caelie Frampton, Gary Kinsman, A.K. Thompson, and Kate Tilleczek, 44–70 (Halifax: Fernwood, 2006). [Return to text.](#)
- 9 On memory work, see the work of anti-racist white feminist Ruth Frankenburg, *White Women, Race Matter: The Social Construction of Whiteness* (Minneapolis: University of Minnesota Press, 1993); and socialist feminist theorist Frigga Haug, *Beyond Female Masochism: Memory Work and Politics* (London: Verso, 1992). [Return to text.](#)
- 10 I use a wider autonomist Marxist analysis of class and class struggle. See Gary Kinsman, "The Politics of Revolution: Learning from Autonomist Marxism," *Upping the Anti* 1, 1 (2005): 41–50; Harry Cleaver, *Reading Capital Politically* (Oakland: AK Press/Antithesis, 2000); and Nick Dyer-Witford, *Cyber-Marx, Circuits and Cycles of Struggle in High Technology Marxism* (Chicago: University of Illinois Press, 1991). [Return to text.](#)
- 11 See Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (Toronto: Knopf Canada, 2007). [Return to text.](#)
- 12 See Sunera Thobani, *Exalted Subjects: Studies in the Making of Race and Nation in Canada* (Toronto: University of Toronto Press, 2007); Alan Sears, *Re-Tooling the Mind Factory: Education in a Lean State* (Aurora, ON: Garamond, 2003); and Wright (chap. 12, this volume). [Return to text.](#)
- 13 On this, see Cleaver, *Reading Capital Politically*; Dyer-Witford, *Cyber-Marx*; and David McNally, *Another World Is Possible: Globalization and Anti-Capitalism*, 2nd ed.

- (Winnipeg/Monmouth, Wales: Arbeiter Ring/Merlin Press, 2006). [Return to text.](#)
- 14 For an example of the effect of this moral conservatism, see Linda Gordon and Allen Hunter, *Sex, Family and the New Right: Anti-Feminism as a Political Force* (Somerville, MA: New England Free Press, 1979). For an early left analysis, see *Inside the New Right*, Ontario Region, IN STRUGGLE! (pamphlet), September 1981. On moral conservatism in Canada, see Didi Herman, *Rights of Passage: Struggles for Lesbian and Gay Legal Equality* (Toronto: University of Toronto Press, 1994), esp. 77–102; and Tom Warner, *Losing Control: Canada's Social Conservatives in the Age of Rights* (Toronto: Between the Lines, 2010). [Return to text.](#)
- 15 Warner, *Never Going Back*, 136–38. [Return to text.](#)
- 16 See Sears, “Queer Anti-Capitalism.” [Return to text.](#)
- 17 I am partly responding to long-time left queer activist Tim McCaskell’s challenge at a session on *The Canadian War on Queers* at the Historical Materialism Conference at York University in 2010 regarding the need to explore the other side of this history of the national security campaigns in the making of the neoliberal queer. See Tim McCaskell, “Queering the Cold War,” *Upping the Anti* 11 (November 2010): 161–68. [Return to text.](#)
- 18 One illustration of this is the assertion that Pride is simply a “party” or “celebration” and the suppression of the fact that it had very clear political and activist roots, and the forgetting of the histories of the connection between queer struggles and anti-apartheid struggles in South Africa and other social justice movements. On some of the discussions in the Toronto Lesbian and Gay Pride Day Committee in late 1989, see Anne Vesprey, “Lesbian and Gay Pride Day – Politic or Party?,” *Rites* (Toronto), December 1989–January 1990, 5. [Return to text.](#)
- 19 On some of this, see Senator Laurier L. Lapierre’s “Trudeau’s ‘Indelible Imprint’: Forty Years after Trudeau Kicked the State Out of the Bedrooms of the Nation, *Xtra* Looks Back at the Omnibus Bill That (Mostly) Decriminalized Gay Sex in Canada,” *Xtra West!*, May 29, 2009, 17–20. This is an interesting two-part series for which I was interviewed first by Lapierre and then, much more extensively, by Robin Perele, managing editor of *Xtra West!* The pro-Trudeau/ pro-Liberal Party framing provided by Lapierre is still present in many of the headlines; the photographs and cut-lines and the basic framing of the series suggests that Trudeau “decriminalized” homosexuality in 1969. For instance, former cabinet minister Marc Lalonde is quoted as saying: “If not for the initiative of Mr. Trudeau” homosexuality would not have been decriminalized in 1969 (17). But, at the same time, this historical account is undercut by interview extracts from Perele’s interviews with gay historian Don McLeod and with myself, establishing a far more critical approach. However, even Miriam Smith argues that the 1969 Criminal Code reform “was the legalization of homosexuality” in her chapter entitled “Canada: The Power of Institutions” in Manon Tremblay, David Paternotte, and Carol Johnson, eds., *The Lesbian and Gay Movement and the State: Comparative Insights into a Transformed Relationship* (Aldershot, UK: Ashgate, 2011), 74. The 1969 reform was only a partial and limited decriminalization of same-gender sex in a narrow “private” realm, and then only between two consenting individuals aged

twenty-one or over. And it did not remove the state from the bedrooms of the nation. [Return to text.](#)

20 This last point is well documented in Smith's important and often referenced *Lesbian and Gay Rights in Canada*. The emphasis in aspects of Smith's work, as well as in some of the important comparative political science writing of David Rayside on state and institutional processes, can open this up to neoliberal queer history readings that focus on the 1969 reform, the Charter of Rights and Freedoms, and "same-sex" marriage as the pivotal moments in queer history. See David Rayside, *On the Fringe, Gays and Lesbians in Politics* (Ithaca, NY: Cornell University Press, 1998); and David Rayside, *Queer Inclusions, Continental Divisions, Public Recognition of Sexual Diversity in Canada and the United States* (Toronto: University of Toronto Press, 2008). Some chapters in Tremblay, *Queer Mobilizations*, can also be read in this direction. In her introduction, Tremblay asserts that many of the authors in the book adopt a "liberal pluralist approach" and an "institutionalist perspective" (8–10), as opposed to a social struggle and movement-oriented perspective, to analyzing state relations and public policy formation; however, other chapters in the same volume adopt critical approaches that contest this neoliberal reading. Some of the writing on the social and historical roots of the emergence of "homonormativity" (Duggan, *Twilight of Equality*) and "homonationalism" (Puar, *Terrorist Assemblages*) within "Canadian" state and social formation that overlaps with my work on the making of the neoliberal queer, and cuts across an emerging neoliberal queer history, can be traced in different ways in: Dryden and Lenon, *Disrupting Queer Inclusion*; Catherine J. Nash, "Contesting Identity: Politics of Gays and Lesbians in Toronto in the 1970s," *Gender, Place and Culture: A Journal of Feminist Geography* 12, 1 (2005): 113–35; Catherine J. Nash, "Toronto's Gay Village, 1969–1982: Plotting the Politics of Gay Identity," *Canadian Geographer* 50, 1 (2006): 1–16; Catherine J. Nash, "Consuming Sexual Liberation: Gay Business, Politics, and Toronto's Barracks Bathhouse Raids," *Journal of Canadian Studies* 48, 1 (2014): 82–105; Ross Higgins, "La régulation sociale de l'homosexualité: De la repression policière à la normalisation," in *La régulation sociale des minorités sexuelles: L'inquiétude de la différence*, ed. Patrice Corriveau and Valerie Daoust, 67–102 (Ste-Foy: Presses de L'Université du Québec); and, in this volume, the Introduction and chapters by Chenier, Bain, Wright, and Noble. [Return to text.](#)

21 See, among others, Colectivo Situaciones, *19 and 20, Notes for a New Social Protagonism*, (Brooklyn, NY: Minor Compositions/Autonomedia); Erika Biddle, David Graeber, and Stephen Shukaitis, eds., *Constituent Imagination, Militant Investigation, Collective Theorization* (Oakland, CA: AK Press, 2007); Team Colours, ed. *Uses of a Whirlwind: Movement, Movements, and Contemporary Radical Currents in the United States* (Oakland, CA: AK Press, 2010); Caelie Frampton, Gary Kinsman, Andrew Thompson, and Kate Tilleczek, eds., *Sociology for Changing the World: Social Movements/Social Research* (Halifax: Fernwood, 2006); Chris Dixon, *Another Politics, Talking across Today's Transformative Movements* (Oakland: University of California Press, 2014). [Return to text.](#)

22 See Himani Bannerji, *Thinking Through: Essays on Feminism, Marxism and Anti-*



- Racism* (Toronto: Women's Press, 1995) for a similar critical approach to white feminist theorizing. [Return to text.](#)
- 23 On some of this, from a somewhat different perspective, see Brenda Cossman, *Sexual Citizens: The Legal and Cultural Regulation of Sex and Belonging* (Stanford, CA: Stanford University Press, 2007). [Return to text.](#)
- 24 On administrative practices that are used against trans\* people and, more generally, as a form of gender and sexual policing, see Dean Spade, *Normal Life: Administrative Violence, Critical Trans Politics and the Limits of Law* (Boston: South End Press, 2011). [Return to text.](#)
- 25 On social form, see Corrigan and Sayer, *Great Arch*; and John Holloway, *How to Change the World without Taking Power: The Meaning of Revolution Today* (London: Pluto Press, 2005). Evgeny Pashukanis argues that the social form of law is capitalist in character, securing the conditions of capitalist exploitation. See E. Pashukanis, *Law and Marxism* (London: Pluto Press, 1983). [Return to text.](#)
- 26 On the FLH and its social centre, see Ross Higgins, *De la clandestine à l'affirmation: Pour une histoire de la communautaire gaie montréalaise* (Montreal: Comeau et Nadeau, 1999); and Gentile (chap. 3, this volume). [Return to text.](#)
- 27 See "Vancouver Gay Liberation," *The Body Politic* 1 (November–December 1971): 2. [Return to text.](#)
- 28 Warner, *Never Going Back*, 74–75. [Return to text.](#)
- 29 Brian Waite, both in *The Body Politic*, 3 (March/April 1972): 4–7 and in Ed Jackson and Stan Persky, *Flaunting It: A Decade of Gay Journalism from The Body Politic* (Vancouver/Toronto: New Star Books/Pink Triangle Press, 1982), 221–23. The references to this article come from *Flaunting It*. [Return to text.](#)
- 30 Kinsman and Gentile, *Canadian War on Queers*, 499n99, and references on 524. See also Brûlé (chap. 2, this volume). [Return to text.](#)
- 31 Kinsman, *Regulation of Desire*, 198–200. [Return to text.](#)
- 32 While Waite mentions the feminist slogan "Control of Our Bodies, Control of Our Lives," this moves far beyond human rights approaches to more profoundly challenge social relations. [Return to text.](#)
- 33 This kind of perspective had been articulated earlier by the Gay Activists Alliance in New York City, which split off from the Gay Liberation Front in December 1969 (Warner, *Never Going Back*, 68). Waite and others were quite aware of this, given the involvement of members of the US Socialist Workers Party (to which the LSA was connected) with this form of organizing. [Return to text.](#)
- 34 On Thornborrow and Cameron, see Kinsman and Gentile, *The Canadian War on Queers*, 232–38. There were also other important legal cases. For instance, GATE Vancouver took the *Gay Tide* case against the *Vancouver Sun* (for refusing to print an ad for its paper) to the Supreme Court, where it lost. See Jeff Richstone and J. Stuart Russell, "Shutting the Gate: Gay Civil Rights in the Supreme Court of Canada," *McGill Law Journal* 97, 1 (1981): 92–117; and Smith, *Lesbian and Gay Rights in Canada*, 53–55. [Return to text.](#)
- 35 Scott Ferguson, "John Damien, 1933–1986, Fighter for Gay Rights," *Rites* 3, 8 (1987):



12. See also Warner, *Never Going Back*, 144–45; Smith, *Lesbian and Gay Rights in Canada*, 50–52. [Return to text.](#)
- 36 Gerald Hannon, “The Marketing of John Damien,” *The Body Politic* 24 (June 1976): 15. [Return to text.](#)
- 37 *The Other Woman* was published from May 1972 to January 1977, as noted in Warner, *Never Going Back*, 79. [Return to text.](#)
- 38 See “Fourth Annual Gay Conference, Lesbians Call for Autonomy,” *The Body Politic* 27 (October 1976): 1, 3. Chase is quoted here as stating, in relation to the Damien struggle: “Causes are exploited as fads and issues get lost in labels” (1). [Return to text.](#)
- 39 See Charlotte Bunch and Nancy Myron, eds., *Class and Feminism: A Collection of Essays from the Furies* (Baltimore: Diana Press, 1974). See also issues of *The Other Woman*. This was not necessarily a Marxist use of class, but it raised important concerns over class relations. [Return to text.](#)
- 40 See Revolutionary Marxist Group Lesbians and Gays, “4th Annual Conference, Step Forward for Gay Movement,” *Old Mole* 31 (September 1976): 11. See also RMG Gays and Lesbians, “RMG Reply to Body Politic: Questions for the Gay Movement,” *Old Mole* (November 26, 1976): 10. [Return to text.](#)
- 41 Valerie J. Korinek, “The Most Openly Gay Person for at Least a Thousand Miles: Doug Wilson and the Politicization of a Province, 1975–1983,” *Canadian Historical Review* 84, 4 (December 2003): 517–50. [Return to text.](#)
- 42 Including in Toronto in AIDS ACTION NOW! He died of AIDS-related disorders in 1992. See also John Wilson, “Ten Years Down the Line: John Damien and Doug Wilson,” *Rites* (May 1985): 8–11. [Return to text.](#)
- 43 Stuart Russell, “The Offence of Keeping a Common Bawdy-House,” *Ottawa Law Review* 14, 2 (1982): 270–313. [Return to text.](#)
- 44 See Warner, *Never Going Back*, 148–49; and Smith, *Lesbian and Gay Rights in Canada*, 55–57. [Return to text.](#)
- 45 In sociology, moral panic theory is often overused as an explanation. I use it here to point to a process of social organization that needs to be investigated. For more on moral panic theory, see Deborah Brock, *Making Work, Making Trouble: The Social Regulation of Sexual Labour* (Toronto: University of Toronto Press, 2009). On the social organization of this regarding the Yonge Street Clean Up Campaign, see Yvonne Chi-Ying Ng, “Ideology, Media and Moral Panics: An Analysis of the Jacques Murder” (MA thesis, Centre for Criminology, University of Toronto, 1981) [Return to text.](#)
- 46 On the police raid on *TBP* and the debates surrounding it, see Jackson and Persky, *Flaunting It*, 146–74. [Return to text.](#)
- 47 On the bath raids, see Tim McCaskell, “The Bath Raids and Gay Politics,” in *Social Movements/Social Change: The Politics and Practice of Organizing*, ed. Frank Cunningham, Sue Findlay, Marlene Kadar, Alan Lennon, and Ed Silva, 169–88 (Toronto: Between the Lines/Socialist Studies, 1988). For the early period of organizing, see also Nash, “Consuming Sexual Liberation,” 82–105. [Return to text.](#)
- 48 See George Smith, “In Defence of Privacy, or Bluntly Put No More Shit,” *Action! A Publication of the Right to Privacy Committee* (Toronto) 3, 1 (1982): 1–3. [Return to](#)

text.

- 49 Becki Ross and Rachael Sullivan, "Tracing Lines of Horizontal Hostility: How Sex Workers and Gay Liberation Activists Battled for Space, Voice, and Belonging in Vancouver, 1975–1985," *Sexualities* 5, 5–6 (2012): 607. [Return to text.](#)
- 50 See Brock, *Making Work*. [Return to text.](#)
- 51 Bruce Russell and Sara Diamond, "Vancouver: Against Cop Attacks," *The Militant* (newspaper of the Revolutionary Marxist Group), June 24, 1977, 12. [Return to text.](#)
- 52 Kinsman and Gentile, *Canadian War on Queers*, 253–55. [Return to text.](#)
- 53 *Ibid.*, 298–300. [Return to text.](#)
- 54 See Warner, *Never Going Back*, 106–7. [Return to text.](#)
- 55 Kinsman and Gentile, *Canadian War on Queers*, 287–94. [Return to text.](#)
- 56 See Christabelle Sethna and Steve Hewitt, "Clandestine Operations: The Vancouver Caucus, the Abortion Caravan, and the RCMP," *Canadian Historical Review* 90, 3 (2009): 463–95. [Return to text.](#)
- 57 Charlotte Bunch, "Not for Lesbians Only," *Quest* 2, 2 (1975): 50–56. [Return to text.](#)
- 58 See Christina Rousseau, "Wages Due Lesbians: Visibility and Feminist Organizing in 1970s Canada," *Gender, Work and Organization* 22, 4 (2015): 364–74. The Lesbian Mothers Defence Fund was launched by Wages Due Lesbians in March 1978 and provided lesbian mothers with important legal, financial, and emotional support. See Sharon Dale Stone, "Lesbian Mothers Organizing," in *Lesbians in Canada*, ed. Sharon Dale Stone, 198–208 (Toronto: Between the Lines, 1990). [Return to text.](#)
- 59 See, among others, Zillah Eisenstein, ed., *Capitalist Patriarchy and the Case for Socialist Feminism* (New York City: Monthly Review Press, 1978). On socialist feminism during these years, see also the writings of Sheila Rowbotham. [Return to text.](#)
- 60 Kinsman, *Regulation of Desire*, 293. [Return to text.](#)
- 61 *Ibid.*, 295–96. See also Steven Maynard, "What Colour Is Your Underwear? Class, Whiteness and Advertising," *Border/Lines* 32 (1994): 4–9. [Return to text.](#)
- 62 Ken Waxman, "The Rise of Gay Capitalism," *Toronto Life*, September 1976. For more on the "average homosexual wage earner," see also "A Report on Advertising Possibilities and Potential in Canada, New Sales Views," *Esprit* (Toronto), 1975. [Return to text.](#)
- 63 On this, see Michael Lynch's review of the Waxman article in *The Body Politic* (October 1976). [Return to text.](#)
- 64 One aspect of this was the residential construction of class. Gentrification of some "gay" neighbourhoods led some gay men to participate in attacks on sex workers and poor and homeless people. On some of this, see Ross and Sullivan, "Tracing Lines of Horizontal Hostility." [Return to text.](#)
- 65 See the work of Makeda Silvera, including her edited collection, *Piece of My Heart: A Lesbian of Colour Anthology* (Toronto: Sister Vision, 1991) and her "Man Royals and Sodomites," in *Lesbian Subjects: A Feminist Studies Reader*, ed. Martha Vicinus, 167–77 (Bloomington: Indiana University Press, 1996). See also Nym Hughes, Yvonne Johnson, and Yvette Perrault, *Stepping Out of Line: A Workbook on Lesbianism and*

- Feminism* (Vancouver: Press Gang, 1984). [Return to text.](#)
- 66 See Stephen O. Murray, “The Institutional Elaboration of a Quasi-Ethnic Community in Canada,” in *Homosexuality International Perspective*, ed. Harry and Mon Sing Das, 31–43 (New Delhi: Vikas Publishing House, 1980). [Return to text.](#)
- 67 Nash, “Toronto’s Gay Village,” 4. [Return to text.](#)
- 68 Ibid., 13. [Return to text.](#)
- 69 Nash, “Contesting Identity”: 113–35. [Return to text.](#)
- 70 Ibid., 122–24, 128. [Return to text.](#)
- 71 Ibid., 127. [Return to text.](#)
- 72 On aspects of this, see Puar, *Terrorist Assemblages*; Dryden and Lenon, *Disrupting Queer Inclusion*; Silvera, *Piece of My Heart*; Silvera, “Man Royals and Sodomites”; “Supplement by Lesbians and Gays of Colour: A Beginning,” *Rites* (Toronto) 2, 6 (1985): 9–14; Gary Kinsman interview with Pei Lim, “Racism and Gay Porn, Taking Control of the Images,” *Rites* (Toronto) 3, 8 (1987): 14–15; Julie Depelteau and Dalie Giroux, “LGBTQ Issues as Indigenous Politics: Two-Spirit Mobilization in Canada,” in *Queer Mobilizations, Social Movement Activism, and Canadian Public Policy*, ed. Manon Tremblay, 64–81 (Vancouver: UBC Press, 2015); and Warner, *Never Going Back*, 317–29. [Return to text.](#)
- 73 On settler homonationalism, see Scott Lauria Morgensen, *Spaces between Us: Queer Settler Colonialism and Indigenous Decolonization* (Minneapolis: University of Minnesota, 2011). [Return to text.](#)

# Part 2

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# **The Politics and Power of Resistance**

## 8

# “A History of That Which Was Never Supposed to Be Possible”

## Rethinking Gender Passing in History

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*Fabien Rose*

Specific representational elements used to pull a dead body into a category can have quite specific consequences for choices the living make about their own lives.<sup>1</sup>

– C. Jacob Hale

My life is a fiction now, an open book. I am trapped inside the pages of it. Anything is possible. My life is up for grabs ... They will find words to put on to me. Words that don't fit me ... I can see myself holding the book out at arm's length, to see what words they have used, sinking with them.<sup>2</sup>

– Jackie Kay

Knowledge is political, and producing knowledge can be a powerful means of activism and resistance. Projects of reclaiming overlooked histories, whether they be of women, lesbians, gays, bisexuals, queers, intersex, or trans people, have thus long played an important role in activist researchers' work. Yet, as the editors of this collection observe, these projects, often premised on the framework of identity politics, have also sparked debates about how methodologies and interpretative frameworks used by historians can create epistemological fault lines when it comes to thinking about sexuality and gender in their lived complexity.

Drawing on concerns expressed by critical scholars such as Robyn

Wiegman regarding the risk that identity-based politics and knowledge production runs of “reinscribing the logic of the system it hopes to defeat,” I want to address questions surrounding the epistemological and political consequences of (re)attributing identities in history.<sup>3</sup> To do so, I critically analyze the ways in which historians and others have produced knowledge on gender passing and on “people who passed.” Doing so allows me to show that: (1) how we make sense of gender passing, the knowledge that we produce about it, and the discourses to which “those who passed” are subjected *matters*, in the sense that Judith Butler gives to the term in *Bodies That Matter*<sup>4</sup>; and (2) the frameworks and methods that underpin much existing scholarship on gender passing must consequently be profoundly rethought if we are to account for the radical possibility that gender passing opens up for recognizing the complexity of lived experiences of gender. Those ways of producing knowledge, and those assumptions, frameworks, and methods, have long contributed to constituting certain historical lived gendered possibilities as impossible, and this has concrete implications for how we live gender today. For this reason, it is critical to explore what is at stake in the way gender passing has been understood in history. By casting light on the limits of this knowledge production, I hope not only to resist the classical reading of gender passing and its disciplinary effects but also to contribute to “activating” a more critical understanding of gender in its lived complexity.

## **Passing**

The common understanding of passing is tied inextricably to essentialism. To say that one “passes” is also to suggest that one “passes for” and, furthermore, often implies that one passes for something that, in “essence,” one is not. In this common understanding, passing is thus a kind of masquerade that conceals one’s underlying and “true” essence:

To pass is ... to disguise oneself, to simulate ... to conceal the truth under a false appearance – this is the common sense understanding of passing ... Common sense dictates that passing plays only with appearance and that the true identities underlying the deceptive appearances remain untouched. This has been the accepted understanding of passing, both on the part of social



scientists who attempted to study the phenomenon and literary critics who sought to understand the significance of literary representations of passing.<sup>5</sup>

When used without a qualifier, the term “passing” has historically referred to a very specific social practice, conducted by people who, by virtue of the “one-drop rule”<sup>6</sup> institutionalized in policies of racial segregation in the United States, were legally considered “black” but passed for “white.” According to Werner Sollors, this concept of passing first appears in the wanted posters through which the masters of runaway slaves of “mixed-race” sought to recover their “property.”<sup>7</sup> The concept of passing’s particular association with Afro-American history is linked, moreover, to the emergence of passing as an important theme of the literature of the Harlem Renaissance during the interwar period.<sup>8</sup> While some approaches to gender passing echo the interpretive tradition of the scholarship on racial passing – an issue I touch upon later – this chapter focuses solely on gender passing. Although gender passing sometimes operates in a similar manner to racial passing, it has its own distinct properties.

## **Gender Passing**

The common understanding of gender passing, much like the common understanding of racial passing, assumes that there is a “truth about” “people who pass” – what Michel Foucault would refer to as a “vérité sur.”<sup>9</sup> If, in the case of racial passing, the truth about one’s race is predetermined by genealogical lineage, the common conception of gender passing assumes that the sexed body is the truth about one’s sex/gender that “objectively” predetermines one’s “essence,” either as a man or as a woman. By extension, in this common understanding, for one to pass for a gender that does not conform to one’s sexed body is to engage in deception. Tellingly, gender passing is discussed most commonly as a situation in which people who are “really” men pass as women or vice versa, when people who are “really” women pass as men. As the qualifier “really” serves to remind us, the “truth” of one’s sex/gender is predetermined by one’s sexed body, which most often means one’s genital configuration, rather than by the gender with which one is identified in everyday interactions. In the common understanding of gender

passing, a “man” who passes for a woman *is* a man, and a “woman” who passes for a man *is* a woman. The most flagrant and revealing manifestations of this common understanding of gender passing can be witnessed in media coverage of trans people, whose genital configuration at birth almost never goes unmentioned.

As a verb, “to pass” presupposes a subject, intentionally and actively working to pass, and it refers exclusively to those who pass for a gender other than the one assumed to correspond to the sex assigned to their body at birth. The concept of passing is generally not used to talk about people who, born with a vulva, pass as women, or about people who, born with a penis, pass as men. People who pass are assumed to pass because they are actively and intentionally doing something to pass. The implications of this common understanding of gender passing for those whose gender does not align with what is considered to be their “true sex” are clear: their gender becomes illegitimate, in light of the “truth about” their sexed body. Their gender becomes synonymous with deception, with very concrete, and sometimes violent, consequences.<sup>10</sup> These effects of the dominant concept of gender passing underscore the need for a more critical understanding. This chapter seeks to contribute to this work of rethinking the concept through critically exploring the discourses on “people who passed.”

### **Gender Passing: A Concept and Its Epistemological Limits**

Before delving into discourses on people who passed and identifying the underlying assumptions of these discourses, it is important to understand the epistemological limits of the common understanding of passing. The first limitations that should be highlighted are semantic and theoretical. According to Sara Ahmed, the very term “passing” implies at once movement and passage: “Passing, by definition, is a movement through and across. Passing [is] the literal act of moving through space (in which there is no moment of departure or arrival).”<sup>11</sup> Ahmed’s work draws attention to a form of what one might call absolute movement inherent in the term “passing,” which does not depend on either a starting point or a final destination. Inherently, passing thus suggests a way that such movement/passage might, in and of itself, constitute its own kind of “moment.”<sup>12</sup>

Yet this movement/passage implied in passing has been calcified in the

use that has been made of the term in relation to gender, where, in the common understanding of gender passing, it is reduced to a movement/passage between two fixed positions. This reflects and perpetuates a binary conception, first of race and, subsequently, of sex and gender. The common usage of the term “passing” has not only fixed in space the movement/passage implied in passing but has also arrested it in time. Often, this usage implies that each instance of passing is structured by a temporality. In history, the term generally refers to people who have passed during a set period of time, excluding all passing that may have occurred intermittently or non-intentionally.<sup>13</sup> This understanding reduces passing to a linear movement both through time and space, from an origin – the “truth about” one’s sexed body – to an arrival: a “gendered presentation” interpreted as an inauthentic masquerade.<sup>14</sup> The movement/passage inherent in passing thus finds itself fenced in by these two poles enshrined by the common understanding of the concept.

Passing is thus to pass for what one is not, according to the dominant conception of gender. If the verb “to pass” suggests movement, it also implies action by an active subject. The verb typically conjugates in the active tense and presupposes a subject “who passes.” As gender is typically considered what one *is* by nature, or as the effect of an essence, gender becomes an act – a performance in the theatrical sense of the term – only when it does not fit with a sexed body. Thus, only individuals who pass for a gender that is not in accordance with their sexed body are perceived as having to make an effort, or to actually work, to pass. Conversely, nothing at all is assumed to be required – no particular will, intention, or action – for a person born with a vulva to pass as a woman or a person born with a penis to pass as a man. These “women” and “men” are presumed to simply *be* their genders through no effort at all.

For those who adhere to the idea of gender as performative, however, revealing not an “essence” but rather a “doing” performed through repetition, all genders are performances, no matter their relationship with the sexed body of the person performing. The fact that gender is considered a performance in the theatrical sense of the word only for people for whom there is no correspondence between “gender” and “sex” reveals an intentionalist understanding of performativity and is symptomatic of an essentialist view of gender. Consequently, one of the most important limits of the common

understanding of gender passing is that it assumes that passing refers to a movement/passage circumscribed to a linear transition between two fixed poles – one “authentic,” the other “inauthentic.”

These semantic and theoretical limits also raise methodological constraints, particularly for historical perspectives on gender passing. This methodological limitation can be witnessed in the failure to envision passing in its effectivity as the result of the performativity of gender itself, regardless of the “sex” of the one performing their gender. This constraint stems from the ways we seek to gain access to and produce knowledge about passing. When passing operates effectively, people who pass are not identifiable as such. Rather than constituting a category of “others” breaching the supposed causality between sexed body and gender presentation, people who pass effectively are simply categorized as “men” and “women” in the simplest sense of those terms. If the sexed bodies of these people who effectively pass were to become known, it would be considered at odds with the gender whose signs they bear culturally. They do not, on first appearances, challenge the assumptions of those who take for granted a world of unproblematic gender categories into which everyone is assumed to fit neatly, and the latter in fact participate in their passing – a point to which I return below. To pass effectively is thus to be considered someone whose gender stems from nature, an essence, and a basic ontology. Yet because people who pass do indeed pass, they leave no external trace of their passing. Understood in the effective sense of the term, therefore, passing is thus to be(come) that for which one passes. Categorized as “man” or “woman,” “people who pass” are not understood to be passing at all but, rather, are interpreted as “being” of a gender-effect of their assumed ontology.

To become a person who passes – rather than what one passes for, whether it be “man” or “woman” – the one who passes must, paradoxically, no longer pass. For one’s passing to be known, it must be exposed as passing. To make sense as passing, in the common understanding of the term, one’s passing must be constituted as passing. In the literature on passing, the term “reading” is often used to designate the interactions that expose passing as passing – interactions that, in my view, are performative as they expose passing even as they contribute to constituting it as passing. When we want to say that people no longer pass, we generally say they have been “read.” The term I use elsewhere, *(sa)voir*,<sup>15</sup> which refers both to knowledge (*savoir*) and to vision (*voir*), the precondition for the act of reading, better captures the

broad range of situations in which passing is constituted as such. This *(sa)voir*, which allows people who pass to leave a trace, and which constitutes the chief modality of creating a material archive on passing, also paradoxically terminates the person's effective passing. At the same time, passing becomes passing only at the moment of its *(sa)voir*, which simultaneously reveals the moment in which the passing occurred and invalidates it. It is only people whose gender presentation does not conform to what is considered their "sex" who are subjected to this *(sa)voir* (for it is assumed that there is nothing to read/know in the cases of people whose apparent gender is regarded as conforming with their sexed body). The common understanding of passing thus implies a relationship between two distinct "moments": the moment during which the passing occurs, through interactions between people who pass and those who make them pass; and the moment in which passing is exposed and constituted as passing. The common understanding of the concept of passing is thus inseparable from the moment of its *sa(voir)*.<sup>16</sup>

This interdependence between passing and *(sa)voir* in the common understanding of gender passing has important epistemological, not to mention political, implications. This is because the notion of reading presupposes a "text"; yet, in the constitutive moment in which passing is exposed and/or known, what is being "read," or, in other words, constituted as passing's "text"? This text is framed by the terms of the normative framework within which gender passing is constituted. The co-dependence of passing and the conditions of its *(sa)voir* thus play an important role in revealing the limits of the knowledge that has hitherto been produced on gender passing.

### **"Passing Is *Passe*?"<sup>17</sup>**

The approach to people who pass has been shaped by these various limitations of the common understanding of passing. It is also shaped by a particular view of history that historian Peter Boag, following literary scholar Marjorie Garber, identifies as a "progress narrative."<sup>18</sup> In this perspective, passing is interpreted as a culturally and historically situated strategic practice that makes sense only in reference to a progressive narrative about history. Consequently, it has most often attempted to understand the reasons people

passed in terms of historical oppression against particular groups at particular times.

Racial passing, for example, is generally interpreted as a strategy that permitted people who passed to bypass the effects of discrimination that prevailed against those who, in the United States under segregation, were regarded, legally as well as visually, as “black.”<sup>19</sup> The fact that someone legally considered black under the one-drop rule could pass for white – that is to say, be treated as white – had concrete day-to-day consequences. Given that people’s daily access to exclusive physical and symbolic spaces was often determined by the signs of “race” read on people’s bodies rather than by judicial assignments based on genealogical lineage, passing visually as “white” (or, rather, as “not black”) opened up possibilities that would never otherwise have existed for “legally” black people. In the classic literature on the subject, passing is posed as a means of social promotion conferring economic, judicial, and political mobility, which was used by necessity by those who passed.<sup>20</sup> In this sense, racial passing is understood as a means of liberation from the constraints of being considered a member of a group subjected to discrimination.

Similarly, gender passing also has been understood predominantly through what Marie-Hélène Bourcier qualifies as a “liberationist” perspective – as a social practice that stems from historical necessity, adopted by people categorized as “female” at birth to “liberate” themselves.<sup>21</sup> *Passing women and female husbands* were – and, among historians, still are – the labels given to people with bodies categorized as female but who presented themselves as men; who may have lived, worked, loved, and married as men; and who may have been known and often (if not always) accepted as men. The very terms used to refer to these people who passed in history emphasize an essential “femaleness” and “womanness” and reinscribe the assumption that the sexed body is the epistemological foundation – the “truth” – about those persons.<sup>22</sup> Gender passing thus is presented most often as an effect of socio-economic constraints connected with the status of women in society and, specifically, with the need to gain financial and/or social security through employment. It is also understood as an effect of social constraints, with passing constituting a means of living a life of adventure.<sup>23</sup>

But because it implies a relationship of non-conformity between a gender and a body that was (and still is) considered a sign of sexualities lived on the



margins, gender passing also serves to make sexuality visible in history.<sup>24</sup> In a framework within which so-called “gender-crossing” practices are considered cultural signs of sexualities that defied norms, gender passing is also interpreted as a lesbian “liberationist” strategy:<sup>25</sup>

In the early years of lesbian and gay history in the 1970s and 1980s, gender-crossing was researched as one archetype of gay identity. Thus the passing woman or female husband was seen as one means of expressing desire between women before lesbian identity was established, while male effeminacy and cross-dressing was subsumed within a parallel story as one strand of the historical construction of gay male identity.<sup>26</sup>

Considered archival evidence that helps reconstitute a gay and lesbian history, people who passed have been, and are still, held up as figures of pre-Stonewall resistance to heteronormativity.<sup>27</sup> This explains why certain individuals have been recuperated not just in the feminist historiography of women but also posited as important figures in lesbian history.<sup>28</sup>

Jonathan Katz’s now classic *Gay American History: Lesbians and Gay Men in the USA* offers an archetype of this liberationist perspective on gender passing.<sup>29</sup> The chapter entitled “Passing Women, 1782–1920” consists of an anthology of historical documents about different people who, between 1782 and 1920, “passed” in the common sense of the term. The chapter opens with a short introduction in which Katz categorically states that there is just one way of interpreting these people and their motives: “These passing women can only be understood within the framework of a feminist analysis.”<sup>30</sup>

For Katz, these people are, first and foremost, to be understood as “women,” the term that, along with feminine pronouns, he uses to designate them. On several occasions, he also refers to their sex(ed bodies), which underpins his reading of the “femaleness” of these individuals who passed; for, as he reminds the reader, “a vagina is female, a penis male.”<sup>31</sup> Moreover, he maintains that these “females” would have been feminists as he reads passing as a form of protest or revolt against the condition of women:

Despite their masculine masquerade, the females considered here



can be understood not as imitation men, but as real women, women who refused to accept the traditional, socially assigned fate of their sex, women whose particular revolt took the form of passing as men.<sup>32</sup>

These proto-“feminists” would also, in Katz’s view, have been lesbians because of the romantic and/or sexual relationships most of them had with women. For Katz, it is the “patriarchal” context, which is a common theme of feminist historical materialist approaches, that explains these women’s adoption of what he regards as a damaging stereotype of lesbians – the “aggressive butch”<sup>33</sup> – which he disparages as a temporary symptom of this power structure.

This approach leads this scholar of sexuality to conceive of passing as an intentional practice. Because these people *are* women, the terms Katz uses to discuss the effects of their passing frame passing as a form of deception, which can never truly substitute for what is assumed, once again, to be the source of the truth about one’s sex/gender: one’s sexed body. Katz is disapproving, however, of what he sees as the contradictions between his “passing women’s” adoption of the “traditional masculine role”<sup>34</sup> – which, even if justified by a context of women’s oppression, reinscribes a notion that masculinity is a precondition to be active in the world – and the feminist intentions that are, in his view, the source of passing. This interpretation leads him to speculate on the negative psychological impact of passing on people who passed and who experienced a moral dilemma and guilt:

In their hearts and consciences these women knew they were, at least in part, imitations, fakes, frauds ... Appearing to the world as men, they could not but sometimes appear to themselves as immoral impostors. They might convince the world they were men, but they had also to convince themselves of their legitimacy. The pressures engendered by their double identity might sometimes prove overwhelming, and be resolved by self-destructive means.<sup>35</sup>

In such a liberationist perspective, the individuals who passed are, without exception, presented as feminist and lesbian women, precursors of those who

would later forge these categories into political identities and, by the same stroke, render passing obsolete.

Because of its utilitarian presumptions about passing, this liberationist perspective effectively posits people who pass as victims and actors; which is to say, people who pass do so deliberately to bypass the systemic oppression of which they are victims. Gender passing is presented as a practice – presupposing a subject deliberately engaged in this practice – that confers symbolic advantages and social, economic, legal, and political mobility. By extension, this perspective posits that, with the end of the discrimination that gave rise to passing, there is no longer any reason for people to pass. As a necessary effect of a discriminatory context, passing becomes obsolete, being no longer seen as justified in an era of so-called “liberation.” Which is to say, “passing is *passé*.”<sup>36</sup> Those who make this claim specifically about racial passing point to the end of legally sanctioned racial discrimination and segregation in the 1960s United States, as well as to the work of resignifying blackness that arose following the Second World War, to support their argument. For them, passing becomes “a sad legacy of racism.”<sup>37</sup> In this view, the struggles for civil rights, the political identities that came out of them, and, above all, the injunction to embrace Black Pride manifest in such slogans as “Black is Beautiful” rendered racial passing obsolete. If passing still occurs in the context of such liberation, it is viewed as a practice of anti-solidarity resulting from shame and the internalization of prejudice on the part of those who continue to wear their masks in a context that demands that people take them off. If passing was explicable (if not entirely justifiable) in the context of past discrimination, in a present-day context, where solidarity, unity, and visibility are supposed to provide a show of force, it becomes a form of treachery. In this perspective, the social resignification made possible by passing is interpreted as antithetical to solidarity with the group, as a refusal of the call for unity in favour of individualism, and, by extension, as a form of submission to the unequal and discriminatory systems of representation understood to have given rise to passing as a historic practice.<sup>38</sup> Passing is thus viewed as an apolitical act or, worse, an act that leads to the reinforcement of the very system of oppression that lies at its origin.

Similarly, in the socio-historical context of liberation, in which women’s financial well-being is no longer necessarily dependent on men, and they are,

in many jurisdictions, able to marry other women, gender passing becomes, at best, unintelligible and, at worst, a symptom of a form of alienation.<sup>39</sup> As the liberationist perspective rationalizes passing through a systemic causal explanation, in the absence of this rationale, passing no longer makes any sense.

This historiography of gender passing has evolved in the wake of the emergence of new perspectives, developed in queer and trans studies over the past twenty years, proposing that these people who passed would be better understood in reference to what is today considered trans(auto)identification. The perspectives that frame passing through the lens of women's liberation and/or lesbianism are thus no longer the only way of making sense of people who passed. The trans hypothesis opens up the possibility that people who passed did so in order to be recognized and treated in conformity with their (trans)gender autoidentification.<sup>40</sup> Among others, the work of Alison Oram and Lucy Chesser highlights these developments. In an article entitled "Transgender-Approximate, Lesbian-Like, and Genderqueer: Writing about Edward De Lacy Evans," Chesser, a historian whose work focuses on cross-dressing in nineteenth-century Australia, engages in an auto-reflexive approach to interpreting the life of Edward de Lacy Evans.<sup>41</sup> This approach reflects a concern with the issues surrounding historical interpretation and the work of (re)appropriating and categorizing identities that it entails. Notably, Chesser recognizes her own political investment in the history of De Lacy Evans and shares with the reader the ways in which her interpretation changed after taking trans and queer perspectives into account.<sup>42</sup> In Oram's *Her Husband Was a Woman! Women's Gender-Crossing in Modern British Popular Culture*, the author foregrounds the different perspectives on people who passed in lesbian and trans history as central to her reflection. She highlights the need for caution, insisting on the historically situated character of different ways of making sense of "passing women" and "female husbands," these different perspectives being, in her view, indissociable from the meanings accorded to the concepts of gender, sex, and sexuality in any given moment:

It is often difficult to disentangle cross-dressing or cross-gender behaviour such as passing from this association with sexuality and identity. Although they are intimately linked, and in the past

were frequently discussed together, we need to bear in mind the specific historical meanings given not only to gender, but also to the association of cross-dressing, gender dissidence, sexuality and gender identity.<sup>43</sup>

However, even in critical scholarship such as Oram's and Chessser's work, a number of epistemological issues remain.<sup>44</sup>

### **An Archival Imperative**

When it comes to (historical) research on gender passing, one of the main challenges is related to what I call an "archival imperative": that is, the knowledge production on passing is dependent upon knowledge of a material body, specifically, a sexed body that does not correspond to a lived or performed gender. Put another way, the archival evidence of passing is a material body whose anatomy signifies a sex that does not match with the apparent gender lived by the same body.

Within the work of such critical historians as Chessser and Oram, who insist on the historically situated work of categorization, historical interpretation remains anchored in the sexed bodies of people who passed. While these historians advocate caution when it comes to categorizing figures like the passing women and female husband, as feminists, lesbians, genderqueer, transsexuals, or transgenders, they do not pause to consider the similar problems raised by categorizing people who passed on the basis of their sexed bodies.<sup>45</sup> As Nan Alamilla Boyd insightfully remarks, when it comes to gender passing, the body remains "the material of historical memory."<sup>46</sup>

Even if there is a methodological rationale that explains why a sexed body is central to the knowledge production about gender passing, it is important to articulate and emphasize the epistemological effects and limits of this search for the sexed body. And it is especially important because our "knowledge" of the body depends upon a historically situated "moment": the moment when the body of the "person who passed" was exposed – that is, literally undressed or searched. In the context of gender passing, this moment of exposure is of particular importance (and, too often, quite violent). Chessser considers this moment to be an "extraordinarily powerful cognitive" one.<sup>47</sup>

Writing about the life of Edward De Lacy Evans, she emphasizes how this critical moment instantly changes the significance and meaning of a human life:

Even in imagined form, the uncovering of Evans is an extraordinarily powerful cognitive moment. To that point, everything about him and his life seemed to support the impression he was a man, from his appearance and style of dress, to his powerful build and occupation as a miner, to the fact that he was married to his third wife and had recently become a father. Yet in one instant – at least for observers and those who read about the case, if not for Evans – all this evidence was cancelled out by the unambiguous visual spectacle of Evans’ female body.<sup>48</sup>

The archival inescapability of such anatomical “evidence” uncovered at a single historical moment (sometimes post-mortem) explains why it is so hard to make sense of people who passed beyond the body. Yet this “archival imperative” makes it difficult for historians not to discursively re-enact this historical moment of undressing. It consequently renders it hard not to “inadvertently turn ... a vagina into the actuality of gender categorization,” as Hale puts it.<sup>49</sup> By the same stroke, knowledge production about gender passing reveals the difficulty of grasping the historically situated character of the categories of sex/gender, “man” and “woman,” even for those writing critically about gender. It makes it hard to think about the performative work that the lived gender of each of these people who passed might have accomplished in everyday life.

### **Other Moments, Other Cases: The Elusive History of Gender Passing**

It is difficult to disassociate the knowledge (and the study) of gender passing from the critical moment of its “reading/knowing,” of its *(sa)voir*. When it comes to gender passing, the traces of a moment in which an exposed sexed body that does not correspond to a lived or performed gender is revealed is an archival imperative. Compelled by this archival imperative, a material body signifying a sex that does not match with the gender lived by the same body becomes the historical evidence of passing. But if we are committed to trying

to deflect the consequences of the common understanding of passing – with its insistence on the truth about sex/gender supposedly revealed by the sexed body, and its dependence upon the powerful and often violent moment of exposure of that body, we have to try to find a way to think of those passing lives differently.

In an interview published in *Signs*, Judith Butler identifies what she considers to be “a really interesting problem [for a historian]: how to do a history of that which was never supposed to be possible.”<sup>50</sup> Similarly, recognizing that, to many people and institutions, trans lives seem impossible to conceive, Dean Spade’s recent call for “a critical trans politics” finds its anchor precisely in this presumption of impossibility.<sup>51</sup> Might the challenge of rethinking the history of those who passed also entail challenging the process by which certain lived gendered possibilities are rendered conceptually impossible? A more politically productive – and a potentially transformative – way to think about passing might be to expand the focus beyond that normative moment that interprets a sexed body as the truth about a person to all those daily lived moments and encounters in which passing was effective and that are suggested every time a “case” of passing is recognized as such.<sup>52</sup> Considering passing as being *also* about all those effective (im)possibilities that the moment of its *(sa)voir* simultaneously reveal and conceal might constitute a way to escape the violent moment of undressing re-enacted every time a historian insists upon an exposed material sexed body as evidence of passing. Among other things, these other (im)possible moments open up to what C. Jacob Hale calls “other relationships between gender presentation, genitals and other aspects of embodiment, self identity and subjectivity” that are well beyond those prescribed by a normative understanding of gender.<sup>53</sup> These recurring and lived moments often left few, if any, clear traces, yet they are precisely what gave so much power to the singular moment when passing was revealed – that one moment when a life suddenly became a “passing case.” These diverse lived moments haunt the normalizing moment when the body is revealed and categorized solely according to anatomy. These many gendered moments and interactions were lived and experienced without being spoken or recorded, but they are nonetheless *also* part of gender passing history. In fact, for activist scholars interested in resisting the regime of *(sa)voir* on sex and gender, these are likely the most politically significant moments in the

history of gender passing.

The response by Canadian authorities and the media to a Quebec passing case during the Second World War also hints at all those other possibilities that are opened up by a productive understanding of passing.<sup>54</sup> The case involved a person who lived and worked as a man and who had been arrested for “impersonation” in 1942 after a body signified as “female” had been undressed. A Montreal newspaper reported that, if the authorities at the time “believed [this case] to be an isolated one,” they also believed that “other cases of changed identity, if not of impersonation, ‘must certainly exist.’”<sup>55</sup>

The likely existence of “other cases,” which is, at the same time, both recognized and suppressed by the construction of this case as an “isolated one,” seems to materialize what is at stake when gender passing is considered in its effectivity. Resisting, as they do, satisfying the archival imperative and giving themselves up to anatomical (*sa*)*voir*, such unknown other cases of effective gender passing have eluded the authorities and the historiography of gender passing alike. How might activist researchers account for such lived gendered possibilities, which are of intimate concern for anyone interested in challenging the common understanding of gender, yet which are, at the same time, unknown, and perhaps ultimately unknowable? While these cases “must certainly exist,” perhaps the point is not to find an accurate method to “know” them, to (*sa*)*voir* them, but, rather, to find a way to take the possibility of their existence into account. For such complex lived possibilities of gender may yet inspire us to think differently not only about gender passing but also about long-standing assumptions that underpin the regime of (*sa*)*voir* on sex/gender. For researchers working to activate resistance, such possibilities point to the political urgency, and the real challenge, of moving beyond frameworks and methods that have long structured the production of knowledge about overlooked histories such as the history of those who passed. If we want to take into account this “history of that which was never supposed to be possible,” we need to actively embrace this epistemological and methodological challenge.



## Notes

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- 1 C. Jacob Hale, “Consuming the Living, Dis(Re)membering the Dead in the Butch/FTM Borderlands,” *GLQ* 4, 2, (1998): 318. [Return to text.](#)
- 2 Jackie Kay, *Trumpet* (New York: Pantheon Books, 1998), 154–55. [Return to text.](#)
- 3 Robyn Wiegman, *American Anatomies: Theorizing Race and Gender* (Durham, NC: Duke University Press, 1995), 6. For similar concerns, see also Morgan Holmes, *Intersex: A Perilous Difference* (Selinsgrove, PA: Susquehanna University Press, 2008). [Return to text.](#)
- 4 Judith Butler, *Bodies That Matter: On the Discursive Limits of Sex* (New York: Routledge, 1993). [Return to text.](#)
- 5 Samira Kawash, *Dislocating the Color Line: Identity, Hybridity, and Singularity in African-American Literature* (Stanford: Stanford University Press, 1997), 125–26. [Return to text.](#)
- 6 The one-drop rule is a particular way of seeing race, institutionalized in the United States in the early twentieth century, under which people were legally defined as black if their ancestors included any person of African descent. Although this principle was declared unconstitutional in the 1960s, the logic and legacy of the one-drop rule still affects how individuals are perceived and racially categorized in the United States, as shown by the prevalent view that US president Barack Obama is black, even though he has mixed race origins. The one-drop rule and its binary logic elide the complexity of race by reducing it to dichotomous terms, in which “white” and “black” become irreducible categories. In other words, “the binary logic of the one-drop rule mandated that if he [is ] not ‘white,’ then he ha[s] to be ‘black.’” Gayle Wald, *Crossing the Line: Racial Passing in Twentieth-Century US Literature and Culture* (Durham, NC: Duke University Press, 2000), 11. [Return to text.](#)
- 7 Werner Sollors, “*Passing; or sacrificing a parvenu,*” in *Neither Black nor White Yet Both: Thematic Explorations of Interracial Literature* (New York: Oxford University Press, 1997). The precondition for racial passing is generally thought to be a body of “mixed race.” [Return to text.](#)
- 8 The Harlem Renaissance was an Afro-American cultural movement that emerged in the interwar years, named for its epicentre: Harlem, New York City. Among others, Nella Larsen, Langston Hughes, Charles Waddell Chestnut, and W.E.B. DuBois are

- associated with this movement. [Return to text.](#)
- 9 Michel Foucault, *Histoire de la sexualité*. Tome I: *La volonté de savoir* (Paris: Gallimard, 1976). [Return to text.](#)
- 10 Talia Mae Bettcher, “Evil Deceivers and Make-Believers: On Transphobic Violence and the Politics of Illusion,” *Hypatia* 22, 3 (2007): 43–65. [Return to text.](#)
- 11 Sara Ahmed, “‘She’ll Wake Up One of These Days and Find She’s Turned into a Nigger’: Passing through Hybridity,” *Theory, Culture and Society* 16, 2 (1999): 94. [Return to text.](#)
- 12 I explore this alternate understanding of the concept of passing in Chapter 4 of my doctoral dissertation. See Fabien Rose, *(Sa)voir le genre autrement: Le gender passing comme paradigme* (PhD diss., Concordia University, 2013), 164–207. [Return to text.](#)
- 13 For example, Huggins distinguishes between “passing” and being “taken as.” For more, see Nathan Irvin Huggins, *Revelations: American History, American Myths* (Oxford: Oxford University Press, 1995), 246. Even in trans communities, where we admit that passing, in the common sense of the term, can arise at certain moments and not at others, the term is generally used in the absolute. To say “he passes” or “she passes” suggests that s/he is (generally) regarded by others as *being* of a gender that does not correspond to the gender that was assigned to him/her at birth, on the basis of his/her genital conformation. [Return to text.](#)
- 14 Bettcher, “Evil Deceivers.” [Return to text.](#)
- 15 Rose, *(Sa)voir*. [Return to text.](#)
- 16 Monique Rooney, “Grave Endings: The Representation of Passing,” *Australian Humanities Review* 23 (2001): 2. [Return to text.](#)
- 17 The expression is from Huggins, *Revelations*, 245–46. [Return to text.](#)
- 18 “Within it [the progress narrative], transvestism is normalized, the argument being that the subject changed her clothing in order to obtain employment in a man’s world, or because she wanted to succeed in a profession that her biological sex otherwise excluded her from, or because she needed to support her family, or because she desired to follow a husband or male lover into a milieu, such as the army, which excluded women” (Peter Boag, “Go West Young Man, Go East Young Woman: Searching for the *Trans* in Western Gender History,” *Western Historical Quarterly* 36 [2005]: 483). Garber interprets the recourse to this “progress narrative” as a modality of normalization of the subversive potential that she saw in transvestism. See especially Marjorie Garber, *Vested Interests: Cross-Dressing and Cultural Anxiety* (New York: Harper Perennial, 1992), 67–92. [Return to text.](#)
- 19 For a critical analysis of the scholarship on racial passing, see, among others, Gayle Wald, *Crossing the Line: Racial Passing in Twentieth-Century US Literature and Culture* (Durham, NC: Duke University Press, 2000). [Return to text.](#)
- 20 See the eponymous 1929 classic by Nella Larsen, *Passing* (New York: Dover, 2004). [Return to text.](#)
- 21 Marie-Hélène Bourcier, “Des ‘femmes travesties’ aux pratiques transgenres: Repenser et queeriser le travestissement,” *Clio* 10 (1999): 117–36. “Cross-gendered” practices adopted by people designated male at birth are generally talked about as transvestism

and effeminacy rather than as passing (with the exception of Marjorie Garber, who refers to a “case” that seems to have been one of passing; see Garber, *Vested Interests*, 68). It is assumed that, in these cases, such practices did not entail passing. The issues raised by these presumptions that people designated male at birth had a lesser aptitude for passing are worth addressing as they persist in today’s representations and discourses on, and by, trans people. [Return to text.](#)

22 For a criticism of the equivalent French expression for “transvestite women” (*femmes travesties*) and, above all, its political and epistemological implications, see Bourcier, “Des ‘femmes travesties,’” 117–36. As for the term “passing women,” Katie Hindmarch-Watson defends it as a historical category that, because used by contemporaries of “individuals who passed,” would be more appropriate (even if imperfect) than such contemporary categories as transgender: “I have used the terms cross-dressing and passing woman, which at times also feel limiting but which nonetheless convey a better sense of historic specificity than transgender.” For more, see especially Katie Hindmarch-Watson, “Lois Schwich, the Female Errand Boy: Narratives of Female Cross-Dressing in Late-Victorian London,” *GLQ* 14, 1 (2007): 72. [Return to text.](#)

23 For an example, see Julie Wheelright, *Amazons and Military Maids: Women Who Dressed as Men in Pursuit of Life, Liberty and Happiness* (Kitchener, ON: Pandora Press, 1990). The desire for emancipation and economic necessity are the explanations for gender passing in a number of fictional accounts featuring “people who passed” (Garber, *Vested Interests*, 5–9). For the historically situated explanations for passing invoked in different eras, see Alison Oram, “Cross-Dressing and Transgender,” in *Palgrave Advances in the Modern History of Sexuality*, ed. H.G. Cocks and Matt Houlbrook (Basingstoke: Macmillan, 2005), 256–91. [Return to text.](#)

24 Sexuality is considered a historically important factor in gender passing. See Lisa Duggan, “The Trial of Alice Mitchell: Sensationalism, Sexology and the Lesbian Subject in Turn-of-the-Century America,” *Signs: Journal of Women in Culture and Society* 18, 4 (1993): 791–814. “Abnormal” sexualities are detected through “abnormal” genders in most theories of sexual inversion. See, among others, Jay Prosser and Laura Doan, eds., *Palatable Poison: Critical Perspectives on The Well of Loneliness* (New York: Columbia University Press, 2001); Judith Halberstam, *Female Masculinity* (Durham, NC: Duke University Press, 1998); Siobhan Somerville, “Scientific Racism and the Invention of the Homosexual Body,” in *Queering the Color Line: Race and the Invention of Homosexuality in American Culture* (Durham, NC: Duke University Press, 2000), 15–37. [Return to text.](#)

25 In Bourcier’s critical characterization of research, which presumes “transvestite women” (*femmes travesties*) to be “pre-feminists,” the expression “liberationist” designates the approach that eclipses the possibility that “passing women” might have been lesbians. Yet, in my view, this liberationist paradigm also includes research that presumed those who passed to be lesbians on the basis of their sexed bodies, thus my use of Bourcier’s expression (See Bourcier, “Des ‘femmes travesties’”). [Return to text.](#)

26 Oram, “Cross-Dressing and Transgender,” 257–58. [Return to text.](#)

- 27 Nan Alamilla Boyd, “The Materiality of Gender: Looking for Lesbian Bodies in Transgender History,” *Journal of Lesbian Studies* 3, 3 (1999): 73–81; Halberstam, *Female Masculinity*. In 2005, the *Journal of the History of Sexuality* devoted a whole issue to the problems surrounding what serves as historical archival evidence for historians researching the history of sexuality. [Return to text.](#)
- 28 Oram refers to the fact that a debate would have seen feminist and lesbian historians opposed over the question of whether passing should be interpreted “as an expression of sexuality or whether it should be seen simply as a logical response to women’s constrained economic and social position in patriarchy.” See Oram, “Cross-Dressing and Transgender,” 258. [Return to text.](#)
- 29 In her article “Cross-Dressing and Transgender,” 258, Oram includes Lillian Faderman, *Surpassing the Love of Men: Romantic Friendship and Love between Women from the Renaissance to the Present* (London: Women’s Press, 1985); Jeffrey Weeks, *Coming Out: Homosexual Politics in Britain, from the Nineteenth Century to the Present* (London: Quartet Books, 1977); and Jonathan Katz as examples of scholars who choose to read the occurrence of passing and gender crossing as evidence of both gays and lesbians in history. During an address entitled “Queer(y)ing the Modern Homosexual” delivered at McGill University in 2010, Jeffrey Weeks reaffirmed his position that passing women were an integral part of lesbian history. [Return to text.](#)
- 30 Jonathan Katz, “Passing Women, 1782–1920,” in *Gay American History: Lesbians and Gay Men in the USA – A Documentary History* (New York: Meridian, [1976] 1992), 210. It is worth noting that, in one place, Katz calls for a cautious reading of passing – a call that he himself does not heed. See Katz, “Passing Women,” 211. [Return to text.](#)
- 31 *Ibid.*, 210. [Return to text.](#)
- 32 *Ibid.*, 209. [Return to text.](#)
- 33 *Ibid.* [Return to text.](#)
- 34 *Ibid.*, 210. [Return to text.](#)
- 35 *Ibid.* [Return to text.](#)
- 36 Huggins, *Revelations*, 245–46. [Return to text.](#)
- 37 Teresa Kay Williams, “Race-ing and Being Raced: The Critical Interrogation of “*Passing*,” in *Mixed Race Studies: A Reader*, ed. Jayne O. Ifekwunigwe (New York: Routledge, 2004), 168. [Return to text.](#)
- 38 Langston Hughes would thus define passing “as an individualized practice that fails to address the collective nature of racial discourse” (Wald, *Crossing the Line*, 7). [Return to text.](#)
- 39 On this subject, I refer to all the feminist interpretations that make “people who pass” victims of the “patriarchy,” a strategy that permits them to politically justify their refusal of the trans hypothesis. For one of many such examples, see Sheila Jeffreys’ position in *Unpacking Queer Politics* (Cambridge: Polity, 2003). [Return to text.](#)
- 40 In this area, Louis Sullivan is generally considered a pioneer. For more, see Susan Stryker, “Transgender History, Homonormativity, and Disciplinarity,” *Radical History Review* 100 (2008): 114–20; Boag, “Go West,” 479; and Boyd, “Materiality of

- Gender,” 76–77. See also Leslie Feinberg’s trans “liberationist” work, “Not Just Passing,” in *Transgender Warriors: Making History from Joan of Arc to RuPaul* (Boston: Beacon Press, 1996), 83–89. Other historians favour a writing of history of “people who passed” that takes the trans hypothesis seriously into account. See especially Boag, “Go West,” 479; and Claire Sears, “All That Glitters: Trans-ing California’s Gold Rush Migrations,” *GLQ* 14, 2–3 (2008): 383–402. [Return to text.](#)
- 41 Lucy Chesser, “Transgender-Approximate, Lesbian-Like, and Genderqueer: Writing about Edward De Lacy Evans,” *Journal of Lesbian Studies* 13 (2009): 373–94. [Return to text.](#)
- 42 Chesser, “Transgender-Approximate,” 374–75. [Return to text.](#)
- 43 Oram, “Cross-Dressing and Transgender,” 261. [Return to text.](#)
- 44 For a more extensive critique of Oram’s approach to passing in *Her Husband Was a Woman!*, see Fabien Rose, “ORAM Alison, *Her Husband Was a Woman! Women’s Gender Crossing in Modern British Popular Culture*,” *Genre, sexualité et société* 1 (2009), <http://gss.revues.org/396>. [Return to text.](#)
- 45 Clare Sears, more particularly, chooses to refer to “female-bodied men” rather than “passing women” and to “cross-dressing women” rather than “cross-dressers” or “effeminate men” in her critical article on the interrelation between discourses on race, gender, and sexuality during the gold rush. See Sears, “All That Glitters,” 389, among others. [Return to text.](#)
- 46 Boyd, “Materiality of Gender,” 79. On the body as evidence in history, see also Nan Alamilla Boyd and Horacio N. Roque Ramirez, eds. *Bodies of Evidence: The Practice of Queer Oral History* (Oxford: Oxford University Press, 2012). [Return to text.](#)
- 47 Chesser, “Transgender-Approximate,” 374. [Return to text.](#)
- 48 Ibid. [Return to text.](#)
- 49 C. Jacob Hale critically reviews a journalist’s coverage of the death of “Brandon,” now commonly known and remembered as “Brandon Teena.” In her article, the journalist writes: “townsfolk discovered that their handsome neighbor ... was actually a woman.” Yet, as Hale points out, “what the townsfolk [actually] discovered was a vagina.” For Hale, “Findlay’s [the journalist’s] unremarked conflation of a vagina with womanhood” is symptomatic of a shorthand with damaging political, epistemological, and human effects. Historians who borrow the same shorthand as this journalist would seem to deserve the same criticism. See C. Jacob Hale, “Consuming the Living: Dis(Re)membering the Dead in the Butch/FTM Borderlands,” *GLQ* 4, 2 (1998): 316. [Return to text.](#)
- 50 Irene Costera Meijer and Prins Baukje, “How Bodies Come to Matter: An Interview with Judith Butler,” *Signs* 23, 2 (1998): 285. [Return to text.](#)
- 51 Dean Spade, *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law* (Brooklyn, NY: South End Press, 2011), 19–47. [Return to text.](#)
- 52 For more extensive details regarding this proposition, see Rose, *(Sa)voir*. [Return to text.](#)
- 53 Hale, “Consuming the Living,” 316. [Return to text.](#)
- 54 I plan to investigate this further as part of a research project on gender passing in

Quebec history. [Return to text.](#)

55 “The Royal Canadian Mounted Police last night were reported interested in the case to the extent that investigations into the system of identification of employees working in war plants may be undertaken. The statement was not made officially, however, and the case was believed to be an isolated one. Other cases of changed identity, if not of impersonation, ‘must certainly exist.’” See “Two-Year Pose as Male Revealed When Girl Worker ‘Weds’ Girl,” *Montreal Gazette*, March 13, 1942, 14. [Return to text.](#)



# 9

## “Your Cuntry Needs You”

### The Politics of Early 1990s Canadian S/M Dyke Porn

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*Andrea Zanin*

In 1993, a small group of young lesbians living in Vancouver came together to create a magazine to represent their sexuality in a new way – distinctly Canadian, politically charged, opposed to censorship, and, above all, bursting with sexual and S/M content.<sup>1</sup> They produced *Lezzie Smut* and distributed it in over thirty-five cities across Canada and the United States. In early 1994, dykes in Toronto and Montreal followed suit, launching *Lickerish: Polymorphous Queer Perversity* and *Pornorama*. The bookstore distribution of these publications remained much smaller-scale and focused on a handful of cities. The lifespan of all three S/M magazines was short, not making it past the three-year mark. *Pornorama* folded after its second issue, *Lickerish* after its third, and *Lezzie Smut* made it to 1996 after having lasted through eight issues.

While their existence was short-lived, these periodicals signalled a major shift in the medium and content of Canadian dykes’ sexual self-representation. As well, following a centuries-old tradition of using sexual and sadomasochistic imagery as a tool for resisting state oppression, the magazines served as a manifestation of the Canadian queer anti-censorship activism work that peaked in the 1990s. Dyke S/M representations were a key target for Canada Customs censorship; the production of Canadian-sourced dyke S/M imagery was a key grassroots response. This chapter examines a historical moment in which shifts in Canadian gay publishing and the rise of Canada Customs censorship at the US border converged to consolidate a vital, S/M-positive dyke sexual culture. I argue that this convergence of forces produced these three magazines, which performed a hybrid multi-purpose form of activism aiming to protest censorship and to create a



distinctly Canadian S/M-positive dyke sexual culture while also providing erotic stimulation for their readership.

In her article “Obscenity and the Origins of Modernity,” Lynn Hunt argues:

Although desire, sensuality, eroticism and even the explicit depiction of sexual organs can be found in many, if not all, times and places, pornography as a legal and artistic category seems to be an especially Western idea with a specific chronology and geography. As a term in the modern sense, pornography came into widespread use only in the nineteenth century.<sup>2</sup>

Hunt sets the emergence of early forms of Western pornography in sixteenth-century Europe and charts the development of pornography – primarily as a tool for social and political commentary – alongside that of print culture, expressed in the form of pamphlets and later in the emerging novel. “Pornography,” she argues, “was a category constituted by both the regulation of and the market for printed works.”<sup>3</sup> Printed works were joined by still photography and early-twentieth-century stag films – a “primitive,” non-narrative form of erotic film, according to Linda Williams.<sup>4</sup>

Most scholars of pornography agree that, in large part, pornography has been defined by those who wish to suppress it – from seventeenth-century European police to Anthony Comstock’s frenzied crusade against sexually explicit material distributed through the US postal service between 1873 and 1915. In the United States, Williams notes a loosening of that suppression over a period of decades, lasting roughly from 1930 to 1960.<sup>5</sup> Hardcore porn films and explicit magazines debuted in the 1970s, and the use of VCRs and home porn videos soared in the late 1970s and early 1980s. Nevertheless, printed porn remained – and in many ways still remains – a mainstay of the genre, if a somewhat battle-weary one.

Suppression is but one factor that has shaped the history of gay publishing, pornographic and otherwise. What follows is a brief overview of Canadian gay, lesbian, and queer publishing. My aim is to contextualize and describe the emergence of dyke sexual representation as shaped by multiple suppressive and regulatory forces from both inside and outside dyke communities.

The first stirrings of a Canadian gay press occurred in 1964 with the launch of the Toronto-based gay tabloid *GAY* and a monthly newsletter published by Vancouver's Association for Social Knowledge (ASK).<sup>6</sup> However, it was not until 1971 that members of Toronto Gay Action founded *The Body Politic*, a collectively run "gay liberation newspaper" featuring content about sexual politics by and for both lesbians and gay men. According to David S. Churchill, *TBP* soon became "one of North America's most important radical gay publications."<sup>7</sup>

In the 1970s, lesbians in Canada began to publish their own magazines, such as *Long Time Coming* (Montreal), *Three of Cups* (Toronto), *Lesbian Canada Lesbienne* (Halifax), and numerous others.<sup>8</sup> Various challenges plagued them from the start. Becki Ross sketches a discouraging picture of Canadian lesbian periodical production:

The material conditions of producing and distributing a ... Canadian lesbian periodical have changed very little over the past twenty years. The production process is resource-poor and labour intensive, typically accomplished by a collective of unpaid, over-extended, and devoted workers – and a transient bevy of volunteers – who lead with their hearts rather than with a concern for financial solvency.<sup>9</sup>

Most of the Canadian lesbian magazines founded in the 1970s and early 1980s enjoyed a lifespan of six months to three years; all but the hardiest petered out by the mid-1990s.<sup>10</sup> These publications rarely featured erotic or sexual material. Ross notes a number of glaring absences in their content:

It is clear that conflicts and highly charged debates on the issues of transsexuals, bisexuals, lesbian mothers of boy children, lesbian prostitutes, butch/femme, s/m, child sexuality and age of consent laws, socialist feminist vs. radical feminist vs. gay liberationist politics, racism in the women's movement, and so on, were rarely committed to print.<sup>11</sup>

In the 1980s, controversy arose in lesbian communities over sexual politics with S/M as a primary focus. In July 1988, the Vancouver magazine

*Diversity: The Lesbian Rag* published an untitled drawing by local artist Donimo of a woman whipping another woman. The magazine's readership raised an outcry – manifesting itself in letters of complaint and subscription cancellations. The editors received “a 50-name petition protesting the ‘violent image’ and demanding that *Diversity* take a stand against ‘sadism and violence in all its forms.’”<sup>12</sup>

As these controversies roiled, a key shift was taking place in Canadian gay media, with the 1984 launch of both *Fugues* magazine in Montreal and *Xtra!* in Toronto – publications that remain in high circulation today, along with *Xtra!*'s Vancouver, Ottawa, and online sister papers.<sup>13</sup> These new publications, while political in their own right, were not launched with the explicitly radical agenda that marked *TBP*; they represented a glossier, advertiser-friendly, more mainstream direction for gay media, and they continue to do so today. (Arguably, the shift in publication style was foreshadowed in Quebec with the magazine *Attitude: Le guide de l'homme de nuit* in Montreal, which ran from 1978 to 1984.)<sup>14</sup> Meanwhile, the *TBP* collective was nearing exhaustion. A 1977 police raid on the paper's offices had resulted in a costly six-year legal battle that ended in a full acquittal in 1983 but that left *TBP* deep in debt. Alongside its legal and financial woes, *TBP* had been a locus for numerous major debates, within both the collective and the wider gay and lesbian community, concerning issues of race, intergenerational sex, pornography, S/M, and more. The burden took its toll, and *TBP*'s print run ended in 1987 after 135 issues.<sup>15</sup>

While the mainstream gay media was becoming more solidly established, edgy political and sexual content flourished in the 1990s with the “proliferation of little magazines” known today as zine culture.<sup>16</sup> This emergence of specialized publications marked a cultural space for dykes in North America to explore sexual themes that were not addressed in 1970s lesbian magazines and were treated with ambivalence in periodicals produced throughout the 1980s.

While dyke sex zines began to pop up in both the United States and Canada, the conditions of their publication differed in two main ways. First, Canada Customs censorship severely limited the availability of US-made porn north of the border, which inspired both political resistance and a demand for locally produced material. Second, notwithstanding controversies such as the one in *Diversity* magazine, S/M-related debates in Canada were

less antagonistic than were those in the United States; as a result, S/M dyke subcultures, and their representations, developed differently in Canada. I provide a brief history of Canada Customs censorship and attempt to chart the differences in S/M dyke representations here.

In the July 1982 issue of the feminist magazine *Fireweed*, Susan G. Cole delivers a dry commentary regarding lesbian S/M, essentially asking what all the fuss is about. Speaking to the particularity of Canadian lesbian experiences, in a rather prophetic footnote she writes:

The entire S/M debate has been imported from the United States, which is why many of us in Canada have been struck by the defensive quality of the S/M arguments presented. One gets the sense that one has been invited to participate in a debate that is well underway, the tone of which has plainly been set somewhere else.<sup>17</sup>

In the May 1983 issue of *TBP*, Chris Bearchell explores the mostly uncharted territory of explicit lesbian sexual representation in a piece entitled “Art, Trash and Titillation: A Consumer’s Guide to Lezzy Smut.” The article surveys what little lesbian erotic material existed, including such exciting options as the Sears catalogue ladies’ underwear section. In a sidebar, Bearchell makes a prophetic comment of her own:

So far, the long arm of the law has only reached the *Penthouse* soft-core (fake) variety leaving our own (real) porn untouched. Is this because the police recognize the mutuality and respect that exist among two or more women engaging in real lesbian sex? Somehow, I doubt it. More likely it’s because the bulk of our own material is still so restricted in its distribution, is so carefully couched in socially redeeming contexts, consists of such poor quality reproduction (a full, wet, pulsing cunt loses something in black and white) or is so self-conscious as imagery that it’s ineffective as subversion – as a turn-on. If my hunch is right, the hotter lesbian pornography becomes the more vulnerable it will be to the whims of the guardians of public morality.<sup>18</sup>

Bearchell's prediction would come true within a decade. Tom Warner explains that, starting in 1984, Canada Customs stepped up its long-standing censorship and border seizure practices with regard to foreign publishers of gay sex magazines:

By 1990, Canada Customs was seizing nearly 75 per cent of books and magazines shipped to bookstores serving gays, lesbians, and bisexuals. Before long, lesbian as well as gay male pornography also was targeted. *Macho Sluts*, a best-selling fiction collection by openly SM lesbian Pat Califia, was the book that Little Sister's in Vancouver most often had detained by customs.<sup>19</sup>

Following several smaller censorship-related court cases, 1992 brought the Supreme Court of Canada's infamous *Butler* ruling, in which, according to Cossman, Bell, the court "not only upheld the constitutionality of the obscenity laws but also set out a new test for determining whether representations are obscene."<sup>20</sup> Many activists saw that test as a liberalization of existing regulatory practices because it specified that "sexually explicit representations that do not include violence, are not degrading nor dehumanizing, and do not involve children should not generally be found as obscene."<sup>21</sup> However, six weeks after the decision, those very criteria were used to justify criminal charges against Toronto's Glad Day Bookshop "for selling *Bad Attitude*, an American 'lesbian erotic fiction magazine.'" Cossman and Bell write:

At trial, *Bad Attitude* was found to be obscene, and Glad Day was found guilty under s.163 of the Canadian Criminal Code (C.C.C.). The lesbian s/m representations in the magazine were, in the Court's words, found to "flash every light and blow every whistle of obscenity."<sup>22</sup>

It is in this rather volcanic social and cultural environment that dykes in three of Canada's major cities chose to create their own porn magazines for publication within the country's borders. The three magazines I consider here were all inspired by the desire to speak out against censorship. As well, they

were a logical next step in dykes' growing efforts at sexual self-representation. I now offer a brief history of these efforts.

In the late 1980s and early 1990s, North American gays, lesbians, bisexuals, and queers (including both cis and trans people) began to engage in artistic and media self-representation at an unprecedented level of intensity. Within a five-year period, queer film festivals emerged in major cities across the country – Montreal's Image+Nation in 1987, the Vancouver Queer Film Festival in 1989, and Toronto's Inside Out in 1991.<sup>23</sup> In 1988, Canadian lesbian playwright and author Ann-Marie MacDonald won a Governor General's Award for her play *Good Night Desdemona (Good Morning Juliet)*.<sup>24</sup> The success of Alison Bechdel's comic strip *Dykes to Watch Out For* meant that Bechdel could afford to quit her day job.<sup>25</sup> From 1990 to 1995, the number of lesbian feature films produced was nearly double the number produced in the entire decade of the 1980s.<sup>26</sup> A neo-butch/femme culture also emerged in this period, and numerous books on the topic were published in the early 1990s.<sup>27</sup>

The AIDS crisis provided a major impetus for creative activist work in the 1990s, as exemplified by ACT UP and its offshoots – Queer Nation (founded in 1990) and the Lesbian Avengers (founded in 1992).<sup>28</sup> In the world of academia, a 1991 article by Teresa de Lauretis declared the birth of queer theory.<sup>29</sup> New forms of cultural production also began to gather steam, such as queercore – a cultural and social movement finding its expression in DIY (Do It Yourself) zines, music, writing, art, and film – and the Riot Grrrl movement, a loose network of politicized women fanzine producers and girl bands.<sup>30</sup>

The early 1990s followed the bitter decade of the Sex Wars, described by Elise Chenier as a period “lasting roughly from 1980 to 1990 [that] is often characterized as a battle between ‘pro-sex’ and ‘anti-sex’ forces” within the feminist movement.<sup>31</sup> During the Sex Wars, the borders of focused spaces and movements were contested: the presence of butch or otherwise masculine-gendered women in women's spaces, transgender and transsexual women's belonging in women's spaces, bisexual women's acceptability in lesbian spaces. Another area of great debate was sexual practice: pornography, sex work, penetration, and sadomasochism were all criticized by some factions and defended by others regarding their acceptability as

feminist acts. These disagreements at times reached the point of physical violence.<sup>32</sup> In some ways, the tensions of the Sex Wars were never clearly resolved, and many of these questions remain open areas of conflict today, if with considerably less widespread vitriol. According to Alex Warner, writing from a US perspective:

Despite the small size of the community and deeply marginalized status of the women engaged in lesbian SM, the issue struck at the heart of feminist theorizing and ethics and also illuminated broader conflicts in American culture between individual rights to self-expression and equal protection, diversity and communal responsibility. So, perhaps it should come as no surprise that the War, like many of the central struggles at the heart of the American paradox, had no clear winners.<sup>33</sup>

However, in the early 1990s, a new generation of dykes seemed intent on moving past the angry debates and focusing on the pursuit of pleasure and the celebration of sexuality in many forms. In this context, a noticeably broad interest in S/M began to appear. In addition to erotic zines and magazines, this interest and energy led to new forms of photography, such as material made by Della Grace (now Del LaGrace) Volcano, Cathy Opie, and Vancouver's Kiss and Tell, as well as the publishing of erotic fiction books and the creation of the first online erotic chat rooms.<sup>34</sup>

The history of S/M dyke porn before the early 1990s is brief, but a quick tour of S/M history more generally sheds some light on its antecedents. According to Robert Bienvenu, the beginnings of modern S/M and fetish representation date back to the late 1920s in Europe. Bienvenu charts two main variants of the "modern SM style," which he calls American Fetish (ca. 1934/38) and Gay Leather (ca. 1950). He posits that these style categories

are distinguished on both aesthetic and social-organizational grounds. Each originated in distinct social groups, exhibit qualitative differences in their composition, followed different developmental trajectories, and together established a body of stylistic precedents from which subsequent SM and fetish styles evolved. In terms of underlying subcultural networks, there is



virtually no overlap between the two.<sup>35</sup>

Alex Warner's doctoral dissertation on US leatherdyke history takes up the "Dyke S/M" category not addressed in Bienvenu's work. Warner dates the first feminist rumblings for and against lesbian S/M to the early 1970s and places the beginnings of a self-identified S/M dyke community still later, with the San Francisco group Samois in 1978 – about twenty-five years after gay leather communities began to coalesce.<sup>36</sup> While woman-to-woman S/M imagery had been featured in heterosexual fetish porn for a century, Warner cites a 1976 article published in *Gay Community News* in which the writer confirms the lack of any lesbian S/M publications at that time:

In our entire culture, only the gay male subculture is "out" about S&M, and you have to know the bars, know the dress code and the language to find a partner ... The straights have clubs and magazines, but the lesbians are silent. Except for those fleeting and unrecorded bar conversations.<sup>37</sup>

In keeping with Chris Bearchell's observations about lesbian porn more generally, by-lesbian, for-lesbian S/M porn, too, was largely absent until the early 1980s. The genre was born with the 1981 Samois-edited book *Coming to Power*, which included short stories along with other material. Magazines soon followed, and they can be split into two groups: those that self-identified as S/M publications (such as *Cathexis* and *Outrageous Women*) and those that featured lesbian S/M representations but were more general in purpose (such as *On Our Backs* and *Bad Attitude*).<sup>38</sup> *Lezzie Smut*, *Lickerish*, and *Pornorama*, founded a decade later than these early journals, followed the latter tradition. An examination of the magazines' content reveals them as publications serving three purposes. One was arousal, much like the porn produced in the Gay Leather and American Fetish traditions. Another was to exert the right to sexual self-representation in keeping with early-1990s dyke culture as a whole. But perhaps more politically explicit was the magazines' aim to resist and vocally protest Canada Customs censorship of S/M representation. These purposes blended seamlessly within the magazines' content.

*Lezzie Smut* was launched with a clearly stated political purpose. The first

issue's introductory editorial, entitled "Show Us Yours," reads:

We made it for you, to get you off, to get you thinking, to get you to write, take pictures, take chances. We made it for us too, because we wanted smut. We wanted flesh skin lips sex. And sucks gals, as we all know porn for women by women is hard to come by on this side of the border. We made it because it's the best way to fuck over Canada customs, to refuse to let them limit our desires. We made it because this city needs a space for dykes to see themselves ... So submit already ... Your cuntry needs you. 'Cumon, you know you want to. It only hurts the first time.<sup>39</sup>

In short, the magazine aimed to make a statement of resistance against Canada Customs, create a space for the development of local and national dyke sexual culture, and provide sexual stimulation to its readers. Ross describes *Lickerish* as having a similar political purpose, noting that, when she interviewed co-editor/publisher Jennifer Gillmor in early 1994, Gillmor "cited the 1993 obscenity ruling against *Bad Attitude* (which continues to publish her photographs) as instrumental in her decision to launch her own queer sex magazine."<sup>40</sup> In the introduction to the first issue of *Lickerish*, Gillmor writes:

Janet [Lee Spagnol] points out how ludicrous it is that we are not permitted to be exposed to things existing legally so few miles south of us. She also points out the frustration as a consumer of knowing that virtually all our pornography is imported and therefore, not specifically culturally relevant to us. *Lickerish* is our statement against the criminalization of art and desire. The recognition of the frustration was our catalyst in deciding that we need our own forum in Canada for explicit work by women and men from varying sexual deviations.<sup>41</sup>

For its part, *Pornorama* took a much more sexually blunt, and at first less explicitly political, approach to its mission. The short editorial by "Luscious Lava" on the first page of Issue 1 reads simply: "Welcome to the first issue of *Pornorama*, a stroke 'zine for all sexual dissidents. The point is to turn you

on, and if it doesn't, send me something which does."<sup>42</sup> In the zine's second issue, Nairne Holtz (now writing under her real name) kept with that stated purpose, but she nonetheless recognized the problematic political context in which she was attempting to carry off her down-to-earth mission:

I presented the first ish of *Pornorama* with the attitude that if you couldn't deal, it was your fucking problem. But the fact is, I could be prosecuted under section 163 of the Canadian Criminal Code for presenting sex in conjunction with pain, submission and the threat of violence.<sup>43</sup>

I now examine exactly how all three magazines handled this presentation of sex, pain, submission, and the (fictional) threat of violence – in other words, S/M – and how much S/M content they each featured. I consider that the magazines' visual images represent dyke S/M or leather if they depict two or more women in a sexual interaction within overt or implied situations of eroticized power or status differentials; if they depict "painful" stimulation; or if they depict women with leather, chains, whips, paddles, bondage gear or rope, body piercings, or other classic S/M accoutrements. By this definition, 46 percent of the images shown in *Lezzie Smut* featured recognizable S/M motifs and themes, as did 19.5 percent of those in *Lickerish* and 37 percent in *Pornorama*. Note that *Lickerish* and *Pornorama* also both published content by and about men, so if we move outside dyke-specific S/M visual representation, S/M imagery more broadly was as high as 91 percent in Issue 1 of *Pornorama*.<sup>44</sup>

As for the magazines' written content, I consider that articles and stories feature representations of S/M or leather if they contain scenes that fit the same definition I use for the visual content; or if their primary purpose is political and they contain statements that defend the right to S/M practice, expression or portrayal. S/M content appeared in 54 percent of the texts overall throughout *Lezzie Smut*'s print run, a figure even higher than that of visual S/M representations. In *Lickerish*, 33 percent of the texts featured recognizable S/M dyke motifs and themes, as did 55.5 percent of those in *Pornorama*.<sup>45</sup>

The three magazines predominantly featured a mix of erotic short stories and photography. *Lezzie Smut* featured how-to articles on topics such as

bondage knots as well as non-fiction essays about sexual politics and the ongoing controversy over Canada Customs' censorship practices. *Lickerish* and *Pornorama* featured far fewer non-fiction essays. Explicit depictions of genitalia were rare, with most visuals simply celebrating nudity and pleasure; penetration was shown at a distance, if at all. That said, *Lickerish* took more risks, especially in its second issue, which featured several spread-legged shots of performer/activist/scholar Shannon Bell in full ejaculation.

In all three publications, the writing was far more daring than the visual content. Still, the photographs and drawings provided a sense of what sort of written content a reader could expect. Five out of *Lezzie Smut*'s eight front-cover images conveyed clear depictions of leather culture or S/M sexuality, from pierced and tattooed dykes wearing leather jackets to tongue-kissing women in thick leather collars; and three out of eight back covers feature such imagery as well, with women in chain-and-leather bras and dykes on motorcycles.<sup>46</sup> Not all the images featured S/M imagery as a focal point, though many did; but even in images in which the main focus was not S/M, I argue that the casual presence of such elements indicates an understanding of their popularity in the lives or fantasies of the magazines' producers and readers.

Numerous S/M themes appeared in the magazines, but a few came up quite consistently. They included fantasy scenarios of force, threat, and other forms of coercion; and blood, cutting, and other painful physical sensations. Two more specific themes bear mentioning individually. The first is fisting, or the practice of inserting an entire hand into someone's vagina or anus (though in the case of these three magazines, always the vagina). Fisting took centre stage both inside and outside S/M-themed stories; it probably ranks as the single most popular sex act to be described, above oral sex, vaginal penetration by other means, and anal penetration. The second extremely popular theme was power role flipping, a narrative that occurred across a range of power pairings. The flipping of a butch top by a femme bottom occurred frequently, along with flips in the expected power dynamics between characters who were white and racialized, transgender and cisgender, younger and older, and student and teacher, among others.

Interestingly, there is a distinct discrepancy between the prevalence of S/M representation in the magazines and the lack of any declaration of an S/M-specific mission. What are we to make of this? I can offer three

hypotheses.

My first hypothesis is that dyke sexual culture by and large was simply very interested in S/M in the early 1990s. In a crucial insight into the representation of dyke S/M fantasy, communications scholar and queer film festival director Katharine Setzer writes:

It is important to state ... that such a body of expression develops through parallel, rather than tangential or isolated, productions within the spheres of academic inquiry, creative fiction and media art (film/video) representations. New ideas and new representations are not created in vacuums, and as in any evolution, each new tale builds upon the previous one, influencing and inspiring twists and turns in the growth of such narratives of dyke SM sexualities and identities.<sup>47</sup>

In keeping with Setzer's theory, I argue that *Lezzie Smut*, *Lickerish*, and *Pornorama* were neatly sandwiched between earlier and more cautious Canadian lesbian photography and video efforts (such as the late-1980s work of Vancouver's Kiss and Tell) and later video and written work that was more explicit (such as the dyke porn videos made in the late 1990s, including *Pornograflics* in Toronto and *Classy Cunts* in Montreal).<sup>48</sup> All these productions, irrespective of genre and medium, explored various facets of sexuality, including but not limited to S/M. These magazines marked a turning point in lesbian sexual expression in Canada, with S/M as a key element but not as a cordoned-off category. The surge of interest in sadomasochism that was emblematic of early 1990s dyke culture may have meant that it was simply unnecessary to make a specific statement about catering to S/M interests; dykes were exploring sexuality broadly, and, within such a climate, it was simply understood that S/M was standard fare, right along with dildos and sex toys, gender play, non-monogamy, and porn itself.

My second hypothesis concerns the magazines' Canadian context. Canadian dyke S/M has historically maintained relatively close ties to American dyke S/M culture due, in part, to geographic proximity. Major urban centres from each country are relatively close, such as Vancouver and San Francisco, and dykes travel between them for S/M events. Note also the significant cross-over of leatherdyke cultural production and consumption.

For example, the popularity of Califia's S/M erotica in Canada, and the Boston-based *Bad Attitude* magazine's ties with Toronto photographer Jennifer Gillmor, illustrate the extent of this crossover.

Nevertheless, if we take Cole at her word, dyke S/M representation in Canada may have generated a less vicious anti-S/M feminist response here than it did in the United States. The Canada Customs censorship trials of the early 1990s prominently targeted dyke S/M materials, but they also targeted a wide range of other queer representations – a situation that may have created a sense of solidarity among queers and mitigated anti-S/M sentiment, dampening the need to stake out S/M-specific cultural territory. For example, at the Little Sister's trial, a major 1994 Supreme Court challenge to Canada Customs' censorship targeting gay and lesbian bookstores, veteran (and very vanilla) Canadian lesbian author Jane Rule delivered a principled defence of Pat Califia's dystopian S/M erotic novel *Doc and Fluff*:

This I found a ... difficult book to deal with ... It seems to me ... this is a book where the whole notion of purpose must be concentrated on. I think it is a moral book ... In my opinion, Pat Califia is not a fine stylist, she's very crude. She can be sentimental, she can be over-simplistic. But she is asking all the right questions. She is asking about the nature of power, she is asking about the nature of bondage, she is asking us about the darkest things in ourselves. And if we don't agree with some of her answers, we have to admit that the questions are the right ones.<sup>49</sup>

Certainly, tension and conflict existed between the various gay and lesbian sexual and political factions; and certainly, many S/M dykes adopted a strong and visible S/M identity. Still, the need for solidarity was reflected in the porn magazines in that the producers' aim was more to rally the community than to stake out and defend specific erotic territory within it. This stands in contrast to the US-based lesbian S/M publications founded during the Sex Wars, which often reflected that bitter struggle within lesbian communities.<sup>50</sup> Although S/M took centre stage much of the time in the Canadian magazines, to narrow their topic focus to S/M alone would not have been in keeping with their broader erotically celebratory and anti-censorship mission.



My final hypothesis is that, independently of the effects of censorship, leather and S/M sexuality and community formation may simply function differently in Canada than in the United States, and this is reflected in the magazines' relative nonchalance regarding S/M. I attribute this to historical and cultural factors. According to Bienvenu, a network of gay men's leather communities began to emerge in the United States in the 1950s, with a focus on biker and "butch" aesthetics.<sup>51</sup> This hypermasculine aesthetic was epitomized in what he calls the "leather uniform," which "included conventions reminiscent of rules for military dress."<sup>52</sup> He also notes that, at an influential early leather bar, "leather attire was formalized in a 'heavy code' of leather/levi or military uniform."<sup>53</sup> The military aesthetic and draw to military-style conventions still strongly influence US gay leather communities today and extend to US leatherdyke communities as well. Examples of this influence include a strong inclination towards symbols of community belonging, such as club patches, titles, and formally structured leather families; the pronounced, continued popularity of military and uniform fetishism; and a clear sense of American patriotism, such as singing the national anthem at the opening ceremonies of major leather events.

In contrast, backpatch clubs are almost unheard of among Canadian S/M dykes, uniform fetishism is much less common, and the mere suggestion of singing Canada's national anthem, "O Canada," at the opening of the annual leatherdyke event I co-organize in Ontario would be greeted with laughter. The investment in patriotic, military-style group belonging among leatherfolk is simply much less present in the Canadian context. With this in mind, I suggest that dyke porn producers in Canada did not feel a need to make a declaration of proud leather identity the focus of their work, even if they took a strong interest in S/M practice and used S/M to make political statements. Instead, due to their shared experience of government persecution, they were more invested in forging and demonstrating political ties with Canadian queer sexuality and anti-censorship advocates.

Pornography has expanded into, and is often said to drive the development of, every new form of media that has emerged over the centuries. The popularity of a given medium of delivery may shift or fade over time; however, by and large, new media add on to the old but do not entirely supplant it. While today I could "sext" a lover or download amateur porn online in a few clicks, I could also open a copy of De Sade's *Juliette*,



which remains in print today, alongside many contemporary erotic novels, the spectacularly popular *Fifty Shades of Grey* being a recent example. While it is well understood that, alongside their non-pornographic counterparts, many porn magazines have folded with the rise of digital media, I hesitate to subscribe to a linear narrative that claims the porn magazine is dead.

Embattled, earnest, and erotically inspired, *Lezzie Smut*, *Lickerish*, and *Pornorama* provide a small but crucial window into a key period in the development of Canadian dyke sexual culture, and the place of S/M within it – simultaneously as a target for censorship and a form of resistance to censorship, along with being of cultural and erotic value. Like the proverbial canary in a coal mine, the early death of these magazines – ineligible for government funding, challenged in terms of finding advertising revenue, dependent on volunteers and catering to a small market – foretold the current state of print magazines at large. The advent of the internet, along with the rise of queer film production, film festivals, and erotic book publishing, are major factors explaining the brevity of these magazines' lifespans. Nevertheless, the story is not that simple.

In theorizing that the rise of pornography over the centuries is linked via a complex relationship with the rise of democracy, Lynn Hunt writes: "Pornography seems not to have been just a tactic of democratic propaganda, but a variable arm of criticism whose use was shaped by local circumstances."<sup>54</sup> The magazines I discuss here were part of a centuries-old tradition of using pornography as a tool for criticizing the state, and they were very much embedded in the Canadian political context of the early 1990s. As such, rather than looking only to media trends as an explanation for their demise, we must also acknowledge the sometimes difficult-to-quantify operation of classic mechanisms of power and privilege in hastening the close of these publications – the homophobia, misogyny, and mainstream capitalism, both at large and specifically empowered by state regulation, as well as the sex-negative, anti-porn, and anti-S/M forces, both feminist and mainstream, that cast women's graphic pursuit of sexual pleasure and power as sick and wrong. While *Lezzie Smut*, *Lickerish*, and *Pornorama* fell victim to all these forces, they triumphed nonetheless, marking the beginning of a period in which Canada Customs border censorship – while still problematic – has drastically ebbed, and S/M dyke sexual representation and community building in Canada have seen ever-increasing growth.

## Notes

- 1 S/M stands for sadism and masochism, or sadomasochism. For the purposes of this chapter, I do not draw strict distinctions between these terms and others such as “leather” and “fetish,” although in practice each term does have its own range of rich meanings and subcultural usages. [Return to text.](#)
- 2 Lynn Hunt, “Introduction,” in *The Invention of Pornography: Obscenity and the Origins of Modernity, 1500–1800*, ed. Lynn Hunt (New York: Zone Books, 1993), 10. [Return to text.](#)
- 3 *Ibid.*, 30, 19. [Return to text.](#)
- 4 Linda Williams, *Hard Core: Power, Pleasure and the “Frenzy of the Visible”* (Berkeley: University of California Press, 1989 [expanded paperback edition, 1999]), 60. [Return to text.](#)
- 5 *Ibid.*, 85–88. [Return to text.](#)
- 6 Donald W. McLeod, *A Brief History of GAY: Canada’s First Gay Tabloid, 1964–1966* (Toronto: Homewood, 2003), 15–16 and 75; Donald W. McLeod, *Lesbian and Gay Liberation in Canada: A Selected Annotated Chronology, 1964–1975* (Toronto: ECW/Homewood, 1996), 7 and 259. [Return to text.](#)
- 7 David S. Churchill, “Personal Ad Politics: Race, Sexuality and Power at *The Body Politic*,” *Left History* 8, 2 (2003): 114. [Return to text.](#)
- 8 For an incomplete and unconfirmed list of such periodicals, see Wikipedia’s “List of Lesbian Periodicals,” Canada section, [http://en.wikipedia.org/wiki/List\\_of\\_lesbian\\_periodicals](http://en.wikipedia.org/wiki/List_of_lesbian_periodicals). [Return to text.](#)
- 9 Becki Ross, “Tracking Lesbian Speech: The Social Organization of Lesbian Periodical Publication in English Canada, 1973–1988,” in *Women’s Writing and the Literary Institution: Towards a History of the Literary Institution in Canada*, 6th conference (Alberta: Research Institute for Comparative Literature, University of Alberta, 1992), 176. [Return to text.](#)
- 10 See note 8, [http://en.wikipedia.org/wiki/List\\_of\\_lesbian\\_periodicals](http://en.wikipedia.org/wiki/List_of_lesbian_periodicals). [Return to text.](#)
- 11 Ross, “Tracking Lesbian Speech,” 182. [Return to text.](#)
- 12 Donimo, “Whipping Up Controversy: Dyke SM in 1988,” Vancouver Queer History Project website, August 21, 2008, <http://www.queerhistoryproject.com/2008/08/whipping-up-controversy/>. [Return to text.](#)
- 13 *Fugues*, “Qui nous sommes,” <http://www.fugues.com/qui-nous-sommes.html>; University of Western Ontario Pride Library, “Body Politic History Timeline,” <http://www.uwo.ca/pridelib/bodypolitic/bphistory/timeline.htm>; Canadian Lesbian and Gay Archives Periodicals Inventory, [http://clga.ca/collections/periodicals\\_lgbt/PeriodicalsInventoryX.shtml](http://clga.ca/collections/periodicals_lgbt/PeriodicalsInventoryX.shtml). [Return to text.](#)
- 14 See <http://clga.ca/periodicals/a> lists; Annabelle Blais, “*Fugues* à travers le temps,” *Journal Metro*, July 26, 2012, <http://journalmetro.com/dossiers/special->

- [gai/128175/fugues-a-travers-le-temps/](http://gai/128175/fugues-a-travers-le-temps/). According to Blais, Martin Hamel launched *Fugues* almost immediately after *Attitude* ceased publication. However, while the magazines' content may have been similar, *Attitude* never achieved *Fugues*' popularity. [Return to text.](#)
- 15 Rick Bebout, *On the Origins of The Body Politic: 1971 (& before) to 1974 (& beyond)*, <http://www.rbebout.com/oldbeep/intro.htm>. See also Churchill, "Personal Ad Politics." [Return to text.](#)
- 16 Brent Ingram, "Spreading the Word: An Incomplete History of West Coast Queer Print Media," *Xtra West* 132 (September 3, 1998): 16. <http://gordonbrentingram.ca/scholarship/wp-content/uploads/2009/02/ingram-1998-spreading-the-word-an-incomplete-history-of-west-coast-queer-print-media.pdf>. [Return to text.](#)
- 17 Susan G. Cole, "From Ms. to S/M," *Fireweed* 13 (July 1982): 118–23. [Return to text.](#)
- 18 Chris Bearchell. "Art, Trash and Titillation: A Consumer's Guide to Lezzy Smut," *The Body Politic* 93 (May 1983): 29–33. [Return to text.](#)
- 19 Tom Warner, *Never Going Back: A History of Queer Activism in Canada* (Toronto: University of Toronto Press, 2002), 266–75. [Return to text.](#)
- 20 Brenda Cossman and Shannon Bell, "Introduction," in *Bad Attitude/s on Trial: Pornography, Feminism and the Butler Decision*, ed. Brenda Cossman, Shannon Bell, Lise Gotell, and Becki Ross (Toronto: University of Toronto Press, 1997), 3–4. [Return to text.](#)
- 21 Ibid. [Return to text.](#)
- 22 Ibid. [Return to text.](#)
- 23 "image+nation, Montréal's international LGBT film festival, celebrates two decades," press release, November 1, 2007; "About Us" section, <http://www.insideout.ca/about-us>; "Backgrounder" section, Vancouver Queer Film Festival, <http://www.queerfilmfestival.ca/content/BACKGROUNDER/658>. [Return to text.](#)
- 24 *The Canadian Encyclopedia*, "Ann-Marie MacDonald," <http://www.thecanadianencyclopedia.com/en/article/ann-marie-macdonald/>. [Return to text.](#)
- 25 Alison Bechdel, FAQ section, <http://dykestowatchoutfor.com/frivolous-aimless-queries>. [Return to text.](#)
- 26 Maria Pramaggiore, "Fishing for Girls: Romancing Lesbians in New Queer Cinema," *College Literature* 24, 1 (1997): 59–75. [Return to text.](#)
- 27 See, for instance, Joan Nestle, ed., *The Persistent Desire: A Femme-Butch Reader* (Boston: Alyson, 1992). [Return to text.](#)
- 28 Susan Stryker, "Queer Nation" definition, [http://www.glbtqarchive.com/ssh/queer\\_nation\\_S.pdf](http://www.glbtqarchive.com/ssh/queer_nation_S.pdf); Lesbian Avengers, "An Incomplete History," <http://www.lesbianavengers.com/about/history.shtml> [Return to text.](#)
- 29 Teresa de Lauretis, "Queer Theory: Lesbian and Gay Sexualities," *Differences: a Journal of Feminist Cultural Studies* 3, 2 (1991): iii-xviii. [Return to text.](#)
- 30 The Bangarang Collective, "Out of the Closets, into the Libraries" zine,

- [http://archive.qzap.org/index.php/Detail/Object/Show/object\\_id/109](http://archive.qzap.org/index.php/Detail/Object/Show/object_id/109) ; Lucy O'Brien, *She-Bop II: The Definitive History of Women in Rock, Pop and Soul* (New York: Continuum, [1995], 2002), 161. [Return to text.](#)
- 31 Elise Chenier, "Lesbian Sex Wars" definition, [http://www.glbtcarchive.com/ssh/lesbian\\_sex\\_wars\\_S.pdf](http://www.glbtcarchive.com/ssh/lesbian_sex_wars_S.pdf). [Return to text.](#)
- 32 See Susan Wright, "Discrimination of SM-Identified Individuals," in *Sadomasochism: Powerful Pleasures*, ed. Peggy J. Kleinplatz and Charles Moser (Binghamton, NY: Haworth Press, 2006), 219–24. [Return to text.](#)
- 33 Alex Warner, "'Where Angels Fear to Tread': Feminism, Sex and the Problem of SM, 1969–1993" (PhD diss., Rutgers University, 2010), 204. [Return to text.](#)
- 34 See <http://www.dellagracevolcano.com/> and <http://www.queerculturalcenter.org/Pages/Ope/OpeiBio.html>. [Return to text.](#)
- 35 Robert Bienvenu, "The Development of Sadomasochism as a Cultural Style in Twentieth-Century United States" (PhD diss., Indiana University, 1998), 1–2, 229. [Return to text.](#)
- 36 Warner, "Where Angels Fear to Tread," 29–30, 52. [Return to text.](#)
- 37 Rosenjoy, "Sado-Masochism: The Theory and the Practice," *Gay Community News*, ISS (February 7, 1976) 10, located in Lesbian Herstory Archives, Vertical Files "Sexuality-S/M," cited by Warner, "Where Angels Fear to Tread," 47. [Return to text.](#)
- 38 Warner, "Where Angels Fear to Tread," 166. [Return to text.](#)
- 39 "Show Us Yours," *Lezzie Smut* 1 (September 1993): 4–5. [Return to text.](#)
- 40 Becki Ross, "'It's Merely Designed for Sexual Arousal': Interrogating the Indefensibility of Lesbian Smut," in *Bad Attitude/s on Trial: Pornography, Feminism and the Butler Decision*, ed. Brenda Cossman, Shannon Bell, Lise Gotell, and Becki Ross (Toronto: University of Toronto Press, 1997), 189–90. [Return to text.](#)
- 41 Jennifer Gillmor and Lee Spagnol, "Thanks for Letting Us Lick You with Our Brand New Lickerish!" *Lickerish* 1 (Winter 1994): 1. [Return to text.](#)
- 42 Luscious Lava, "Editorial," *Pornorama* 1 (Winter 1993): 2. [Return to text.](#)
- 43 N. Holtz, "Editorial and Reviews," *Pornorama* 2 (1994): 2. [Return to text.](#)
- 44 These percentages were determined using a straightforward count of the total number of content (not advertising) images in the full-print run of each magazine, followed by a tally of the S/M-specific ones. [Return to text.](#)
- 45 These percentages were determined using the same approach as that used for images. [Return to text.](#)
- 46 *Lezzie Smut* 3 (1993), front cover; *Lezzie Smut* 8 (early 1996), front and back covers; *Lezzie Smut* 4 (1994), back cover. [Return to text.](#)
- 47 Katharine Setzer, "Playing On-Line: Sexual Subjectivity, Gender Play and the Construction of the Dyke SM Fantasy" (MA thesis, Concordia University, 2000), 8–9. [Return to text.](#)
- 48 See Thomas Waugh, *The Romance of Transgression in Canada: Queering Sexualities, Nations, Cinemas* (Montreal and Kingston: McGill-Queen's University Press, 2006), 240 and 247–48. [Return to text.](#)
- 49 Jane Rule, *Detained at Customs: Jane Rule Testifies at the Little Sister's Trial*

(Vancouver: Lazara Press, 1995). [Return to text.](#)

50 While debates over lesbian and feminist sexuality spread throughout Canada, the United States, and the United Kingdom, some of the Sex Wars' most vocal figures were based in the United States, such as radical feminists Andrea Dworkin and Catherine MacKinnon, and sex radical Patrick (formerly Pat) Califia. As well, perhaps the most famous and most acrimonious confrontation of the Sex Wars occurred at the Barnard Conference in New York City in 1982. See Chenier, "Lesbian Sex Wars." [Return to text.](#)

51 Bienvenu, "Development of Sadomasochism," 220–21. [Return to text.](#)

52 Ibid., 227. [Return to text.](#)

53 Ibid., 249. [Return to text.](#)

54 Hunt, "Introduction," 43. [Return to text.](#)

# 10

## Safe Sex Work and the City

### Canadian Sex Worker Activists Re-Imagine Real/Virtual Cityscapes

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*Shawna Ferris*

One of the primary concerns of sex worker activists around the world is the removal of laws that criminalize sex workers and their clients. As a recent Supreme Court of Canada decision highlighted,<sup>1</sup> laws that criminalize sex workers marginalize and further stigmatize an already marginalized and stigmatized population, leaving them especially vulnerable to extreme violence.<sup>2</sup> In the contexts of this fight to decriminalize and destigmatize their work – and thus to make themselves safer – sex worker activists also struggle to humanize themselves to hostile journalists, politicians, police, courts, and a wider public.

Currently, dominant cultural bias allows politically engaged sex workers few public forums through which to resist their sociocultural marginalization. Nonetheless, for decades now (since at least the advent of the black civil rights movement), a growing transnational sex workers' rights movement has engaged in an increasingly visible resistance project. The dominance of anti-prostitution messages and groups in culture and media forces sex worker advocacy to employ more innovative, or at least less traditional, means of garnering support and communicating with a wider public than anti-sex work groups need employ. Going online to achieve these ends, sex workers join an emergent tradition of grassroots activists harnessing increasingly interactive and collaborative web-based technologies to foster community and organize a variety of public interventions aimed at promoting and protecting human rights. This chapter traces the ways that the Sex Workers Alliance of Vancouver (SWAV), which disbanded in 2005,<sup>3</sup> and the Sex Professionals of

Canada (SPOC) use/d on- and offline activism to resist stigmatizing social practices to imaginatively reclaim spaces in Vancouver and Toronto.<sup>4</sup> In doing so, they record histories, cultivate community, and employ digital text and imagery to establish positive connections between themselves, their sex work, and their cityscapes.

Since the rise of the Zapatistas in Mexico in the mid-1990s, “online activist subcultures have materialized as a vital new space of politics and culture in which a wide diversity of individuals and groups have used emergent technologies in order to help to produce new social relations and forms of political possibility.”<sup>5</sup> However, “going online does not by itself subvert the typical, state-sanctioned technocratic modes of authority and governance that have disenfranchised individuals from input into political decisions.”<sup>6</sup> Partially eschewing understandings of computer-mediated communication that reify binaries between on- and offline worlds, critics foreground “spaces of resistance” in which the internet becomes “a work space, social centre and project workshop so that virtual and physical spaces are experienced almost as a single space of communication.”<sup>7</sup> Sex worker activists in Canada operate increasingly in this way.

These activists constitute what may be termed a “subaltern counter-public.” Subaltern counter-publics function as “parallel discursive arenas where members of subordinated groups invent and circulate counter-discourses, which in turn permit them to formulate oppositional interpretations of their identities, interests, and needs.”<sup>8</sup> Nancy Fraser further notes:

In stratified societies, subaltern counter-publics ... function as spaces of withdrawal and regroupment; on the other hand, they also function as bases and training grounds for agitational activities directed toward wider publics. It is precisely in the dialectic of these two functions that their emancipatory potential resides. This dialectic enables subaltern counterpublics partially to offset ... the unjust participatory privileges enjoyed by members of dominant social groups in stratified societies.<sup>9</sup>

SWAV’s and SPOC’s web presences illustrate that the internet constitutes an excellent sphere for subaltern counter-publics to regroup and to develop



agitational political activities, even as their messages are heard in increasingly public and powerful institutions.

Hegemonic representations of, and responses to, sex work indicate that sex worker activists still have a limited sphere of influence in, for example, dominant news media. However, their subaltern status has begun to change. Decades of activism in Canada have resulted in a burgeoning national network of activists increasingly allied with non-sex worker academics, sympathetic police officers and units, lawyers, doctors, journalists, and others. Their expanded scope of influence is evident in the September 2010 ruling by Ontario Superior Court justice Susan Himel in favour of three SPOC applicants who challenged three prostitution-related sections of the Canadian Criminal Code under the Canadian Charter of Rights and Freedoms.<sup>10</sup> Despite largely unsuccessful efforts, most notably on the part of the federal Conservative government and the attorney general of Ontario to appeal this decision, and despite the federal government's subsequent passing of the Protection of Communities and Exploited Persons Act in December 2014,<sup>11</sup> both the Himel decision and the Supreme Court of Canada's 2013 decision reinforcing Himel's position that sections of the Canadian Criminal Code infringe on sex workers' rights to safety and security were important victories.<sup>12</sup>

Canadian sex worker activism constitutes a rich and varied landscape that currently includes an array of web materials produced by organizations such as the BC Coalition of Experiential Women (BCCEW),<sup>13</sup> Downtown Eastside Sex Workers United Against Violence Society (SWUAV), HUSTLE Men on the Move, and SWAV; the Winnipeg Working Group; Toronto's SPOC and Maggie's; Hamilton's Big Susie's; Ottawa's Prostitutes of Ottawa/Gatineau Work, Educate and Resist (POWER); Montreal's Stella and Spectre de Rue; Halifax's Stepping Stone; as well as FIRST and La Coalition pour les droits des travailleuses et travailleurs du sexe. Initiatives such as drop-in centres, Bad Client Lists,<sup>14</sup> legal advice, and tips for dealing with police, news, and research archives demonstrate the commitment of these and other similarly mandated agencies to the well-being of sex workers. Interestingly, while many groups employ Web 2.0 resources, many still rely on the traditional website format, treating their sites as information reservoirs to which they direct others via Facebook, Twitter, or blogging platforms.<sup>15</sup>

SWAV's and SPOC's inclusion on their websites (at the time of writing)

of photographic records of group members that go back a number of years, the political events they organize and attend, and the cityscapes in which these events take place set them apart from the others. Such images are remarkable because, despite the essential legality of the sale of sexual services in Canada, where stigma and existing prostitution-related laws make it relatively risky – even dangerous – for people to “come out” as sex workers. Thus, while all of the groups listed above have web platforms that offer information and services, SWAV and SPOC stand out as long-time risk-takers whose members’ visibility uniquely combats stigma by undermining stereotyped images of sex workers and sex work.

Moreover, advocating for sex workers as integrated members of the communities from which they too often disappear and in which they are consistently robbed and assaulted, SWAV’s and SPOC’s visions of urban community may provide a starting point for what Paul Gilroy describes as a politics of coalition and cohesion. In other words, online sex worker activism practices “conviviality.” While Gilroy discusses conviviality in the contexts of postcolonialism and the failures of multiculturalism, his use of the term to describe “the processes of cohabitation and interaction that have made multiculturalism an ordinary feature of social life” in cities around the world applies in this instance too.<sup>16</sup> Gilroy argues: “The radical openness that brings conviviality alive makes a nonsense of closed, fixed, and reified identity and turns attention toward the always unpredictable mechanisms of identification.”<sup>17</sup> By keeping sex worker and non-sex worker identities in sight, but refusing exclusive divisions along these lines, SWAV and SPOC appear to practise conviviality’s radical openness.

## **SWAV**

A volunteer-run organization active from 1994 to 2005, the Sex Workers Alliance of Vancouver formed to combat the effects of a local “Shame the Johns” campaign. In its own words, SWAV then “set out on a campaign to educate the public in Vancouver and Canada about the human rights issues faced by sex workers and the need to discuss changes to Canada’s criminal laws that prohibit sex work.”<sup>18</sup> In addition to its unique web presence – used to distribute reports, disseminate information and ephemera related to their public awareness campaigns, and to create a fledgling digital archive of sex

work-related news<sup>19</sup> – in the early days of public access to the internet, SWAV circulated a local bad calls list, trained and empowered its members to participate in academic research and conferences, and advocated for prisoners’ rights and a stronger social safety net.

When SWAV disbanded in March 2005, it noted in its accompanying press release that group leaders – who included veteran sex workers’ rights activists Raigen D’Angelo and Andrew Sorfleet – wished to pursue other interests. However, the group’s website remains a significant historical record of political agitation. It also speaks to the costs of exclusively online and exclusively “real world” activism. In a letter to supporters that appeared for a short time on the group’s homepage in 2005, Sorfleet, administrator of the SWAV site, writes:

We have talked in our discussions recently about the high cost of being a public figure – often personal costs which include barriers to advancement in other aspects of our lives. The most obvious example is career change ... But we have never discussed the other side of this equation – the high cost of anonymity. When you are anonymous you forfeit having your own voice. Over SWAV’s decade of history there have been several members who have always kept their support quiet. These members have been unwavering in their support, with their trust, dedication, labour, insightful advice and financial commitment. And never have they ever received any public acknowledgement or gratitude. It is because of these members – helping those of us who have been public figures to be the best that we can be – that SWAV had grown into such a productive and influential organization.

In discussing so candidly the price of publicity and anonymity, Sorfleet foregrounds the ways that public activism both combats and endorses whore stigma. On the one hand, SWAV’s website fosters community by keeping those who wish to remain out of the public eye informed about group activities; on the other hand, stigma reduces member turnout at public “real world” events. As a result, those few members who are “out” lose the protective anonymity larger groups enable, even as they represent a larger subaltern community. In addition, while online and e-mail discussions keep

spokespeople informed, reliance on private digital connections limits the impact of public events as sparse attendance results in a quieter and potentially less influential message.

SWAV's (now) relatively low-tech homepage consists of a few strategically placed graphics, links to relevant news items, and a categorized list of the group's many initiatives to make sex workers' lives and work better. Many links lead to records – some cheeky or humorous, but most extensive and detailed – of the alliance's contributions to municipal, national, and international political activism and research. For example, Sorfleet, as coordinator of SWAV, participated briefly in Social Sciences and Humanities Research Council of Canada-funded research with Maggie's, Stella, and the (now-defunct) Sex Workers Alliance of Toronto.<sup>20</sup> SWAV is also one of the agencies responsible for producing Dan Allman's 1999 book about male sex trade workers, *M Is for Mutual, A Is for Acts*.

In addition, the SWAV site records a number of group solidarity- and morale-building initiatives. For example, photo series provide visual historical records of and stories for/about sex workers in Vancouver. One of the photos one sees after clicking the "Birthday Suit Salute" link on SWAV's homepage is accompanied by the caption, "Andy Sorfleet bares all for Canada's birthday celebration." One in a series of professional-looking colour portraits, Sorfleet appears nude in this photo, except for an over-size top hat printed with the Canadian flag. Sorfleet's patriotic hat, his bare torso, and the "whore love" sticker he holds joyfully include those whose income depends on their sexualized (and often naked) bodies in mainstream patriotic celebrations. Sorfleet's appearing nude *for* his country, in addition to the whore love graphic he holds while inviting his audience's gaze, encourage a wider recognition of his patriotic gesture, inviting non-sex worker viewers to return sex workers' friendly affections.

Given the Canadian public's general intolerance for public nudity, let alone "whores" and pornographic naked poses, however, they/we may not be Sorfleet's primary audience for these pictures. SWAV's graphics, photos and drawings alike, consistently eschew prudishness and regularly feature naked or near-naked people posing seductively or unabashedly engaging in a variety of sexual activities. SWAV unapologetically caters to a specifically identified audience but convivially invites others to enjoy. This photo series, in particular, also asserts the legitimacy of sex workers as Canadian citizens.



**FIGURE 10.1** Andy Sorfleet on “Canada Day 2000 – One Whore’s Birthday Suit Salute!” Photographed by Bill Powers (2001) and posted on SWAV website

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In addition, SWAV records “whore history” in Vancouver. For example, the “Historical sites in Vancouver” link leads to pictures of the building that housed the Penthouse, once the city’s most notorious brothel. The Penthouse closed in 1975 after its owners were charged with living on the avails of prostitution.<sup>21, 22</sup> Marking this period as a significant historical turning point, here one of the captions reads: “This famous bust is said to have been the cause of a large increase in street prostitution. Seymour Street today is Vancouver’s ‘high track’ [or stroll] where Vancouver’s prettiest and priciest

work.” From the perspective of sex workers or police, the Penthouse bust remains a significant moment in Vancouver’s history.

As the caption suggests, the closing of brothels changed but did not eliminate urban prostitution. More sex workers moved outside, where their work is/was both more visible and more dangerous than before.<sup>23</sup> The remaining photographs in this series highlight the perseverance of this population as well as its continued claim to certain sites in Vancouver. Via the SWAV website, the former Penthouse space still belongs to and is characterized by its sex worker population.



**FIGURE 10.2** “The Penthouse – At Dusk, 1019 Seymour Street.” Photographed by Andy Sorfleet (1999) and posted on SWAV website

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Further staking sex workers’ claim to the area, the text introducing another photo on this page describes a paint-bombed advertisement for a local radio station that appeared in the parking lot behind the defunct Penthouse. The ad features a reclining male nude with a phallic object



covering his genitals and whose chest is covered in red paint. He reclines under the caption “Do I look like a hooker to you?” SWAV’s caption describes the paint bombing as “the response from the girls to a smart ass’s idea of a funny rotating billboard in the summer of 1999.” Such images “own” this area for sex workers past and present, recording their resistance to others’ occupation and representation of their workplace. This creates an alternative archive that legitimizes sex workers’ claim to this Vancouver location.

Other photos on the website similarly “flesh out” local history, proving sex workers’ and non-sex workers’ joint ownership of particular Vancouver buildings and streets. For example, they provide pictures of Mescaleros, a restaurant that, SWAV’s writer tells us, was a finishing school, hotel, and prohibition-era brothel. According to SWAV, finishing school students “serviced” hotel guests on evenings and weekends.

The source of this information – a waiter at the restaurant who heard of news clippings found in the building during renovation – makes this history less reliable than that of the Penthouse. However, the legendary quality of the story remains important. As storyteller and critic Thomas King argues, groups develop into close-knit communities through the individual histories they learn of and from one another as well as the communal stories they share.<sup>24</sup> In the face of stigma-laden representations of prostitutes as placeless and voiceless in Canadian culture and history, SWAV documents share alternative histories for sex workers, providing a virtual and geographically grounded community as well as a positive understanding of sex workers’ place in Vancouver and in Canada.





**FIGURE 10.3** “Mescaleros – 1215 Bidwell, at Davie”. Photographed by Andy Sorfleet (1999) and posted on SWAV website

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Significantly, next to the Commercial Sex Information Service (or CSIS), Becki Ross’s *West End Sex Work History Project*, and SPOC’s website, SWAV provides some of the most extensive public records available regarding Canadian sex work–related histories from the last two and a half decades. SWAV’s website serves to legitimize sex work/ers because it includes an archive of projects, research and publications, pamphlets and stickers, and poster-based neighbourhood campaigns. The site also critiques moral discourses that reinforce ideological structures that frame sex workers as outsiders, even in the communities in which they live and work.

As noted above, the site remains in good standing, underlining Sorfleet’s (or another administrator’s) dedication to this activist effort. In addition, as a complete/d digital archive, SWAV’s website remains a useful case study with which to compare the evolving web presences and archives of sex worker

activist groups in existence today.

## SPOC

One of the most intriguing examples of ongoing on- and offline sex worker activism is the Sex Professionals of Canada. Founded in 1983, the volunteer-run SPOC came into being to fight the criminalization of sex work in Canada. As one of its most long-standing members, Valerie Scott, explained in a 2004 interview, “our entire *raison d’être* is to get the federal government to decriminalize sex work.”<sup>25</sup> Online since at least 2004, SPOC advocates on- and offline for the decriminalization of sex work, circulates a Bad Client List, fundraises for its various legal challenges to Canada’s sex work laws, archives its members’ media spots, and – like SWAV – cultivates sex worker community.

As Kahn and Kellner write: “In opposition to the capitalist strategy of globalization-from-above, subcultures of cyberactivists have been attempting to carry out globalization-from-below, developing networks of solidarity and propagating oppositional ideas and movements.”<sup>26</sup> Visually recalling the labour and Black Power movements, while also reflecting its own political starting point, SPOC’s logo – a black-and-white image of a woman with long dark hair who wears a black bustier and opera gloves, and holds her right arm straight above her head, her fist clasped – signals this organization’s dedication to such propagation as well as its pursuit of political networks.

Unlike SWAV’s complete(d) site, SPOC’s website provides regularly updated records of a vibrant association. Begun as CORP, or the Canadian Organization for the Rights of Prostitutes,<sup>27</sup> the Ontario-based SPOC first established its website to disseminate bad client information to sex workers.<sup>28</sup> Such an initiative corresponds with the organization’s rebranding of itself as a *professional* association. While SPOC continues CORP’s advocacy for comprehensive decriminalization of prostitution in Canada, its current name and site envision a post-decriminalization society. The Canadian Organization for the Rights of Prostitutes cannot necessarily approach the courts or government from the same institutionally legitimate position as, for example, the Canadian Medical Association. Perhaps the Sex Professionals of Canada, an association whose title asserts its members’ legitimacy and does not include the culturally loaded term “prostitute,” will

be better able to do so.

At the time of writing, SPOC's simple, low-tech homepage includes information about its successful constitutional challenge to Canadian prostitution laws as well as a mission statement that emphasizes its dedication to decriminalization and to fostering sex worker communities. It also includes navigation buttons on the left sidebar of each page labelled "Meeting Information," "Upcoming Events," "Past Events," "SPOC in the News," "Be A Good Date," "Bad Client List," "Undesirable Clients," "Resources," "Court Decisions," "SPOC's Shop," "Links," and "Contact Us." Clicking on "SPOC in the News" takes visitors to a links page. Each of the twelve hyperlinks on this page leads to records of local and national news spots by SPOC members dating back to 2004. Many of the more recent reports indicate that SPOC's constitutional challenge drew support from an impressive array of allies. The photograph SPOC includes on this page acknowledges one of the more long-standing of these political alliances.

Sex worker activists often highlight connections between politicized lesbians and sex workers. While the feminist Sex Wars offer clear evidence of the fraught relationships sex workers continue to have with non-sex working feminists, sex workers nonetheless established relationships with some politicized lesbian groups in the early days of the lesbian feminist movement of the late 1960s and 1970s. These relationships were further cemented in the 1980s and 1990s, even as some radical feminist anti-prostitution positions became more entrenched and institutionalized. Jill Nagle, sex working editor of *Whores and Other Feminists*, positions sex worker and lesbian feminism alongside one another, noting that the "pariah status" of both sex worker and lesbian identities in dominant North American culture is formed in relation to binaries such as "lesbian/heterosexual, and good girl/bad girl."<sup>29</sup> Nagle draws parallels to Adrienne Rich's assertion that the lesbian/heterosexual binary underlies the choices of all women "since it forces even heterosexual women to be forever vigilant lest their membership in the 'good' category be challenged, as in, 'I could never wear/say/do that; someone might think I'm a dyke!'"<sup>30</sup> Noting that compulsory virtue "informs and constricts women's every move – i.e., 'I could never wear/say/do that, someone might think I'm a whore!'" – Nagle argues that "heterosexual privilege generally functions as a subset of 'good girl' privilege, while lesbianism and prostitution are subsets of 'bad girl' categories."<sup>31</sup> Eve

Pendleton agrees that early lesbian feminism, “which attacked heterosexuality as a social system that maintained the subordination of women,” has much to offer contemporary queer and sex worker cultural critiques.<sup>32</sup> “Since both lesbianism and sex work destabilize heteronormativity, linking the two practices is a critical political and theoretical move.”<sup>33</sup> Lesbian, gay, and queer activists’ efforts to destabilize the “heterosexual economy” by foregrounding and normalizing a diversity of sexualities that undermined the centrality and normalcy of “straightness” and hetero-monogamy in the 1980s and 1990s further cemented political links between sex workers and these communities.<sup>34</sup>

The image SPOC includes on its “SPOC in the News” page speaks to the continuation of such alliances. Pictured are two SPOC members standing on an urban street in the summer, holding signs that read “Hookers and Dykes Unite in the Fight for Our Rights” and “Keep Your Laws Off My Body/ Support Your Local Prostitutes/ End Violence Against Women.” The caption below reads “Valerie & Patricia at Dyke March. June 22 2007, Toronto.” Current legal coordinator and former SPOC/CORP executive director Valerie Scott – the woman holding the “Hookers and Dykes Unite” sign – is a thirty-year veteran in the sex industry. She has been involved in Canadian sex worker activism since the mid-1980s. Though Scott identifies as straight, many of the news spots linked on this page note her political and professional involvement with lesbian and gay communities over the years. This record of SPOC’s attendance at a 2007 Dyke March offers a strategic visual nod to the organization’s ongoing connections to politicized lesbians.

Moreover, the combined use of the terms “hooker” and “dyke” on Scott’s placard signify the depth of alliances between politicized sex worker and lesbian communities. As many of us are well aware, “hooker,” like “dyke,” is a powerful word still too often applied as a negative label. By reclaiming words such as “whore” and “hooker,” sex workers are imitating a long-standing political strategy in LGBTQ communities with words such as “dyke,” “fag,” and “queer.” The right to use such powerful discursive signifiers in the process of reclaiming is not easily earned. When sex workers and lesbians refer to one another as whores and dykes, they point to overlap between the groups *and* the insider status allied members of each group possess.

Other sections of SPOC’s website offer further evidence of an

organization that, like SWAV, creates and maintains a politically engaged community. It includes other photographs of SPOC members and details of the political events they organize. At the time of writing, clicking the “Past Events” button takes visitors to a “Past Events and Political Actions” page that lists event titles (as hyperlinks) in chronological order beginning with the most recent (September 22, 2014) and dating back to December 2004. Reading through this list, one sees a sketch of SPOC’s vision as an organization as well as the strategic planning underlying the initiatives undertaken over the past eight years.

In the news, at their events, throughout their website, and in a growing number of social media-enabled forums, SPOC members advocate decriminalization of prostitution and explain how this would benefit them and the wider Canadian public by granting basic human rights to disenfranchised persons. In pursuit of this goal, SPOC demonstrates its dedication to presenting a more nuanced, responsible, and attractive image of sex professionals than mainstream culture generally offers. Event hyperlinks from the last three years lead to information – sometimes including posters and press releases – about on-campus student or faculty-organized talks about prostitution laws. SPOC spokespersons and applicants in the constitutional challenge, Valerie Scott and Amy Lebovitch, are often key participants in these events.

In fact, headshots of Valerie Scott and Terri Jean Bedford (another applicant in the constitutional challenge) are *de rigueur* in the promotional material for these events. Images of University of Toronto Faculty of Law professor Alan Young (one of SPOC’s lawyers in the Supreme Court of Ontario and the Supreme Court of Canada) appear less often in these forums but more often in news features. By including an array of such pictures and promotional materials on its site, SPOC foregrounds more of its political alliances, this time within institutionalized networks of power.

According to SPOC’s web record, from 2004 until 2007, and particularly in the months following the launch of its constitutional challenge in June 2007, its public events were primarily fundraisers and awareness campaigns. Each event record again strategically foregrounds political allies. For example, on June 10, 2007, SPOC held the first of four “Red Light Nights” at Goodhandy’s, a Toronto nightclub. Red Light Nights were both fundraisers for the constitutional challenge and “social night[s] for sex workers and their

friends.”<sup>35</sup> Hosted by Mandy Goodhandy, a local personality SPOC describes as a “she-male sexpot,” the June 2007 special guests – photos of whom appear on the accompanying poster – included Vancouver East NDP MP Libby Davies and Toronto-based burlesque troupe the Saucy Tarts. SPOC’s write-up provides some basic information about its constitutional challenge and briefly introduces and thanks each of the special guests, expressing appreciation for Alan Young, who also spoke at the event. The mixture of institutionally powerful figures and well-known personalities from Toronto’s sexual subcultures coming together to finance and support a case headed for the Supreme Court offers event attendees and website visitors alike evidence of the group’s power-base.

The Past Events page also records SPOC’s “Holiday Pimp Chocolate” initiative, undertaken in December 2005 and designed to illustrate the extent to which sex workers’ personal relationships were negatively affected by Section 212(j) of the Canadian Criminal Code, the so-called “anti-pimping law” (see note 10). For this campaign, SPOC sent chocolate coins to all Members of Parliament. In the accompanying letters, it explained to MPs how the broadness of the law criminalizes sex workers’ loved ones and family dependents: “Under our current laws, receiving this holiday gift ... from the prostitutes of Sex Professionals of Canada makes you a pimp.”<sup>36</sup>

In terms of strategic visual and political self-representation, however, SPOC’s March 3, 2005, rally at Toronto City Hall is perhaps most remarkable. The link, entitled ““Traffic Stopping Hookers’ – International Day to End Violence against Sex Workers,” leads to photographs, a promotional write-up, and a poster. The announcement to the left of the poster-graphic explains:

Currently the only time we’re visible is when a sex worker has been killed[;] only then do we have a name, a family, a history. We are changing that! Prostitutes are refusing silence & invisibility.

Prostitutes, other sex workers and our allies are welcome & encouraged to join us stop[ping] traffic. Wear your most sexy traffic stopping outfit and help turn up the heat on the federal government ... Sex workers will be speaking about work in progress to reform Canadian laws.

The announcement further asserts that those who work in the sex industry shame neither themselves nor their families by “coming out.” Inviting its members to capitalize so publicly on their physical and/or fashionable assets at this daytime rally, SPOC undermines stereotypes of the lone streetwalker working under cover of night.<sup>37</sup> The event also foregrounds the violence so commonly suffered by SPOC’s membership and works to counteract trends that place sex workers in the news only when they have been murdered. Surely stopping traffic with their presence to create dialogue about sex work laws provided journalists with some more positive material.

A selection of images from this rally, now included under this poster, once appeared on SPOC’s homepage and on a former page entitled “Decriminalization vs. Legalization.” These images, by photojournalist John Bonnar, are black-and-white shots of rally attendees. Like many of SWAV’s photos, a close-up image of four female rally attendees smiling and laughing together puts happy, healthy-looking faces on sex workers. This group picture, a variation of which appeared in local alternative *Eye Weekly*’s coverage, no longer appears on the SPOC site. I discuss it here because it appears in other public records and because it is one of my favourite SPOC pictures.<sup>38</sup> It communicates such warmth of feeling among those pictured. So many of the images of sex workers circulating in dominant media forums show solitary women either in serious conversation with journalists about murder and marginalization or working alone (usually with faces blurred or their backs to the camera) on a dark street. This photo, with daylight highlighting women’s faces and the recognizable urban backdrop, insists on sex workers’ “normalcy,” their humanity, and their relationship to and legitimate membership within the larger urban community. Through this rally and other public awareness campaigns, SPOC demonstrates its dedication to presenting a more nuanced, responsible, and conventionally attractive image of sex professionals than we generally see. It asserts sex workers’ willingness to participate in civil society, and it demands for sex workers the same rights, protections, and privileges afforded other Canadians.

Evidence suggests that the “Traffic Stopping Hookers” rally itself was sparsely attended. Like SWAV’s administrators, however, SPOC leaders appear to recognize that dismal turnout at public events is, to a certain extent, a reality for sex worker activists. While community-building and consciousness-raising initiatives undertaken by sex worker activists enjoy



limited immediate success, SPOC's web records enable a virtual readership to experience the hope and pride that accompany the recognition that others care enough to fight for their protection and to consider joining such initiatives in the future.

Alongside Red Light Nights and the Holiday Pimp Chocolate campaign, Traffic Stopping Hookers demonstrates SPOC's focus on decriminalizing prostitution. Furthermore, records of these endeavours celebrate the diversity of voices and talents of SPOC members and their allies, while also valuing play in the contexts of a political movement that is often publicly accessible only in the very serious contexts of extreme violence. Both the laughter and the gravity associated with these initiatives illustrate that sex workers, like non-sex working persons, are multifaceted people who deserve respect, not stigma and violence.

Addressing such violence in a more immediate or practical manner, SPOC's website still includes a regularly updated and publicly accessible Bad Client List. It also regularly updates its "Editorials by SPOC" page, which includes writing by SPOC members responding to local and national news or other events that affect sex workers. At the time of writing, an editorial entitled "Why a [P]ublic Bad Client List?" appears last in the list of editorials and appears to be a collective statement from/by SPOC:

On every other site we have been to, in order to access bad date info you must be a member of the site, with a password, confirmation e-mail, and [you] usually have to prove you are a sex pro.

On this site, all you need to have access to any part of the site is a computer and Internet access ... In fact, this info should be available to anyone who may have any kind of relationship with these men.

SPOC's Bad Client List thus offers increased safety to sex workers as well as to their home and working communities.

While SPOC's stated goals centre on meeting the needs of sex workers, its assertion that SPOC's bad client information is available to *anyone* illustrates its refusal to discriminate against potentially vulnerable people, regardless of profession or personal affiliation. It rejects the most negative

and exclusive aspects of identity politics. The acknowledgment that violent men also prey on non-sex worker citizens illustrates one of the many ways that sex workers and non-sex workers are connected. What is most radically convivial in this instance, then, is the implication that such openness could enable wide-scale reduction in violence against sex workers *and* others.

Despite SPOC, SWAV, and other similarly mandated groups' efforts, sex worker activists are engaged in an uphill battle for decriminalization and destigmatization in Canada. Regardless of growing networks involving sex worker activists and more institutionally powerful groups and individuals, sex work remains a contested element of our society. Partnerships such as those between SWAV and the academics of the former Sex Trade Advocacy and Research group (STAR), or SWUAV and PACE Society, PEERS, WISH, and the Pivot Legal Society,<sup>39</sup> are especially important. Through such partnerships and self-representation, activists advocate for sex workers as integrated members of the communities from which they too often disappear and in which they consistently suffer robberies and assaults. In doing so, SWAV's and SPOC's on/offline visions of urban community provide a starting point for an emergent politics of conviviality, of coalition and cohesion, that exceed the restrictions of insular identity politics both inside and outside of subaltern counter-publics.

## Notes

- 1 See *Canada (Attorney General) v. Bedford*, 2013 SCC 72, <http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/13389/index.do>. The Supreme Court struck down three prostitution-related laws (see note 10 for more detail) and invited the federal government to consider if or how it might introduce new prostitution-related legislation. In June 2014, the ruling Conservative government proposed controversial Bill C-36, the Protection of Communities and Exploited Persons Act; in December 2014, the bill became law. Framed as a change in the underlying intent of Canada's prostitution laws from nuisance reduction to the elimination of prostitution entirely, the new laws were supposedly developed to do as their title suggests. The Conservatives claimed the laws would not target people who sell sex; under this model, sex workers are understood largely as exploited victims in need of rescue. Under the guise of protecting communities from the supposed harms of prostitution, however, the new laws criminalize public communication for the purposes of prostitution; criminalize the purchase of sexual services; criminalize third parties by prohibiting materially benefitting from another person's sex work; and criminalize the advertising of sexual services. [Return to text.](#)
- 2 Research from sex worker groups, academics, and non-governmental organizations around the world points to the decriminalization of sex work as an important step in protecting people from violence. See, for example, Gregg Bucken-Knapp, trans., "Evaluating the Swedish Ban on the Purchase of Sexual Services: The Anna Skarhed Report," in *Nordic Prostitution Policy Reform* (Sweden: Swedish Research Council, 2010); A. Crago, *Our Lives Matter: Sex Workers Unite for Health and Rights* (New York: Open Society Institute, 2008); International Committee on the Rights of Sex Workers in Europe, *The Declaration of the Rights of Sex Workers in Europe* (Brussels: International Committee on the Rights of Sex Workers in Europe, 2005); Pivot Legal Society, *Beyond Decriminalization: Sex Work, Human Rights and a New Framework for Law Reform*, ed. Naomi Brunemeyer, Karen Mirsky, and Sean Rossiter (Vancouver: Pivot, 2006); Pivot Legal Society Sex Work Subcommittee, *Voices for Dignity: A Call to End the Harms Caused by Canada's Sex Trade Laws* (Vancouver: Pivot, 2004); Pivot Legal Society, *The Toolbox: What Works for Sex Workers – POWER* (Ottawa: Pivot, 2012); M.L. Rekart, "Sex-Work Harm Reduction," *Lancet* 366 (2005): 2123–34; WHO, *Toolkit for Targeted HIV/AIDS Prevention and Care in Sex Work Settings* (Geneva: World Health Organization, 2005). [Return to text.](#)
- 3 Not to be confused with SWUAV, Downtown Eastside Sex Workers United Against Violence, a Vancouver-based organization of sex workers and allies. SWUAV, represented by Pivot Legal Society, had planned to bring the second of two Constitutional Challenges to Canada's prostitution laws under the Canadian Charter of Rights and Freedoms. SWUAV was granted intervenor status in SPOC's constitutional challenge, which was heard before the Supreme Court in June 2013. For more

information, see *The Pivot Blog* (Bennett, September 2012) or the Supreme Court of Canada’s online case information for *Canada v. Downtown Eastside Sex Workers United Against Violence, et al.* [Return to text.](#)

4 Gail Pheterson, *The Prostitution Prism* (Amsterdam: Amsterdam University Press, 1996). Pheterson refers to this repugnance as “whore stigma,” a conflation of sex for sale as “selfhood” for sale (11). See Leslie Ann Jeffrey and Gayle MacDonald, *Sex Workers in the Maritimes Talk Back* (Vancouver: UBC Press, 2006). The selling of sexual services thus connotes the perpetuation of and participation – willing or no – in an especially abhorrent form of slavery. Sex workers identify whore stigma as “one of the central issues, and major burdens, for people working in the sex trade” (Jeffrey and MacDonald, *Sex Workers*, 136). [Return to text.](#)

5 Richard Kahn and Douglas Kellner, “New Media and Internet Activism: From the ‘Battle of Seattle’ to Blogging,” *New Media and Society* 6, 1 (2004): 87–95. [Return to text.](#)

6 Wyatt Galusky, “Identifying with Information: Citizen Empowerment, the Internet, and the Environmental Anti-Toxins Movement,” in *Cyberactivism: Online Activism in Theory and Practice*, ed. Martha McCaughey and Michael D. Ayers (New York: Routledge, 2003), 193. [Return to text.](#)

7 Wael Salah Fahmi, “‘Bloggers’ Street Movement and the Right to the City: (Re)claiming Cairo’s Real and Virtual ‘Spaces of Freedom.’” *Environment and Urbanization* 21, 1 (2009): 90 [Return to text.](#)

8 Nancy Fraser, *Justice Interruptus: Critical Reflections on the “Postsocialist” Condition* (New York: Routledge, 1997), 81. [Return to text.](#)

9 *Ibid.*, 82 [Return to text.](#)

10 Basic details of the impugned Criminal Code sections and SPOC’s objections to them are as follows: Section 210, often referred to as the “bawdy house” law, prohibits the keeping of, working in, or occupying of a “common bawdy-house,” or brothel. When enforced, this law prevents sex workers from working together or working indoors. Section 212(2)(j) criminalizes anyone “who lives wholly or in part on the avails of prostitution of another person.” As SPOC highlights in its Holiday Pimp Chocolate Campaign, the law is overly broad. Section 213(1)(c), often referred to as the “communicating law,” criminalizes anyone who “communicates or attempts to communicate” in a public place for the purposes of prostitution. Among other things, this law prevents street-level workers from screening clients and negotiating clearly before getting into cars or moving to more secluded areas. [Return to text.](#)

11 See note 1. [Return to text.](#)

12 The Court of Appeal for Ontario ruled in March 2012, agreeing with much of Himel’s decision, but disagreeing with her regarding the communicating law (see *Canada (AG) v. Bedford*, 2012 ONCA 186). The attorney general of Canada appealed, and the case was subsequently heard before the Supreme Court of Canada in June 2013. At these hearings, SPOC’s legal team expanded to include human rights law specialist Marlys A. Edward as well as Yaron Marzel. The Supreme Court ruled in SPOC’s favour in December 2013, agreeing with Himel that the impugned laws contravene sex workers’

rights under the Canadian Charter of Rights and Freedoms and should thus be struck down. [Return to text.](#)

13 See also the West Coast Cooperative of Sex Industry Professionals. [Return to text.](#)

14 These are detailed lists that include as much information as possible about clients who have robbed, assaulted, or otherwise threatened sex workers. Many lists include dates, times, and locations of assaults as well as physical descriptions, telephone numbers, service preferences, and assault patterns of assailants. [Return to text.](#)

15 It is beyond the scope of this chapter to speculate on the reasons for this. I note, however, that at the time of writing, sex worker activist web communication has begun to change. A comprehensive web log, *Trade Secrets: Health and Safety in the Sex Industry*, operates on the Blogger platform; the BC Coalition of Experiential Communities operates on the Wordpress blogging platform; Victoria's PEERS and Vancouver's PACE Society, Winnipeg's Winnipeg Working Group, Ontario's SPOC, POWER, and Maggie's, and Quebec's Alliance féministe solidaire pour les droits des travailleuse/rs du sexe have recently established Facebook groups; and a number of groups, including SPOC, have Twitter feeds. [Return to text.](#)

16 Paul Gilroy, *Postcolonial Melancholia* (New York: Columbia University Press, 2005), xv. [Return to text.](#)

17 Ibid. [Return to text.](#)

18 "Sex Workers Alliance of Vancouver: End of an Era..." SWAV, 2005, <http://www.walnet.org/csis/groups/swav/endofanera.html> [Return to text.](#)

19 See CSIS: The Commercial Sex Information Service, <http://www.walnet.org/csis/>. [Return to text.](#)

20 Among other things, this project finished and published the sex worker-initiated volume, *Trials of the Sex Trade*, an illustrated guide to the Canadian legal system for sex trade workers who have been arrested and/or charged with prostitution-related offences. A digital version can be viewed via SWAV's homepage or at [http://www.walnet.org/csis/legal\\_tips/trials/index.html](http://www.walnet.org/csis/legal_tips/trials/index.html). It should also be noted that SWAV withdrew from this collaborative project in 2000. Sorfleet explains this decision here: <http://www.walnet.org/csis/groups/swav/letters/star-001206.html>. [Return to text.](#)

21 Over the past century, Canada has established and entrenched Criminal Code sections 210 and 193, sections that outlaw bawdy houses. Under these laws, a "common bawdy-house" is *any* place used for "prostitution or the practice of acts of indecency." Increased government funding in the 1970s facilitated police crackdowns on brothel-based prostitution in cities across Canada in the 1970s and 1980s. [Return to text.](#)

22 "Historical Sites in Vancouver: The Penthouse," SWAV, March 2005, <http://www.walnet.org/csis/groups/swav/historysites/penthouse.html>. See also Becki Ross, *West End Sex Work History Project*, 1975–85, <http://westendsexworkhistory.com/about-us.php>. [Return to text.](#)

23 John Lowman, "Violence and the Outlaw Status of (Street) Prostitution in Canada," *Violence against Women* 6, 9 (2000): 987–1011. [Return to text.](#)

24 Thomas King, *The Truth about Stories: A Native Narrative* (Toronto: Anansi, 2003). [Return to text.](#)

- 25 “Show 32 – Prostitution, Should It Be Legal in Canada?” *The Flirt Show*. Canoe.ca. 3 November 2004. Web/Radio. [Return to text.](#)
- 26 Kahn and Kellner, “New Media and Internet Activism,” 89. [Return to text.](#)
- 27 Deborah Brock and Valerie Scott, “Getting Angry, Getting Organized: The Formation of the Canadian Organization for the Rights of Prostitutes,” *Fireweed: Sex Work Issue* 65 (Spring 1999): 8–21. [Return to text.](#)
- 28 Debra Black, “Prostitutes Identify ‘Bad Dates’ on Website,” *Toronto Star*, August 4, 2005, <http://www.spoc.ca/pm2005.html>. [Return to text.](#)
- 29 Jill Nagle, “Introduction,” in *Whores and Other Feminists*, ed. Jill Nagle (New York: Routledge, 1997), 5. [Return to text.](#)
- 30 *Ibid.*, 4–5. [Return to text.](#)
- 31 *Ibid.*, 6. [Return to text.](#)
- 32 Eve Pendleton, “Love for Sale: Queering Heterosexuality,” *Whores and Other Feminists*, ed. Jill Nagle, 73–82 (New York: Routledge, 1997). [Return to text.](#)
- 33 *Ibid.*, 74. [Return to text.](#)
- 34 *Ibid.*, 73. [Return to text.](#)
- 35 “Red Light Night June 10th 2007,” SPOC, June 10, 2007, <http://www.spoc.ca/perln.html>. [Return to text.](#)
- 36 “Holiday Pimp Chocolate,” SPOC, December 17, 2005, <http://www.spoc.ca/pehpc.html>. [Return to text.](#)
- 37 Shawna Ferris, “The Lone Streetwalker: Missing Women and Sex Work-Related News in Mainstream Canadian Media,” *West Coast Line 53: Representations of Murdered and Missing Women* 41, 1 (2007): 14–24. [Return to text.](#)
- 38 Because one of the women included in this photo is recently deceased and thus unable to grant permission for her image to be used, permissions could not be obtained to reproduce the image here. [Return to text.](#)
- 39 See, for example, Pivot Legal Society, *Beyond Decriminalization: Sex Work, Human Rights and a New Framework for Law Reform*, ed. Naomi Brunemeyer, Karen Mirsky, and Sean Rossiter (Vancouver: Pivot Legal Society, 2006), [http://d3n8a8pro7vhmx.cloudfront.net/pivotlegal/legacy\\_url/275/BeyondDecrimLongRe1345765615](http://d3n8a8pro7vhmx.cloudfront.net/pivotlegal/legacy_url/275/BeyondDecrimLongRe1345765615). See also Pivot’s advocacy for SWUAV’s BC-based constitutional challenge. [Return to text.](#)

# 11

## “Collateral Damage”

### Anti-Trafficking Campaigns, Border Security, and Sex Workers’ Rights Struggles in Canada<sup>1</sup>

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*Annalee Lepp*

“Human trafficking” emerged in public and political discourses in Canada in the late 1980s and 1990s. By the early 2000s, the Canadian government, as a state party to the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (2003), began to establish the requisite state machinery to combat transnational and, recently, domestic trafficking through the introduction of immigration and criminal laws, public awareness and prevention initiatives, and the provision of some assistance measures to persons classified as trafficked. In June 2012, the National Action Plan to Combat Human Trafficking was released. Invoking the strongly critiqued term, “modern-day slavery,” and the Conservative government’s equally controversial “tough on crime” agenda, the then minister of public safety announced that the plan was not only designed to tackle “one of the most heinous crimes imaginable” but also constituted a significant component of the federal government’s “longstanding commitment to protect the vulnerable, tackle crime and safeguard Canadians and their families in their homes and communities.”<sup>2</sup>

In the last decade, a proliferation of Canadian non-governmental organizations (NGOs), faith-based groups, and high-profile national crusaders have also taken up the anti-trafficking cause. Often relying on discourses of “sex slavery,” or what have been described as reconfigured versions of the “white slave trade” narratives of the turn of the twentieth century, most anti-trafficking initiatives and campaigns have sought to address the transnational and domestic trafficking of women and youth for



the purpose of “sexual exploitation.”<sup>3</sup> Notwithstanding international and national legal definitions that specify that, except in the case of minors, threats, coercion, and deception are necessary components of trafficking people into situations of forced labour and servitude in any work sector, prohibitionist forces – in the political and NGO realms – have promoted interpretations that conflate, or tend to conflate, human trafficking and women’s involvement in sex work in general. Contrary to the idea that sex work involving consenting adults constitutes an income-generating activity or form of labour, the former conceptualization is rooted in the notion, articulated by some radical feminists during the Sex Wars of the 1980s, that all female sex work is inherently a form of coercion, violence, and exploitation.<sup>4</sup> As a consequence, sex workers’ rights activists and their allies as well as some migrant justice advocates have been highly critical of the anti-trafficking framework (or specific iterations thereof), arguing that it erases the intersectional differences among sex workers (all genders and sexualities, Indigenous and racialized, migrant and domestic) and their varied experiences working in diverse sectors, and that it constitutes another, and particularly powerful, mechanism deployed by the state and NGOs to pursue anti-sex work and/or anti- migration agendas.<sup>5</sup>

Ongoing debates over the last decade over who constitutes a trafficked person markedly intensified in the context of renewed political and legal deliberations over the reform of Canada’s prostitution laws, most notably during the nationwide hearings of the Standing Committee on Justice and Human Rights’ Subcommittee on Solicitation Laws Review in 2003 and 2005; the Ontario Charter challenge, *Bedford v. Canada*, launched in 2007; and prior to and after the introduction of Bill C-36, Protection of Communities and Exploited Persons Act, in June 2014.<sup>6</sup> In efforts to influence the direction of federal legislation, prohibitionist groups and sex workers’ rights activists mobilized around two main and divergent legal positions. In the name of promoting gender equality and moral values and protecting women and minors from violence, exploitation, and “sex trafficking,” most prohibitionists have supported the eradication of prostitution through the “Nordic model.” This approach involves state and NGO interventions in the form of the decriminalization, rescue, and reintegration of sex workers, and a strong law enforcement approach via the criminalization of male demand – clients and third parties, most notably

“pimps” and “traffickers.”<sup>7</sup> In contrast, as a central demand of the international sex workers’ rights movement, decriminalization is understood as one mechanism to enhance sex workers’ dignity, rights, safety, and working conditions through the repeal of criminal laws regulating adult prostitution, the application of existing labour laws and business codes to sex workers’ activities, and the enforcement of generic Criminal Code provisions to address situations involving violence, coercion, and forced labour.<sup>8</sup>

With this broad context in mind, this chapter traces the development of anti-trafficking legislation, initiatives, and debates in Canada beginning in the 1990s. I start with a discussion of the UN Migrant Smuggling and Trafficking Protocols, which established the framework for the implementation of Canada’s transnational anti-smuggling and anti-trafficking policies. I then explore how, under the guise of “victim protection,” the spectre of transnational trafficking in the commercial sex sector has been mobilized to justify repressive state practices in such areas as enforcement, surveillance, and border controls, which operate within the colonial and neoliberal logics of tightened border and citizenship regimes, as discussed by Cynthia Wright (chap. 12, this volume) and Bobby Noble (chap. 13, this volume). At the domestic level, I also map how sex trafficking within Canadian borders has increasingly taken centre stage on the national political agenda and, again masked in the language of “protection,” has been deployed by politicians and NGOs to challenge and undermine sex workers’ rights agendas and legal demands. With the passage of Bill C-36 in November 2014, the “made-in-Canada end-demand model,” designed to eradicate prostitution and, with it, “sex trafficking,” sex workers’ rights activists and their allies have entered another chapter in their ongoing political and legal struggles to create the conditions in which sex workers can live and work both in safety and with dignity.

### **International Migrant Smuggling and Human Trafficking Protocols**

Print media reports suggest that transnational human trafficking and smuggling began to gain attention in Canada in the late 1980s and 1990s. A growing number of published articles offered sensationalized accounts of the trafficking of women and children into “sexual slavery” in the context of the global South and the former Soviet bloc as well as the smuggling of Third World migrants and asylum seekers to the global North by what were

identified as organized transnational criminal networks. In Canada, a growing sense of political and public urgency around these issues surfaced in the late 1990s, when it appeared that Canadian borders were not immune to such security threats.

In 1997 and 1998, for example, various enforcement agencies conducted a series of high-profile raids of apartment-style brothels and massage parlours in the Greater Toronto Area and in Vancouver. These operations, dubbed Project Orphan and Project Trade, respectively, led to the arrest of the alleged “ringleaders” as well as over seventy-five Malaysian and Thai women on prostitution-related and/or immigration charges. Enforcement officials justified these actions as efforts to rescue the women from “sexual slavery” and to crack down on a suspected “organized crime syndicate” operating in “Asian communities” in Toronto, Vancouver, and a number of US cities.<sup>9</sup> One year later, Project Almonzo, a law enforcement sweep of sixteen Toronto strip clubs, resulted in “600 pimping-related charges and 50 charges under the Immigration Act.” While one Toronto detective emphasized that the intent was to “‘attack’ organizations involved in the trafficking of women for sexual purposes,” “one hundred women from Eastern Europe, Latin America and Asia” were charged as “inmates of a common bawdy house.”<sup>10</sup> Finally, in 1999, the arrival of 599 Chinese nationals on the shores of British Columbia was taken as evidence, by the media and politicians alike, that Canada, “a relative latecomer to this global problem,” had not only become “the linchpin” of a “sophisticated” transnational human smuggling operation but also a preferred destination and transit country due to its supposedly lax immigration laws, generous refugee policies, and poorly patrolled borders.<sup>11</sup>

It was in the context of growing political anxieties about illegal migration and human smuggling, the trafficking of women and children, and transnational organized crime operations that the UN Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, both of which supplemented the UN Convention against Transnational Organized Crime, were negotiated by delegates representing over 120 nation-states over a two-year period (1999–2000). Both treaties entered into force in December 2003/January 2004 and established the framework for state parties’ anti-smuggling and anti-trafficking laws and policies, including those implemented in Canada. As Anne Gallagher notes,

“human rights concerns may have provided some impetus (or cover) for collective action” among state governments, but “the true driving force” behind the aforementioned negotiations was the desire to combat what were cast as pressing national sovereignty/border security threats.<sup>12</sup>

The UN Migrant Smuggling Protocol’s stated intent is to combat “organized criminal groups” facilitating the illegal movement of people across borders for profit. As primarily a law enforcement and border security instrument, the protocol contains little acknowledgment of the root causes or complexities of transnational migration in a global context of human insecurity, dispossession, and displacement and of the desire for enhanced opportunities among people in sending countries. It also does not take into account the fact that transnational migrants more often than not confront repressive im/migration policies, fortress-like border controls, and/or the criminalization of specific labour sectors in preferred destination countries. These factors, as scholars note, create the material conditions in which many migrants, including migrant sex workers, rely on third parties to facilitate cross-border movements.<sup>13</sup> Furthermore, under the protocol, smuggled migrants are accorded minimal rights protections; it includes detailed provisions for their repatriation to their countries of residence, but there is no requirement for receiving states to consider offering them temporary or permanent asylum unless they fall under the definition of Convention refugee.<sup>14</sup>

The UN Trafficking Protocol constitutes the principal international treaty designed to combat trafficking in persons. Like the Migrant Smuggling Protocol, it is primarily a law enforcement and border security tool, with stronger yet discretionary provisions pertaining to the assistance of those persons classified as “victims of trafficking” and, in particular, those who are willing to cooperate with authorities in criminal proceedings against traffickers. During the Trafficking Protocol negotiations in 1999–2000, government delegates and, especially, those representing destination countries were virtually unanimous in their opposition to the adoption of mandatory language in the area of services, and the right to residency status for trafficked persons, due to concerns about the state obligations and costs involved and fears that their availability would encourage “(illegal) migration to their countries.”<sup>15</sup> What distinguished the Trafficking Protocol negotiation process, however, was the “unprecedented” participation of NGOs in the

form of interventions, submissions, and informal lobbying of state delegates. Most of these activities, which involved prohibitionist groups, human rights advocates, and sex worker activists, centred on the contested definition of human trafficking.<sup>16</sup>

The main debate revolved around whether “non-coerced, adult prostitution” should be classified as trafficking. This position was strongly endorsed by some state delegates and by the International Human Rights Network, spearheaded by the prohibitionist organization the Coalition Against Trafficking in Women.<sup>17</sup> Other NGOs, as represented by the Human Rights Caucus, various international agencies, and some government delegates, rejected the conflation of “consensual adult sex work” and trafficking in persons. While the Human Rights Caucus initially lobbied for a gender-neutral protocol (without an exclusive focus on “women and children”) and for the elimination of any mention of prostitution and sexual exploitation in the trafficking definition (on the grounds “that conditions of labor in all industries ... should be addressed” and in an attempt to delink prostitution and trafficking), these efforts were challenged by prohibitionists and garnered little support from state delegates. Simultaneously, the Network of Sex Work Projects, which advocates for decriminalization, officially protested the adoption of an international trafficking protocol, arguing that it amounted to another anti-sex work instrument; however, some members worked in partnership with the Human Rights Caucus in an effort to minimize its harmful effects on the advancement of sex workers’ rights.<sup>18</sup> While these conflicting positions reflect long-standing debates about sex work (conceptualized as violence against women or as a form of labour), in the end, a compromise definition was crafted, in which the terms “the exploitation of the prostitution of others” and “sexual exploitation” were included in the trafficking definition but were left undefined and open to interpretation in accordance with each country’s domestic laws. The distinction between sexual and labour exploitation, however, remains intact.

The protocol definition does specify that human trafficking, regardless of the labour sector, involves three elements (a set of actions – recruitment or transportation; the means – threat, coercion, deception; and a purpose – forms of exploitation).<sup>19</sup> As a gendered construction, however, “victims of trafficking” have largely been associated with the traditional (and often conflated) focus of protection: women and children. Within the context of the

global North, transnational trafficking discourses have also tended to rely on (often racialized) constructions of traffickers as unscrupulous “foreign” criminals who exploit “their women” and on characterizations of migrant women, including sex workers, “as innocent, ignorant, and completely powerless,” who, if deemed to be “genuine trafficking victims” when discovered or “rescued,” are considered deserving of conditional state assistance.<sup>20</sup> Jo Doezema further argues that, “in distinguishing between ‘trafficking’ and ‘voluntary’ prostitution ... the Trafficking Protocol offers nothing to sex workers whose human rights are abused, but who fall outside the narrowly constructed category of ‘trafficking victim.’” In other words, there is “no international agreement [that] condemns the abuse of human rights of sex workers who are not ‘forced.’”<sup>21</sup> Of equal importance, despite the distinction made between “forced” and “voluntary” prostitution in the Protocol definition, the propensity to conflate trafficking and sex work has persisted – either in terms of characterizing all migrant and domestic female sex workers as “trafficking victims” regardless of “consent” or conditions of labour (in the case of prohibitionists) and/or by prioritizing sex trafficking as qualitatively different and the most odious form of exploitation. Such understandings have not only shaped national counter-trafficking strategies and interventions but have also worked to obscure the role of the state, be it through its colonial and immigration policies, labour regulations, or criminal laws, in producing the structural conditions in which the exploitation of migrant and sexual labour occurs and is perpetuated.<sup>22</sup>

### **Transnational Trafficking: Canadian Legislation and Policies**

The Canadian government signed the Migrant Smuggling and Trafficking Protocols in 2000 and ratified them in 2002. Its first initiative, in keeping with its international obligations, was the introduction of criminal sanctions against, and other provisions pertaining to, smuggling and trafficking in the Immigration and Refugee Protection Act (IRPA), which went into effect in 2002. While the federal government had begun a consultative review of the immigration and refugee policy in the mid-1990s, the aforementioned arrival of 599 Fujian migrants in British Columbia in 1999 had a significant effect on its direction. Within the context of the hysteria and racist backlash that was produced and in the face of US criticisms that cast Canada as a “gateway for Chinese criminal gangs” and a “conduit for illegal migrants into the



United States,” the federal government introduced what was characterized as a “tough bill” designed to close “the back door to criminals and others who would abuse Canada’s openness and generosity” and who posed threats to national security.<sup>23</sup>

To achieve these aims, IRPA introduced mechanisms for more stringent border controls by broadening the inadmissibility criteria for immigrants and refugees, increasing penalties for contraventions of immigration laws (e.g., use of false documents and human smuggling), introducing harsh penalties for human trafficking (a fine of up to \$1 million and/or life imprisonment), and strengthening deportation procedures. It also included extended grounds for and enhanced powers of detention, including so-called “protective detention.” In the latter case, this controversial provision applies to persons who are deemed to be “vulnerable to being influenced or coerced” by a “people-smuggling or trafficking-in-persons operation” to not appear “for examination, an admissibility hearing, [or] removal from Canada,” effectively depriving these individuals, including trafficking victims, of their right to liberty and freedom of movement.<sup>24</sup>

Since 2002, this direction in Canada’s immigration policy, with its focus on national security, tightened border controls, managed migration, and criminalizing “undesirable Others,” has been strengthened through further legislation, most notably in the anti-human smuggling, mandatory detention, and amended refugee provisions contained in Bill C-31, Protecting Canada’s Immigration System Act, passed in 2012. These legislative trends, which “favour temporariness over permanency” and affect all categories of migrants, have been sharply criticized by refugee and migrant rights organizations, like the Canadian Council for Refugees (CCR), and migrant justice groups, like No One Is Illegal. In protesting the provisions contained in Bill C-31, for example, the Justice for Refugees and Immigrants Coalition developed a “Protect Refugees from Bill C-31 Joint Statement” that was endorsed by eighty-six organizations. No One Is Illegal dubbed the bill the Refugee Exclusion Act, organized a series of marches and protests, including the occupation of and sit-ins in Conservative MP offices in five major Canadian cities in April 2012, and has continued to be a vocal critic of the federal government’s “escalating deportation and detention apparatus.”<sup>25</sup>

In June 2003, Canada received Tier 2 status in the US State Department’s controversial annual Trafficking in Persons Report, in which most nations of



the world, since 2001, have been ranked into three tiers based on their performance in meeting the United States' imposed minimum standards for combatting and eliminating human trafficking.<sup>26</sup> In February 2004, the US Department of State issued another rebuke in its annual report on global human rights practices, stating that Canada had become a major destination and transit country for human smuggling and trafficking, this being attributed to its "lax immigration laws, benefits available to immigrants, and the proximity to the US border."<sup>27</sup> One month later, the then justice minister announced a series of planned federal anti-trafficking initiatives in such areas as criminal law, dedicated enforcement, increased Canada-US cooperation, and public awareness.<sup>28</sup>

Over the subsequent decade, the federal government steadily established a significant counter-trafficking infrastructure, involving such key departments as public safety, justice, the RCMP, citizenship and immigration, and the Canadian Border Services Agency. In implementing what federal officials identified as a "multi-pronged approach" to combatting trafficking in persons, now enshrined in the 2012 National Action Plan to Combat Human Trafficking, key areas of strategic priority focus on the detection, investigation, and prosecution of transnational and domestic traffickers (via three new Criminal Code offences enacted in 2005, undercover operations, and electronic surveillance), the identification and rescue of "victims," as well as human trafficking prevention, with an emphasis on "at-risk populations."<sup>29</sup>

In the realm of enforcement, as was the case in the late 1990s, periodic raids of massage parlours and residential brothels in cities like Vancouver, Calgary, and Edmonton have constituted one strategy designed to disrupt suspected transnational trafficking operations and to identify and "rescue" women from "forced sexual servitude." According to a 2010 RCMP threat assessment report, between 2005 and 2009 such "takedowns" tended to target "Asian"-owned businesses. The report, however, did acknowledge that "very few investigations were able to successfully identify victims of human trafficking involving bawdy houses operated by Asian organized crime," purportedly due to "the lack of cooperation among sex workers found in Asian massage parlours and residential brothels."<sup>30</sup> Of equal significance, the RCMP report was wholly silent on the fate of uncooperative migrant sex workers (who are at high risk of detention and deportation) and on the

detrimental effects of such investigations on workers employed in such establishments.

In December 2006, for example, in a major joint operation, two hundred RCMP and Vancouver police officers, together with members of the Integrated Border Enforcement Team, conducted raids of eighteen mostly licensed massage parlours located in Metro Vancouver, all of which were suspected of being connected to “the sex trade, organized crime and human trafficking operations.” With representatives from a Vancouver-based women’s organization, well known for its prohibitionist stance, and social service agencies in attendance to “provide immediate support to victims,” 108 people were arrested, handcuffed, photographed, and interrogated, including 78 women. None of the women who underwent this ordeal were deemed to be trafficked persons, and all were Canadian citizens or permanent residents.<sup>31</sup> With the resultant review or suspension of some business licences and the loss of clientele, much of the women’s immediate and future entitlement to work was significantly disrupted. In this case, as in others, there was no consultation with sex worker support organizations, like SWAN Vancouver, which has indicated that, in its work, it has rarely encountered immigrant, refugee, or migrant indoor sex workers in coercive or forced labour situations. Furthermore, there was (and is) no system of accountability or recourse for the women directly affected by the various documented rights violations that occurred during this botched investigation. Highly critical of the operation, Jody Paterson, then executive director of PEERS Victoria, pointed out: “The raids were pitched as a means of reaching out to enslaved women forced into the sex trade against their will ... The raids were sold as rescues, but nobody was looking to be saved ... The only ones who feel the pain are the women who work in the sex trade, who will once again go looking for even darker corners to escape the scrutiny of police.”<sup>32</sup>

The federal government has also instituted various transnational trafficking prevention measures. These have included the provision of targeted information to those deemed to be “vulnerable populations” (e.g., temporary foreign workers and international students) and the dissemination of public awareness materials abroad and in Canada, such as the RCMP’s multilingual “Here, You Have Rights” poster campaign. Another strategy adopted by governments in both origin and destination countries involves implementing policies designed to restrict women’s mobility and cross-

border movements in the name of protecting them from potential exploitation and abuse. This approach is premised on the assumption that reducing or stopping the flow of women's labour migration, without considering the underlying causes of cross-border movements, will solve the problem of trafficking in women. What this logic does not take into account is that hindering women's right to migrate does not prevent or curb reliance on third parties and illicit channels to facilitate migration but, rather, has the potential to drive these processes further underground.<sup>33</sup>

In 2007, this protective and preventative rationale was invoked when the then minister of citizenship and immigration introduced Bill C-57, which would grant immigration officers discretionary powers "to refuse to authorize foreign nationals to work in Canada if they [were] deemed to be at risk of ... being subjected to humiliating or degrading treatment, including sexual exploitation," or "who may be vulnerable to human trafficking." While the bill was lauded by some prohibitionist and anti-trafficking organizations because it targeted the controversial temporary exotic dancers' work visa program, the CCR opposed the initiative, asserting that "having immigration officers decide that women should be kept out of Canada for their own good is paternalistic." Various sex worker and exotic dancer advocacy groups, such as Stella, NakedTruth.ca, Dancers' Equal Rights Association, and Exotic Dancers Association, further argued that "the government should target exploitation in strip clubs by improving workplace standards in those environments rather than targeting the women who apply for those jobs." The bill, they added, "may harm the very people it is trying to help by driving foreign exotic dancers" to resort to illegal channels to facilitate migration and "into underground establishments where they will be beyond the reach of those monitoring workplace health and safety standards."<sup>34</sup>

The aforementioned bill was reintroduced four times in subsequent years and continued to be the focus of debate among politicians and anti-trafficking advocates as well as among migrant rights, sex workers' rights, and exotic dancers' organizations. In July 2012, Jason Kenney, then minister of citizenship, immigration and multiculturalism, announced that, effective immediately under Bill C-10, an omnibus crime bill, "all businesses related to the sex industry" would be barred "from accessing the Temporary Foreign Workers Program." Furthermore, in an effort "to plug a potential loophole," he added: "foreign nationals issued new open work permits – which normally

would allow people to work for any employer – will be restricted from working in these sectors through a condition inserted into their work permits.” While failing to mention that, as of December 2012, there were 338,189 temporary foreign workers labouring in a broad spectrum of state-sanctioned sectors in which exploitation, abuse, and indentured servitude have been well documented, Kenney offered the following rationale: “I think that we could all agree that Canada’s immigration system should not be used or abused to exploit vulnerable people ... People brought into Canada to work as exotic dancers or escorts are particularly at risk of being exploited or abused. Denying these sectors access to temporary foreign workers will help to protect vulnerable applicants by keeping them out of these types of situations in the first place.” Protective anti-trafficking rhetoric aside, this blatant anti-sex work migration control measure definitively shut down one licit channel available to migrant women/sex workers with the goal of hindering their future migration. It also mandated that all existing temporary worker visas of the approximately seven hundred exotic dancers working in the country, regardless of their circumstances in Canada or at “home,” would be cancelled, seemingly as a mechanism to permanently remove “undesirable foreign nationals” working in stigmatized labour sectors.<sup>35</sup>

### **Domestic Trafficking and Debates over Canada’s Prostitution Laws**

Since 2006, the domestic trafficking of Indigenous and non-Indigenous women and youth for the purpose of sexual exploitation has received growing attention among politicians, law enforcement, and NGOs.<sup>36</sup> Sarah Hunt notes that, in British Columbia, the increasingly dominant focus on domestic trafficking effectively erased and halted local community-based work in Indigenous and other communities that, for many years, had sought “to raise awareness and build capacity to address the issue of youth sexual exploitation.” Furthermore, only one study, undertaken by the British Columbia Coalition of Experiential Women in 2006, specifically examines domestic trafficking from the perspective of sex workers.<sup>37</sup> That said, the work of two federal government-initiated consultations – the Subcommittee on Solicitation Laws Review in 2003 and in 2005, and the Standing Committee on the Status of Women in 2006 – constitute two sites that galvanized sex work activists and prohibitionists to advocate for particular understandings of domestic sex work and for specific legislative approaches

to prostitution. In both cases, the main impetus behind these consultations was to address the persistent violence experienced by sex workers, including the missing and murdered women from Vancouver's Downtown Eastside (DTES).

Among the many initiatives and efforts designed to draw attention to the missing and murdered women who had lived in the DTES over the last two decades, the annual February 14th Women's Memorial March led by Indigenous women has, since 1991, remembered and honoured "all women from the Downtown Eastside who have died due to physical, mental, emotional and spiritual violence in any form."<sup>38</sup> During the Missing Women's Commission of Inquiry (2010–13), established to examine the police investigations of women reported missing from the DTES between 1997 and 2002, however, the BC attorney general announced in May 2011 that the provincial government would not fund the participation of key DTES service provision and advocacy organizations, including women's groups (the February 14th Women's Memorial March Committee and the DTES Women's Centre) and sex worker serving organizations (WISH, PACE Society, and SWUAV), which had been granted full participant status. In April 2012, in response to the exclusion of community voices from the process and the questioned credibility of the inquiry, an informal coalition of Indigenous, women's, sex worker, and legal organizations issued an open letter indicating that they intended to boycott the policy forums and study phase of the commission.<sup>39</sup> In February 2014, the Women's Memorial March Committee reiterated calls for a fully inclusive public inquiry on the issue: "Women continue to go missing or be murdered with minimal to no action to address these tragedies or the systematic nature of gendered violence, poverty, racism, or colonialism. In light of the sham provincial inquiry, we are calling for a national and international public inquiry that is led by family and community members and that centers their experiences, need for healing, and quest for answers, concrete action, and meaningful justice."<sup>40</sup>

At the federal level, Libby Davies, MP for Vancouver-East, forwarded a motion in the House of Commons in February 2003 that a special committee be appointed "to review the solicitation laws in order to improve the safety of sex-trade workers and communities overall, and to recommend changes that will reduce the exploitation and violence against sex-trade workers." In response, the SSLR, with representatives from all major political parties, was

established. During its nationwide consultations in October 2003 and between January and May 2005, the SSLR received fifty-three briefs from a broad spectrum of individuals and organizations and heard from close to three hundred witnesses, including over one hundred former or current sex workers. In its December 2006 report, varying perspectives on the “nature of prostitution,” “its causes and effects,” and differing legal approaches were considered, with the majority of witnesses advocating for either the Nordic model or decriminalization.<sup>41</sup>

In their testimonies, prohibitionists, as represented by women’s and faith-based groups, emphasized what they considered to be the multiple harms flowing from sex work, with most characterizing women working in the industry as “victims” and as “paradigms of gender inequality.”<sup>42</sup> Because of its inherently exploitative and violent character, the absence of “choice” and “consent,” and the link between “prostitution and human trafficking,” the eradication of prostitution in all its forms, via the Nordic model, was endorsed. Gunilla Ekberg, the Swedish special adviser on prostitution and trafficking in human beings, maintained that the introduction of the “end-demand” approach in Sweden in 1999 was principally designed to help and provide support to “victims of sexual exploitation”; however, what she and other advocates did not mention was that its enactment was also driven by a strong anti-migration agenda, most notably political and public fears about the real or imagined “invasion” of Russian and Eastern European migrant sex workers who were perceived as posing “a threat to Swedish public health” and “national identity.”<sup>43</sup>

In concrete terms, as Ekberg and others indicate, the Nordic model involved decriminalizing sex workers, diverting them to exit and social programs, and providing them with unspecified “enhanced options,” with social “reintegration” as the end goal. Furthermore, in conjunction with a national education campaign that focused on “the negative consequences of prostitution,” the targeted criminalization of “clients and pimps” was meant to reduce and eliminate male demand, the involvement of organized crime, and human trafficking. Based on highly contested Swedish data, Ekberg highlighted a “significant” drop in the number of individuals working in the street-based and indoor sex industry, and the law’s “chilling effect” on transnational trafficking, given the absence of a more profitable and lower-risk legal prostitution market. In contrast, in New Zealand, where



decriminalization was introduced in 2003, prohibitionists claimed that the sex industry had significantly expanded, “child prostitution” was “on the rise,” the involvement of organized crime had “increased dramatically,” and transnational human trafficking “had not declined.”<sup>44</sup>

Other witnesses, including representatives from a number of sex workers’ rights organizations, insisted that consensual adult sex work constituted a “form of work.” They rejected the notion that sex work itself was “inherently violent” and exploitative; rather, they emphasized that Canada’s prostitution-related criminal offences and the ways in which they were enforced drove sex workers into unsafe and dangerous situations where they were rendered vulnerable to harassment, abuse, and violence. For example, in order to evade encounters with police and the threat of arrest, street-based sex workers were impeded from employing critical “safety-enhancing strategies,” such as working in teams or establishing/accessing safer indoor workspaces; having sufficient time to assess prospective clients and sharing information about bad dates; working in less isolated areas in closer proximity to health, social, and basic services; and reporting violent incidents to law enforcement. Kara Gillies, a representative from Maggie’s, further highlighted the strong connection between criminalization, stigmatization, marginalization, and violence: “the law also reinforces the characterization of sex workers as aberrant and therefore, in some way, acceptable targets of derision and abuse.”<sup>45</sup>

For these witnesses, decriminalization, as instituted in New Zealand, would contribute to creating the conditions “most conducive” to sex workers’ safety and security, the promotion of their human and labour rights, and the reduction of stigma and discrimination. Legally, it would entail the repeal of most existing criminal laws pertaining to adult prostitution, which would enable sex workers to exercise greater control over their working conditions and allow “sexual transactions to take place in a safer, more transparent environment.” Furthermore, situations involving coercion, violence, or nuisance would be addressed through the enforcement of generic Criminal Code provisions, and “services and exit strategies” would be available to sex workers forced into, exploited in, or wishing to leave the industry. Such an approach, it was argued, constituted “a more effective means of combating the harms associated with prostitution than attacking prostitution as a harm in and of itself.” What appeared to remain unanalyzed during the consultations,



however, was the fact that New Zealand's decriminalization legislation also contained strong anti-migration provisions. As a counter-trafficking measure, the law specified that anyone who provided, or intended to provide, commercial sexual services – be they sex workers, business owners, or investors – would be denied temporary entry class and other visas/permits and would be subject to deportation. As for the Nordic model, witnesses who supported decriminalization cited evidence that sex work had not decreased in Sweden but, rather, had been driven underground, where the level of risk and violence had increased dramatically.<sup>46</sup>

In the end, the SSLR was able to reach consensus on one principle – that “violence, discrimination and intimidation against individuals selling sexual services must never be tolerated” – and five main recommendations. These included more government-funded research on sex work, despite the volume of research that already existed, and the development of preventative education campaigns and exit strategy programs. The subcommittee further urged the federal government to “recognize that the status quo with respect to Canada's laws dealing with prostitution is unacceptable,” to continue to treat the commercial sexual exploitation of minors as “a serious crime,” and to ensure that trafficking in persons remained “a priority.”<sup>47</sup>

The SSLR, however, was politically divided on the appropriate “strategy to address the safety of individuals selling sexual services and communities overall.” The Liberal, New Democratic, and Bloc Québécois members agreed that “sex activities between consenting adults that do not harm others, whether for payment or not, should not be prohibited by the state” and that it was preferable, through Criminal Code provisions of general application (including human trafficking), to focus “on combating exploitation and violence in the context of prostitution.” They, however, made no substantive recommendation for legislative reform. In their minority report, the Conservative Party members took a strong prohibitionist position. Describing prostitution as a “degrading and dehumanizing act,” they supported “legal and social reforms which would reduce all prostitution through criminal sanctions that clearly target abusers (johns and pimps), and improve the ability of those engaged in prostitution – the victims – to quit”; however, those sex workers who voluntarily sought “to benefit from the ‘business’ of prostitution” would continue to be criminalized and “held accountable for the victimization which results from prostitution as a whole.”<sup>48</sup>

Released in the same month that jury selection for Robert Pickton's murder trial in New Westminster, British Columbia, was under way, the SSLR report's "do-nothing-more-study-is-needed" approach drew some strong media criticism.<sup>49</sup> Sex workers' rights activists, however, were outraged. In a February 2007 briefing paper, for example, the Canadian HIV/AIDS Legal Network, in partnership with Stella and Maggie's, stated that, "after three years of work and over 300 witnesses," the "Subcommittee failed to meet the challenge of recommending legislative changes that are urgently needed" to address "the health, safety and human rights of adult sex workers." They attributed much of this failure to the SSLR's disproportionate focus on conflicting "philosophical" perspectives on sex work and on the sexual exploitation of minors and human trafficking, both of which, they emphasized, "are already illegal in Canada." As a consequence, the SSLR had ignored and marginalized the voices and experiences of sex workers, and the substantial academic research and verbal evidence that detailed the "day-to-day realities," harassment, and violence they confronted under the existing criminal framework. "Making grand, morally charged pronouncements about sexual exploitation of minors and trafficking of persons," they noted, "was perhaps politically easier for the Subcommittee than confronting the complex and difficult matter of protecting, promoting, and fulfilling the human rights of the vast majority of sex workers."<sup>50</sup>

While prohibitionists did invoke transnational human trafficking in advocating for the adoption of the Nordic model during the SSLR hearings, the shift in focus to domestic trafficking gained significant momentum two months prior to the release of the subcommittee's report. In 2006, the Standing Committee on the Status of Women, co-chaired by Conservative MP Joy Smith, one of Canada's leading anti-trafficking crusaders, organized a series of consultations on human trafficking with representatives from various enforcement agencies, faith-based groups, NGOs, and the academic sector. As is characteristic of federal human trafficking consultations, there were no invited representatives from migrant justice or sex worker organizations. In its 2007 report, the committee indicated that, while recognizing that transnational trafficking into various labour sectors "ha[d] significant implications for Canada," its main focus was on domestic trafficking of "innocent women and children," given "the particularly egregious abuse and degradation involved." Citing the inadequacies of the UN Trafficking Protocol's definition, the report further stressed that

“prostitution [was] closely linked to trafficking in persons” and constituted “a form of violence and a violation of human rights.” The committee, in its thirty-three recommendations, advocated for strengthening anti-trafficking prevention, protection, and prosecution measures and the implementation of initiatives to address root causes in Indigenous and non-Indigenous communities. It also recommended that, as part of its efforts, the federal government should “launch a national campaign to sensitize the public to the harmful effects of prostitution” and, through Criminal Code amendments, introduce the Nordic model in Canada. While lauded by prohibitionists, the two Bloc Québécois members, in a dissenting opinion, criticized the report for being “condescending at times” and for making “value judgments on prostitution.” Referring to the inability of the SSLR to reach a consensus on legal reform after three years of consultations, they maintained that, after a mere three months, the recommendation in favour of the Nordic model was “hasty and insufficiently documented.”<sup>51</sup>

In the years following the release of the SSLR and the Standing Committee on the Status of Women reports, and consistent with the Conservative government’s stated prohibitionist position on sex work and “tough-on-crime” agenda, the focus on the domestic trafficking of Indigenous and non-Indigenous women and “under-age girls” intensified. In 2008, Criminal Intelligence Service Canada issued a strategic intelligence brief, which offered a much-cited overview of the active role of “well-organized crime networks” in “domestic sex trafficking.” The 2012 National Action Plan to Combat Human Trafficking also emphasized: “human trafficking for the purpose of sexual exploitation is, to date, the most common manifestations of this crime and where the vast majority of victims are Canadian women and children,” accounting for 90 percent of criminal cases.<sup>52</sup> In response, the federal government launched a number of initiatives, such as the RCMP’s “I’m Not For Sale” public awareness campaigns, which included Indigenous and youth outreach, and various funded research projects that focused on the trafficking of Indigenous and non-Indigenous women and girls for the purpose of sexual exploitation.<sup>53</sup>

While there is no political agreement among, for example, feminist or Indigenous women’s organizations/activists on the link between sex work and domestic trafficking or on a legislative model,<sup>54</sup> there has been a proliferation of NGOs and faith-based groups that have specifically taken up

the issue of “domestic sex trafficking.” Most have been identified as key federal government partners in its anti-trafficking efforts and, in some cases, have publicly defended local enforcement’s rescue activities.<sup>55</sup> In January 2014, for example, twenty-six police services in all provinces except British Columbia engaged in a two-day sting operation dubbed Operation Northern Spotlight. This “proactive” initiative, which involved police officers posing as clients, sought to uncover “hidden victims of human trafficking – especially underage girls.” Sex workers’ organizations condemned the operation for its use of “deception and intimidation to investigate trafficking and exploitation,” arguing that such tactics compromised “privacy and dignity,” further degraded “trust between sex workers and police,” and worked to drive “the sex trade further underground.” One Ottawa-based anti-trafficking organization, however, publicly supported the investigation as a “‘necessary strategy’ to rescue victims.”<sup>56</sup> Furthermore, during and in the aftermath of the Constitutional Challenge to Canada’s prostitution laws, these anti-trafficking organizations emerged as formidable voices in favour of the introduction of the Nordic model.

The Ontario Court challenge, *Bedford v. Canada*, initiated in 2007, and the subsequent introduction of Bill C-36, Protection of Communities and Exploited Persons Act, in 2014, constitute the most recent battleground upon which prohibitionists and sex workers’ rights activists engaged in debates about sex work and the preferred direction of legal reform. The *Bedford* case revolved mainly around the three applicants’ contention that the criminal laws pertaining to adult prostitution violated section 7 of the Canadian Charter of Rights and Freedoms – namely, the right to life, liberty, and security of the person. Like the SSLR consultations, one of the main focal points of the debate, evident in the factums produced by various parties granted intervenor status, was whether it was prostitution or the criminal laws that constituted the source of the harms experienced by sex workers, with “sex trafficking” featuring as a powerful subtext among those who claimed the former.<sup>57</sup> In their statements, the Women’s Coalition for the Abolition of Prostitution and the Asian Women’s Coalition Ending Prostitution, for example, argued that “the danger to women’s security is a function not of the laws constraining prostitution, but the actions of men who demand the sale of women’s bodies.” Given that, in their view, prostitution is a manifestation of sexual exploitation and male violence against women, and that male sexual

demand is the main driver of trafficking, the Nordic model constitutes the “only legal regime” designed to “reduce the amount of prostitution and trafficking” and “protect the security and equality of women and girls” – and, in particular, those most marginalized on the basis of race, indigeneity, and poverty.<sup>58</sup>

Sex workers’ rights organizations, in their factums, reiterated the argument that Canada’s criminal laws regulating adult prostitution worked to endanger sex workers’ safety and security. With reference to street-based sex workers in the DTES, the Downtown Eastside Sex Workers United Against Violence, PACE Society, and Pivot Legal Society asserted that there is a “causal relationship between the Laws and sex workers’ experiences of violence because the Laws impede their ability to take steps to improve their safety” and “reduce the risk of violence.” “No other legal occupation,” they emphasized, “is prohibited from taking basic steps to reduce the risk of harm in the workplace.” POWER and Maggie’s further insisted that the criminal laws not only “interfered with personal autonomy by constraining fundamental personal decisions concerning sex workers’ bodily integrity, sexuality and personal relationships” but also exacerbated the vulnerability to violence and stigma of those sex workers “struggling with various intersecting forms of disadvantage” as the result of sexism, transphobia, homophobia, colonialism, and/or racism.<sup>59</sup>

The unanimous Supreme Court of Canada decision to strike down three Criminal Code provisions (the communicating, living on the avails, and bawdy house offences) on December 20, 2013, was celebrated as a significant victory for sex workers’ rights.<sup>60</sup> The struggle, however, was far from over. With a one-year timeline to introduce new legislation, the Department of Justice conducted a much criticized online consultation in February/March 2014 to gauge public opinion on how the federal government should respond to the *Bedford* decision. In June 2014, Bill C-36, the “made-in- Canada end-demand model,” which defines sex work as “a form of sexual exploitation,” was introduced and received royal assent in November of the same year. The intent of the law, according to the then justice minister, is to protect sex workers from exploitation and combat “sex trafficking” by criminalizing clients and exploitative third parties. The inclusion of provisions against public communication, working with others, and the advertisement of sexual services, however, amounts to the full

criminalization of sex work. As such, the law has placed the “exploited victims” it purports to protect at even greater risk, while simultaneously casting them as social threats to children and communities. Reflecting the full alignment of the Conservative government’s prohibitionist, anti-trafficking, and “tough-on-crime” agendas, the law’s “overall objective,” as the justice minister indicated, is to abolish prostitution “to the greatest extent possible,” with \$20 million earmarked to support exit strategy programming.<sup>61</sup>

Between February and November 2014, the newly formed Canadian Alliance for Sex Work Law Reform, sex worker-led organizations, and their allies worked to influence the direction of government policy and to challenge Bill C-36. They did this through providing evidence-based research reports and briefing papers on the end-demand model and its implications for sex workers; media and letter-writing campaigns; community consultations; public protests; and countless briefs submitted to, and witness testimonies before, the House of Commons Justice Committee (dubbed the “Shame and Loathing Hearings”) and the Senate Legal and Constitutional Affairs Committee.<sup>62</sup> The Conservative government, however, disregarded overwhelming experiential, empirical, and legal evidence that indicated that the Canadian state, via Bill C-36, was creating the conditions in which sex workers’ income security would be endangered, their vulnerabilities to exploitation and violence significantly deepened (with disproportional effects on the most marginalized), and enforcement and NGO efforts to address “sex trafficking” hindered. This, notwithstanding, is the state apparatus to which sex workers are being asked to turn for protection, “rescue,” and redress. That said, sex workers’ rights activists and their allies have made it clear that they will continue to fight back, by carefully monitoring the implementation of Bill C-36 and sharing information about its effects on sex workers’ safety and working conditions, by launching campaigns for municipal non-enforcement of the new law, by pressing provincial governments to review its “constitutional validity,” and by continuing to build coalitions and mutual support networks. As Kerry Porth, the chair of the board of Pivot Legal Society, stated at a press conference on the day Bill C-36 received royal assent: “We have a message for the Harper government. In this community [DTES], many sex workers have been disappeared. Those who survived are here. We stand together. We stand together against your oppressive regime.”<sup>63</sup>

Since its emergence on the global and national agenda in the 1990s, and with the disproportionate focus on the commercial sex sector, human trafficking has been mobilized by prohibitionists – in the political, enforcement, and NGO realms – to pursue and bolster certain political agendas at the expense of migrant and sex workers’ rights. In the name of protecting national security, moral values, and “the vulnerable,” trafficking has been deployed to justify stringent im/migration policies, tightened border controls and surveillance, and repressive enforcement raids of indoor sex worker establishments. Furthermore, in conjunction with renewed discussions of Canada’s prostitution laws over the last eight years, “domestic sex trafficking,” often cast as a national crisis, has been marshalled to buttress anti-sex work ideologies, to legitimate the ongoing criminalization of and rescue operations in the industry, and to challenge the long-standing legal and policy demands of sex workers’ rights activists. With prohibitionists’ persistent conflation of sex work and trafficking, now enshrined in Bill C-36, the diverse voices, experiences, and needs of sex workers have consistently been ignored or rendered irrelevant. Sex workers’ ongoing demands to be at the centre and fully represented (as the workers most affected) in the development of federal legislation pertaining to sex work, in devising strategies to address the complex social conditions that affect their lives (colonialism, racism, homophobia, transphobia, poverty, residency status, etc.), and in all efforts to address coercive labour situations in the industry have thus far been unheeded. While the Canadian sex workers’ rights movement is stronger than ever, it is nonetheless vital that sex workers’ calls for allies to stand in solidarity with them as they work to challenge a newly constituted and repressive legal environment be heard and acted upon.



## Notes

- 1 “Collateral Damage” is drawn from Global Alliance Against Traffic in Women, *Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights around the World* (Bangkok: GAATW, 2007). [Return to text.](#)
- 2 Government of Canada, *National Action Plan to Combat Human Trafficking* (Ottawa: Her Majesty the Queen in Right of Canada, 2012), 1. For critiques of the term, “modern-day slavery,” see Tryon P. Woods, “Surrogate Selves: Notes on Anti-Trafficking and Anti-Blackness,” *Social Identities: Journal for the Study of Race, Nation and Culture* 19, 1 (2013): 120–34; Arrianna Marie Conerly Coleman, “Anti-Blackness in the Anti-Trafficking Movement: ‘Modern-Day Slavery’ and the Erasure of Racial Slavery,” December 3, 2013, <https://recherchetravailssexuel.wordpress.com/2014/03/15/la-negrophobie-anti-blackness-dans-le-mouvement-anti-traite-lesclavage-moderne-et-leffacement-de-lesclavage-racial/>. [Return to text.](#)
- 3 For example, on the genealogical links between historical and contemporary trafficking narratives, see Jo Doezema, *Sex Slaves and Discourse Masters: The Construction of Trafficking* (London: Zed Books, 2010); Nandita Sharma, “Anti-Trafficking Rhetoric and the Making of a Global Apartheid,” *NWSA Journal* 17, 3 (2005): 88–111. [Return to text.](#)
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- 5 See, for example, Robyn Maynard, “Carceral Feminism: The Failure of Sex Work Prohibition,” *FUSE Magazine* 35, 3 (2012): 28; Noulmook Sutdhibhasilp, “Migrant Sex-workers in Canada,” in *Transnational Prostitution: Changing Global Patterns*, ed. Susanne Thorbek and Bandana Pattanaik (London: Zed Books, 2002), 173–92; Sharma, “Anti-Trafficking Rhetoric,” 88–111. [Return to text.](#)
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- 13 See, for example, Ratna Kapur, "Cross-border Movements and the Law: Renegotiating the Boundaries of Difference," in *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights*, ed. Kamala Kempadoo with Jyoti Sanghera and Bandana Pattanaik, 27–28 (Boulder: Paradigm, 2005). [Return to text.](#)
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- 20 Jyoti Sanghera, “Unpacking Trafficking Discourse,” in Kempadoo, Sanghera, and Pattanaik, *Trafficking and Prostitution Reconsidered*, 13–14; Kamala Kempadoo, “Victims and Agents of Crime: The New Crusade against Trafficking,” in *Global Lockdown: Race, Gender, and the Prison-Industrial Complex*, ed. Julia Sudbury (New York: Routledge, 2005), 39–43, 48–51. [Return to text.](#)
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- 44 SSLR, *Challenge of Change*, 72–74, 81. [Return to text.](#)
- 45 The sex workers’ rights organizations represented included the Canadian National Coalition of Experiential Women, Sex Professionals of Canada, Coalition for the Rights of Sex Workers, Sex Workers Alliance of Toronto, Maggie’s (Toronto), Stella (Montreal), Stepping Stone (Halifax), PEERS Victoria, PEERS Vancouver, PACE (Vancouver), BC Coalition of Experiential Women, Sexworkers Action Network, and WISH Drop-In Centre (Vancouver). See SSLR, *Challenge of Change*, 19–21, 31, 61–68, 71. [Return to text.](#)
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- 50 Canadian HIV/AIDS Legal Network, in partnership with Stella and Maggie’s, *Not Up to the Challenge: An Analysis of the Report of the Subcommittee on Solicitation Laws* (Toronto: The Network, 2007), 1, 3–4, and 7. [Return to text.](#)
- 51 Canada, House of Commons, Standing Committee on the Status of Women, *Turning Outrage into Action to Address Trafficking for the Purpose of Sexual Exploitation in Canada* (Ottawa: Communication Canada, 2007), 1–5, 15–16, and 58. [Return to text.](#)
- 52 Canada, Criminal Intelligence Service Canada, *Strategic Intelligence Brief: Organized Crime and Domestic Trafficking in Persons in Canada* (Ottawa: CISC/SCRC, 2008), 1; Canada, *National Action Plan*, 1, 8, and 11. [Return to text.](#)
- 53 See, for example, Yvonne Boyer and Peggy Kampouris, *Trafficking of Aboriginal Women and Girls* (Ottawa: Public Safety Canada, 2014); Canada, Human Trafficking National Coordination Centre, *Project SAFEKEEPING: Domestic Human Trafficking for Sexual Exploitation in Canada* (Ottawa: RCMP, 2014); PACT Ottawa, *Local Safety Audit Report: Towards the Prevention of Trafficking in Persons and Related Exploitation in the Ottawa Area* (Ottawa: PACT Ottawa, 2014). [Return to text.](#)
- 54 In the report, *Sexual Exploitation and Trafficking of Aboriginal Women and Girls: Literature Review and Key Informant Interviews* (2014), and consistent with the position adopted by Indigenous Women Against the Sex Industry and the Aboriginal Women’s Action Network, the Native Women’s Association of Canada reiterated its argument that prostitution, as a form of trafficking, exploits Indigenous women and girls. It also re-emphasized its support for the “end-demand model” as a human rights, equity, anti-violence, and decolonization strategy. Other Indigenous scholars/ activists, like Sarah Hunt, Jessica Danforth (Native Youth Sexual Health Network), and Naomi Sayers (who writes the blog *Kwe Today: Fierce Indigenous Feminism*), have been critical of the anti-trafficking framework and its “victim” and “rescue” narratives. They argue that much more attention needs to be paid to the role of the state and systemic inequalities in the perpetuation of colonial violence against Indigenous women and youth, including high rates of incarceration. They also advocate for an approach that supports the self-determination, and recognizes the agency and diverse experiences, of Indigenous women, youth, and LGBTTTQQA persons, including sex workers. See Hunt, “Colonial Roots,” 27–31; Sarah Hunt, “Decolonizing Sex Work: Developing an Intersectional Indigenous Approach,” in van der Meulen, Durisin, and Love, *Selling Sex*, 82–100; and Sarah Hunt, “#ImNotNext: Indigenous Women Use Social Media to Demand Change,” *rabble.ca*, September 18, 2014, <http://rabble.ca/news/2014/09/imnotnext-indigenous-women-use-social-media-to->

[demand-change](#); Sarah Hunt and Julie Kaye, “Human Trafficking Research Reveals Canada’s Role in Violence against Aboriginal Women,” *rabble.ca*, September 24, 2014, <http://rabble.ca/news/2014/09/human-trafficking-research-reveals-canadas-role-violence-against-aboriginal-women>; Native Youth Sexual Health Network, “Indigenous Peoples in the Sex Trade: Speaking for Ourselves,” July 15, 2011, <https://inciteblog.wordpress.com/2011/07/15/indigenous-peoples-in-the-sex-trade-%E2%80%93-speaking-for-ourselves/> and “Responding to the Violence of Ongoing Colonialism on December 17th: International Day to End Violence against Sex Workers,” December 17, 2013, <http://www.nativeyouthsexualhealth.com/dec172013.pdf>. [Return to text.](#)

55 These organizations include the Canadian Women’s Foundation, the Salvation Army, Hope for the Sold, Walk with Me, Free-Them, [Sextrade101.com](#), Alliance Against Modern Slavery, and Men Against Sex Trafficking (MAST), to name but a few. [Return to text.](#)

56 Maggie’s Toronto Sex Workers Action Project, “Sex Workers’ Groups Speak Out against Police Harassment, Urge Parliament to Go Different Way,” *rabble.ca*, January 31, 2014, <http://rabble.ca/news/2014/01/sex-workers%E2%80%99-groups-speak-out-against-police-harassment-urge-parliament-to-go-different>; Megan Gillis, “Hunting ‘Sex Slavery’ Victims,” *Ottawa Sun*, January 28, 2014, <http://www.ottawasun.com/2014/01/28/hunting-sex-slavery-victims---headline-underline-web-headline>. Conservative MP Joy Smith commended the operation, stating: “The rescue of underage victims during this operation outweighed the complaints of inconvenience made by some ‘Sex Worker organizations,’ sending a strong message to human traffickers that our youth are not for sale.” See Joy Smith, “Statement – Commending Police Action in Operation Northern Spotlight,” February 5, 2014, <http://journeyruss.blogspot.ca/2014/02/commending-police-action-in-operation.html>. [Return to text.](#)

57 This category included a faith-based coalition that denounced sex work as immoral and inherently harmful. The coalition blamed “violent individuals and prostitutes’ own choice to either work in unsafe conditions or to break the law” for the dangers sex workers experienced. In its view, Canada’s existing prostitution laws effectively work to safeguard “Canadians’ fundamental values” and “to eradicate prostitution and its ancillary effects (such as physical violence, drug trafficking, organized crime and human trafficking).” See Ontario Superior Court of Justice, *Factum of the Christian Legal Fellowship, REAL Women of Canada and the Catholic Civil Rights League*, Court File No. 07-CV-329807 PD1 (October 5, 2009), 17, 28; Court of Appeal for Ontario, *Factum of the Interveners, Christian Legal Fellowship, REAL Women of Canada and the Catholic Civil Rights League*, Court File No. C52799 and C52814 (May 6, 2011), 18. [Return to text.](#)

58 The Women’s Coalition was comprised of seven organizations, including the Canadian Association of Sexual Assault Centres, the Native Women’s Association of Canada, and Vancouver Rape Relief Society. See Court of Appeal for Ontario, *Factum of the Intervener Women’s Coalition*, Court File Nos. C52799 and C52814 (May 4,



- 2011), 1–20; Supreme Court of Canada, *Factum of the Intervener AWCEP Asian Women for Equality, operating as Asian Women Coalition Ending Prostitution*, Court File No. 34788 (May 2013), 1–13. [Return to text.](#)
- 59 Court of Appeal for Ontario, *Factum of the Interveners PACE, SWUAV and PIVOT*, Court File Nos. C52799 and C52814 (May 4, 2011), 1–22; Court of Appeal for Ontario, *Factum of the Interveners POWER and Maggie’s*, Court File Nos. C52799 and C52814 (May 6, 2011), 2–13. [Return to text.](#)
- 60 Joyce Arthur, “A Bittersweet Victory for Sex Workers,” *rabble.ca*, December 23, 2013, <http://rabble.ca/columnists/2013/12/bittersweet-victory-sex-workers>. [Return to text.](#)
- 61 Derek Spalding, “Prostitution Survey Assailed by Critics; Questions Loaded, Misleading, Local Experts Say,” *Ottawa Citizen*, February 18, 2014, B2; Canada, Department of Justice, *Background: Protection of Communities and Exploited Persons Act* (June 2014), <http://news.gc.ca/web/article-en.do?nid=853729>; Canada, Department of Justice, *Technical Paper: Bill C-36, Protection of Communities and Exploited Persons Act* (July 2014), <http://www.justice.gc.ca/eng/rp-pr/other-autre/protect/p1.html>; Sandra Ka Hon Chu, Jenn Clamen, Richard Elliot, Katrina Pacey, and Tara Santini, *Reckless Endangerment: Q & A on Bill C-36: Protection of Communities and Exploited Persons Act* (Canadian HIV/AIDS Legal Network, Pivot Legal Society, and Stella, l’amie de Maimie, June 2014), 1–15. [Return to text.](#)
- 62 For one key research report, see Pivot Legal Society, Sex Workers United Against Violence, and Gender and Sexual Health Initiative, *My Work Should Not Cost Me My Life: The Case against Criminalizing the Purchase of Sex in Canada* (Vancouver: Pivot, SWUAV, and GSHI, 2014). On the Justice Committee hearings, see Kerry Porth, “Justice Committee on Bill C-36 Ignored Sex Workers,” July 14, 2014, [http://www.pivotlegal.org/justice\\_committee\\_ignored\\_sex\\_workers](http://www.pivotlegal.org/justice_committee_ignored_sex_workers). [Return to text.](#)
- 63 Joyce Arthur, “Not Criminals, Not Victims: Sex Workers’ Lives Thrown into Chaos under New Law,” *rabble.ca*, November 10, 2014, <http://rabble.ca/columnists/2014/11/not-criminals-not-victims-sex-workers-lives-thrown-chaos-under-new-law>. [Return to text.](#)

# 12

## Nationalism, Sexuality, and the Politics of Anti-Citizenship

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*Cynthia Wright*

In the fall of 2012, many people with connections to Canada's LGBT<sup>1</sup> networks were surprised and deeply angered to receive an e-mail from then federal immigration minister Jason Kenney, in which he congratulated himself and the federal Tory government for efforts "to make Canada 'a safe haven for Iran's persecuted gay community.'"<sup>2</sup> To many, this seemed like a textbook example from the opening pages of *Terrorist Assemblages*, Jasbir Puar's powerful analysis of the rise of homonationalism in the service of war. In a forceful open letter of response signed by some fifty queers, Kenney was called to account for his "temporary and instrumental invitation to LGBT people and refugees to join in the nationalist sentiment of a government that is in need of a wide support base for its hawkish foreign policies" – in this case, war-mongering attacks on Iran.<sup>3</sup> As critics noted, Kenney's e-mail was circulated shortly after Canada closed its embassy in Tehran and Iranian diplomats in Canada were sent home. The open letter goes on to recall all those denied asylum because of "the homophobic judgements and assumptions of the Immigration and Refugee Board (IRB)" and to further blast the federal government for the changes recently introduced to the system through Bill C-31.<sup>4</sup>

Kenney's tactical move needs to be understood in light of the then Conservative government's deep alliance with Israel and with US imperial interests in the broader Middle East. Indeed, his e-mail appeared in the context of a major ongoing debate in Canada within queer communities, the mainstream media, and political bodies (including municipal councils, legislatures, and Parliament) about the characterization of Israel as an apartheid state by groups such as Queers Against Israeli Apartheid and its

many allies.<sup>5</sup> Kenney's e-mail was a transparent attempt to build on – and further construct – a “Canadian” gay nationalism in the service of racism, Islamophobia, and war. But it was sent in a moment of deep and public contestation on the part of some elements of queer communities over key pillars of that homonationalism. This incident, in turn, raises further questions and problems: Why did the deployment of a homonationalist strategy in this context appear through the mobilizing of the figure of the Iranian gay *refugee* in particular? What is the relationship between the category “refugee” and the domain of the political? Is there anything about the specificity of “gay refugees” that further nuances this question? Finally, and of central concern to the themes under consideration in this volume, what does this incident mean for the limitations and strategic dilemmas of current LGBT interventions and emerging organizing practices and political alternatives around questions of citizenship and immigration policy? In my exploration of these questions, I include the example of an outstanding recent Toronto-based campaign to stop the deportation of queer Nicaraguan refugee claimant Alvaro Orozco.

I begin by arguing that the growth and development of LGBT activism and scholarship calling for “immigration equality” has occurred in the context of the intensification of what a number of scholars call “global apartheid.” From there, I discuss separately first binational same-sex couples and then refugees, analyzing their relationship to recent transformations in the architecture of the post-Second World War immigration and refugee regime. I account for the visibility of same-gender couples and gay refugee figures at the same moment as (1) the family class is being narrowed and (2) refugee claims are dropping precipitously in the wake of major changes in the refugee determination system. While certainly these categories have always been fraught, it is also the case that, in a context of major shifts in immigration and refugee policy, as well as in enforcement, there are emerging spaces for contestation.<sup>6</sup> I end by offering some concluding remarks on the possibilities for new politics at the intersection of critical queer and migration politics. Ultimately, we need to think through the practical-political grounds for a politics that challenges controls on movement, colonialism, capitalist social relations, homo- and other nationalisms, the institution of citizenship, and, as Bridget Anderson argues, the figure of “the migrant” itself.<sup>7</sup>

In recent decades – precisely in the same historical conjuncture that has

seen the flourishing of LGBT activism and scholarship – we have witnessed the intensification of a regime of what Étienne Balibar terms “global apartheid,” a world in which borders, documents, surveillance, immigration statuses, and citizenship regimes are increasingly fundamental to the spatial/racial regulation of labouring bodies, access to social services, controls over movement, and widening social class divides.<sup>8</sup> Even as NGO and activist formations focus on immigration and refugee rights for LGBT people and on sexuality as a “human right,” many states are increasingly relying on strategies to increase both the precariousness of labour and the precariousness of immigration status.<sup>9</sup> More and more people find themselves with precarious or no legal immigration status, at risk of detention, deportation, and surveillance within the states in which they live, labour, and love alongside those with citizenship status.

Increasingly sophisticated forms of differential inclusion are now elaborated across diverse nation-states, including Canada. An increasing number of people are being admitted to Canada as “non-immigrants” on temporary workers’ permits as “temporariness” becomes a fundamental part of the system.<sup>10</sup> Even within existing temporary workers’ programs, new changes have translated into still more precarity.<sup>11</sup> Fewer refugees are being accepted, assuming one can even get a visa to reach Canada, and human migration is increasingly criminalized and represented as a story of “illegal immigrants,” “bogus refugees,” and “traffickers.” As Lepp details (chap. 11, this volume), migrants are figured as “victims of trafficking” or, increasingly likely, as criminals.<sup>12</sup> Both deportation and detention (including of children) are on the rise – linked to an increasingly brutal global deportation regime.<sup>13</sup> The family class (a heteronormative category, to be sure, but one with its own complications, as we shall see) is being slashed, and sponsorship of family members has been made far more difficult.<sup>14</sup>

In many national contexts, LGBT organizations have undertaken to fight for legal equality in the immigration system at the precise moment that many states are systematically transforming virtually all of the pillars of the post-Second World War immigration and refugee regime.<sup>15</sup> Indeed, despite this increase in both precarious forms of migration and precarious forms of labour, much social movement activism (including sexuality activism) has assumed subjects with citizenship status and seeks to challenge structural

inequalities related to, for example, class, race, disability, and gender *among citizens*. Yet nation-states rely not only on the social processes of differentiating among citizens but also on differentiating between citizens and proliferating categories of non-citizenship. Recent critiques by Jasbir Puar and others of homonationalism, of the “securitization” of citizenship, and of national security practices and “the war on queers” also underline the need to attend to how citizen security is constructed through the making of non-citizens – the racial, class, and sexual “others” of the citizen. Such security, detention, deportation, and “anti-trafficking” practices also call attention to how, as Kim Ruyiel argues, citizenship “is now becoming a globalizing regime for governing mobility.”<sup>16</sup>

In Canada, relationships among sexuality, race, nation, regimes of ruling, and capitalism have been reshaped in recent decades. Immigration, refugee, and citizenship regimes are one key component of these shifts. As Luibheid states: “The calculated management of immigration comprises a critical technology for (re)producing national heteronormativity within global and imperial fields.”<sup>17</sup> Moreover, following Puar’s caution, we can no longer assume that “the nation is heteronormative and that the queer is inherently an outlaw to the nation-state.”<sup>18</sup> Hence the need to understand how and why a stratum of queer subjects becomes incorporated into a “national homosexuality,”<sup>19</sup> which then becomes “a barometer by which the right to and capacity for national sovereignty is evaluated.”<sup>20</sup> I do not have the space here to detail elements of the incorporation of LGBT subjects into the nation and nationalism, but a truncated list might include the following: the (partial) decriminalization of homosexuality (which then, as Kinsman argues, opens it up to new forms of intensive policing); the (partial) deracialization of immigration policy (which, as I argue elsewhere, becomes linked to the production of migrant “illegality”); the 1977 end to the barring of homosexuals in the Immigration Act; the legalization of same-sex marriage; same-sex spousal reunification in the immigration system; and the first (since the early 1990s) successful refugee claims made on the basis of sexuality and gender expression.<sup>21</sup>

Such transformations allow for the appearance of two central figures – the binational couple on the one hand and the refugee on the other – each of whom highlights different assumptions in the immigration system about relationships, family, dependency, and economics. As Anderson notes, “Post-

war immigration controls are structured in a way that imagines the economic and political as fundamentally separate, and both are divided from the private world of family relations.”<sup>22</sup> This has consequences for the three broad categories (workers/refugees/family class members) that structure the postwar system. Refugees are often represented as single figures, for example. The family class, including spousal sponsorship and reunification, is imagined as a pathway for those (often gendered as women) who are economic dependents and who might not otherwise be able to gain access to the system. Single people (including LGBT people) are, therefore, not seen as viable immigrants within this structure. A further point, Anderson adds, is that any perceived “confusion” or overlap of these categories is seen as a problem that can lead to deportation or to refusal of entry. Caribbean domestic workers threatened with deportation for asserting a right to have their children with them in Canada stand as a paradigmatic case. Many of these cases were also the focus of important early anti-deportation and organizing work that, in turn, became the basis for some formative anti-racist feminist critique.<sup>23</sup>

In fact, the family class historically has been a major site of political struggle between migrant (Asian and Caribbean perhaps most especially) communities and the Canadian state: both the right to bring a spouse to Canada and what counts as a properly constituted “heterosexual couple” have been the focal point of considerable contest. As observers have suggested, immigration policies are a prime site for the making of heteronormativity within racialized communities. Historically, the logic of the family class was to reproduce a particular racial regime whereby those already in the country – the majority white and European – would also bring in the most family members. Interestingly, this did not happen in practice, and reunification for households of colour and racialized communities has often been figured as a form of redress for historic exclusion.<sup>24</sup> We seem poised for another round of contestation since Canada, along with other jurisdictions such as the United Kingdom, is introducing massive changes to the family class.<sup>25</sup> Within this context, what does it mean that same-gender couples are offered a pathway to reunification at the same moment that the family class itself is being massively restructured? What does it suggest about realignments in the architecture of sexuality, race, class relations, and nation? What is at stake in organizing immigration around couples, whether heterosexual or



homosexual?

Binational couples are same-gender couples who have different national citizenships and who are seeking the right of “family reunification” through the immigration system on the same basis as heterosexual spouses. The right to sponsor a spouse is fundamentally important in a context in which family reunification (often as the heterosexual partner of a citizen) is still a primary route of legal immigration. Thus, the focus on binational couples is tightly linked to the demand for “equal marriage” in both the United States and Canada. Until very recently, it was not legally possible for a US citizen to sponsor a same-gender partner (assuming, in the first place, that they were living in one of the US states that allowed gay marriage) because the federal Defense of Marriage Act (DOMA) made that impossible. Historically, same-gender couples who wanted to live together in the United States have faced some very difficult alternatives, and their non-US citizen partners frequently transitioned between legal and “illegalized” status. Additionally, marriages involving trans partners faced major problems and barriers since DOMA did not define who is a “woman” or a “man” for the purpose of legal heterosexual marriage. It is still too early to gauge the full effects on family reunification for same-gender couples and trans people of both the end of DOMA’s restriction of marriage to heterosexuals and of the recent landmark US Supreme Court decision striking down state-level bans on same-gender marriage. However, it is safe to say that sponsorship is often out of the financial reach of poor, trans and working-class queers, and this is unlikely to change with the striking down of these legislative barriers to marriage equality, important as they are.<sup>26</sup> In the case of Canada, which has had both federally recognized same-gender marriage and family reunification for same-gender partners for a number of years, a number of critical problems remain.

In both Canada and the United States, the overwhelming focus of the mainstream work on binational couples articulates the issue from the standpoint of the *rights of citizens* to a spouse and family life rather than as a migrant justice issue; it is, therefore, not a politics that can effectively address the system from the standpoint of those illegalized, including those whose precarious lives are shaped precisely by the intersection of their immigration status and their queerness, not to speak of class and race.<sup>27</sup> Indeed, it could be argued that mainstream articulations of the right to lesbian and gay family



life have been articulated precisely against “illegality.” As Rachel Lewis argues, the political argument for reunification of binational same-gender couples “must engage the kinds of racialized and gendered discourses of criminality and illegality that are responsible for the production of the illegal/legal distinction; failure to do so leaves the opposition between (white) queer citizen and (nonwhite) heterosexual immigrant intact.”<sup>28</sup> As we shall see, the failure to engage with the state production of illegality, not to mention citizenship and sovereignty, is also at stake in relation to refugees. Second, the mainstream focus on the problems of binational couples has never been able to address the needs of single people as well as those whose patterns of intimacy do not map neatly onto the conjugal form. In the United States, this has emerged as a fundamental fault line, with some LGBT groups opposing “privileging conjugal couples generally, whether straight or gay, as the locus of immigration benefits, while arguing *for* the recognition of the flexible kinship and friendship networks within which LGBT immigrants live and work.”<sup>29</sup> Indeed, this whole question goes well beyond the need to recognize a plurality of affective and care relationships and their economies, vital as that project is: it extends to another core issue – the neoliberal regulation of immigrants through sponsorship contracts organized through the couple unit.

Historically, the logic behind the family class was that it was understood to be for those cast as “dependent” and without the financial means to immigrate independently. People who enter this way are seen as at risk of needing state assistance, something to be avoided at all costs. In other words, the conjugal unit – whether heterosexual or same-gender – is meant to intensify a neoliberal logic whereby the sponsoring partner assumes all of the financial risks. The result is that, across a variety of jurisdictions, it is very difficult for poor and working-class people to sponsor spouses since their income excludes them from the start. The Canadian government under the administration of former Prime Minister Stephen Harper introduced further precarity into migrants’ lives by instituting a new rule that a sponsored spouse must reside with the sponsor for two years before being considered for permanent residence; in the meantime, they exist in the oxymoronic “conditional permanent resident status.”

Considerable important criticism has been mounted against this policy on the grounds that women living with intimate violence from a sponsoring

partner will not seek help or leave the relationship for fear of deportation or losing a pathway to permanent status.<sup>30</sup> What frequently goes unquestioned, however, are the neoliberal and class logics of these arrangements, which are, as Luibheid notes, about producing self-governing citizens who ask for no social provision whatsoever since the costs of these social entitlements are transferred to the couple.<sup>31</sup> As Chandan Reddy notes, it is precisely this ensemble of practices that allows for celebratory claims of “immigrant family values” and the general assumption of hetero-patriarchy among immigrants: “The state’s recourse to the family as the means by which to recruit noncitizen labor and simultaneously distance that labor from social rights became the very condition for a state-enforced heteronormativity that projected immigrant communities as antiliberal and sexually conservative.”<sup>32</sup> This, in turn, feeds one of the three major pillars, the “ascendancy of whiteness,” which Puar identifies in her account of homonationalism and biopolitics, in which “the homosexual” is figured as white and “the racial other is straight.”<sup>33</sup>

The neoliberal logic that applies to the family class and to the reunification of couples, both heterosexual and LGBT, may seem quite distinct from the neoliberal logic that applies to refugees. Indeed, the refugee determination system is an important pathway for LGBT people without partners or family, and this is one of the many issues at stake in LGBT struggles over the refugee determination system. In addition, in contrast to the wholly ideological construction of the family and the private life of the couple as outside the political, “the refugee” as someone who faces persecution and needs to seek refuge in another state appears to be a political figure par excellence. As we shall see, however, these apparent binaries (embedded in family/without family; outside the political/deeply political) reveal some more complicated realities as well as some similar logics shaping both “family” and “refugee.”

Thinking through LGBT refugee politics, therefore, is a daunting task given that “refugee” is a complex and highly regulated category. Moreover, there is now an enormous international body of increasingly sophisticated scholarship, law, and policy documentation on refugees, all of which makes the prospect of approaching the theme rather intimidating.<sup>34</sup> In addition, “gay refugees” as a category has some particularities that need unpacking. Here Reddy’s argument is particularly suggestive. Recall that we have seen that the

family class emerges as an important site for both the recruitment of a non-white working-class people and the construction of “state-enforced heteronormativity” that reads immigrant communities as somehow inherently supportive of conservative family values. It is alongside this context that we must read the emergence of the figure of the “gay refugee.” As Reddy argues, the queer migrant/refugee is “formed in the contradiction between heteronormative social relations mandated for immigrants of color by the state’s policies and the liberal state’s ideology of universal sexual freedom as a mask for growing these social relations.”<sup>35</sup> Such a reading of the category “gay refugee” acts as a caution against understanding it as evidence of either a straightforward victory for LGBT rights or the visibility of queers of colour – but neither does it close off points of contestation.<sup>36</sup> Before exploring these, however, two further initial points need to be made about the category refugee: one pertaining to neoliberal logic and the other to refugees, the sphere of the political, and political agency.

The first basic point is that the same neoliberal logic that places particular stress on the family class and spousal reunification also structures refugee policy. As a number of commentators observe, in the post-Cold War context, the political meaning of “refugee” has been fundamentally recast. The former binary between “good refugee/bad economic migrant” has shifted to “bad asylum seeker/good economic migrant.”<sup>37</sup> Refugees are now often cast as “bogus,” arriving in Canada through criminal means, needy, and likely to be a burden on the system; in short, they are not perceived as good potential neoliberal citizens. The most egregious and infuriating example of this logic were the cuts to health care for refugees and refugee claimants that came into effect in June 2012 and that were then reversed in 2016 not long after the election of Prime Minister Justin Trudeau. While the cuts were in place, health care providers and allies across Canada mobilized a vital campaign that included national days of action and medical workers declaring they would not comply with the legislation.<sup>38</sup>

This neoliberal logic has also been applied specifically in LGBT contexts through the federal program for gay refugees. On the eve of the 2011 federal election, in which the Conservatives were re-elected, then immigration minister Jason Kenney announced a pilot plan for the sponsorship of gay refugees. The basic idea is that a small group may sponsor a refugee, and, in turn, the federal government will step up with money for the first three

months of a refugee's life in Canada. However, these private sponsors must be financially prepared to support the refugee for her/his first year in Canada, including food, accommodation, and assistance with orientation and settlement. In short, the federal government is continuing, as it does with conjugal couples, to transfer the costs of settlement and integration onto private individuals. The structure of Kenney's neoliberal refugee sponsorship program, whereby a small circle of LGBT people can sponsor a refugee if they assume the financial "risk," is arguably a variant of another key pillar of homonationalism: what Puar calls "queer as regulatory." In this case, the national gay subject is asked to ensure that the gay refugee becomes a proper national neoliberal subject.<sup>39</sup> It also invites sponsors and settlement workers to engage in the same problematic inquiries into who is "really" gay, who is "really" a refugee, as those carried out by the Immigration and Refugee Board.<sup>40</sup>

To date, small circles of gays and lesbians have emerged – usually as part of an existing queer group or institution, to sponsor someone through this federal program, and a very small numbers of gay refugees have entered Canada this way.<sup>41</sup> One reason the numbers have remained small is that few people are in the financial position to sponsor a refugee (a particular consideration in the years when refugee health cuts were in effect) and the paperwork and delays are often a formidable barrier.<sup>42</sup> Moreover, as we saw with the story that opens this chapter, and regardless of the numbers of refugees who enter Canada, claims to be providing safety to "persecuted gay Iranians" further enable homonationalist deployments of the refugee system. Furthermore, the citizen is the only subject entitled to legitimate political speech and to membership in a political community. Refugees, by contrast, are supposed to display "speechlessness, placelessness, invisibility, [and] victim status," and their very lack of a political community also contributes to the increased use of detention against them since, as Rygiel argues, such spatial practices are "integral to the continued functioning of the nation-state system for they provide a way of dealing with all those who no longer have a political community in which to live."<sup>43</sup> Refugees, including those who are LGBT, are figured as "fearful subjects" outside the domain of the political.<sup>44</sup>

But what happens when refugees *do* speak, *do* organize collectively, *do* mount political challenges, and *do* represent themselves in cultural production, as indeed they are doing across a variety of settings, including in

Canada? In this section, I turn to the recent campaign to stop the deportation of gay refugee claimant Alvaro Orozco in order to make some observations about refugees and the sphere of the political as well as about queer asylum, public/private divides, detention and deportation, and mobilizations of “gay” and “community.”

As Nyers notes, anti-deportation campaigns are a key site for investigation as they push “the sovereign logic to the limit.”<sup>45</sup> In many ways, the case of Alvaro Orozco and the successful campaign to stop his deportation was remarkable.<sup>46</sup> This story first came to media prominence in Canada in 2007 when Orozco became a failed refugee claimant after the IRB did not believe that he was gay. Alvaro Orozco came to Canada in 2005 having already spent several years living underground in the United States after leaving his family home in Nicaragua (where homosexuality was formally criminalized until 2008) at the age of twelve. Orozco remained in Canada as a failed claimant after his 2007 IRB hearing, and four years later he was arrested near the Ossington subway station in Toronto after police racially profiled him and he could not produce documents. He was turned over to immigration authorities and taken into detention.

It is worth examining why Orozco’s original refugee claim was so unintelligible to the IRB. Accounts by refugees are, as Jenni Millbank observes, extremely important as “the refugee setting is unique in legal settings in that it relies heavily upon personal stories.”<sup>47</sup> According to press reports, the IRB did not believe he had a claim to protection on the basis of sexual orientation because Orozco told it that he did not have a boyfriend nor had he looked for a relationship. As Orozco’s lawyer, El-Farouk Khaki, pointed out, this ignored the fact that, after leaving Nicaragua alone at the age of twelve, Orozco sought refuge in churches in the United States, not always the likeliest places for conducting of gay relationships.<sup>48</sup> The fact that Orozco had to seek help from churches is also linked to the fact that, as Reddy observes, social service delivery in the United States since Bill Clinton’s administration moved from “public and private non-profit secular providers and toward religious organizations and groups ... and an increasing number of immigrants use religious groups as their primary service providers.” Reddy notes that such a shift is another factor contributing to “the disproportionate enforcement of hetero-patriarchal relations within immigrant of color communities.”<sup>49</sup> Indeed, the fact that Canadian refugee tribunals

have “tended to assume that being gay or lesbian means being openly so”<sup>50</sup> – a reading of “being gay or lesbian” arguably taken from the insistence on “being out” within modern lesbian and gay movements – simply did not, and could not, fit the material and spatial realities faced by Orozco. Indeed, the possibilities for intimacy for surveilled and deportable undocumented people, particularly queer youth, are of a completely different order than are those imagined for middle-class citizen subjects.

The patriarchal oppression and fear of violence experienced by Orozco in the context of his family home, and about which he speaks in the recent National Film Board (NFB) documentary *Last Chance*, parallels that experienced by some women refugee claimants and may in fact have contributed to the further unintelligibility of his claim for IRB officers. As Nyers comments: “[The 1951 United Nations Refugee] Convention’s preoccupation with persecution occurring within the typically male-dominated ‘public’ sphere has the effect of de-emphasizing the significance, and even disregarding the legitimacy, of persecution arising from activities that are classified as ‘private.’”<sup>51</sup> This is a useful reminder that, as important as ending the formal criminalization of LGBT people is, much ongoing social regulation resides in the family, especially for women (both heterosexual and lesbian) and queer youth. Refugee boards, in turn, may not read “problems” within the family, however real and severe, as meriting a claim for refugee status.

When Orozco was picked up by the authorities in the streets of Toronto and taken into detention, a strong and ultimately successful campaign emerged to stop his deportation. Interlocking networks of LGBT, arts, and migrant justice networks, including No One Is Illegal,<sup>52</sup> came together and carried out a non-stop series of actions including, but not limited to, press conferences, demonstrations, public meetings, art shows, dance mobs, and phone/e-mail/twitter blitzes. In the years between the failure of his refugee claim and his arrest, Orozco formed critical connections across a number of community formations, and it was these networks that mobilized effectively in his defence. While the IRB may not have read Orozco as “gay,” this was not an issue for activists who wrapped him tightly in discourses of family and community, a common move for anti-deportation campaigns across a variety of jurisdictions.

As Anderson identifies, such discursive moves often assert city or



neighbourhood citizenship and membership values against those of “the bureaucracy” or the state: “There is an implicit (or explicit) claim that citizens have some authority to determine the boundaries of membership, an authority that is seen as stemming from their real world experience and knowledge of their community.”<sup>53</sup> Anderson further explains that such claims may not necessarily be progressive in character because, in the last analysis, they forward “only a replacement of grounds for determining who should stay and who should not” and not a full-on critique of deportation itself as a prime technology of exclusion and nation building.<sup>54</sup> To its credit, No One Is Illegal avoided this danger precisely by highlighting the detention and deportation apparatus rather than a strategy based on membership claims. As immigration sweeps, detentions, and deportations are taking on new patterns, and as immigration enforcement moves up the migrant justice agenda in Canada, this point needs underlining, especially since an interrogation of the deployment of detention and deportation of LGBT refugee claimants is largely absent from documentaries such as *Last Chance*.

As already noted, at the time of his arrest Orozco was still in the country despite losing his claim to refugee status. As in many jurisdictions, Canada has numbers of people who have not been removed because, for one thing, there are simply too many potentially deportable people and the cost (not to speak of logistical issues) of removing them is too high. Employers, too, gain from deportable labour. In Orozco’s case, he was stopped by police and turned over to immigration authorities. Enforcement is also increasingly “inland,” as Anderson notes, making enforcement much more visible, and we are all drawn into it in a variety of consequential ways whether as employers, landlords, service providers, or bystanders in street sweeps.<sup>55</sup> A stunning example of this surfaced recently in a so-called reality TV show called *Border Security: Canada’s Front Line*, which featured footage from a March 2013 immigration raid on a worksite. The Vancouver-based No One Is Illegal mounted a forceful and successful campaign of resistance to have the show cancelled on the grounds that it displayed dubious ethics, was an invasion of privacy, and exploited the suffering of migrants. There is, then, a renewed strong interrelationship between the violence and visibility of immigration enforcement and the emergence of anti-deportation and wider migrant justice campaigns. In addition, such enforcement strategies also raise renewed questions about how borders operate and where they may be found.



Categories such as “refugee” and “family class” are meant to organize people and to produce particular kinds of subjectivities. But borders are not only enacted between nations but also within them; the border is also enacted every time someone, because of her or his immigration and citizenship status, finds s/he cannot gain access to a food bank, medical care, or housing.

A first basic conclusion, then, is that activist interventions need to focus attention on the violence of the enforcement, detention, and deportation system. Activists must concentrate on what borders and citizenship regimes do rather than on problems such as whether the refugee system, for example, recognizes queer narratives or what the immigration system looks like from the standpoint of those who are citizens. As much as campaigns and social movements may fight for the redefinition or widening of these categories (“refugee”/“family class”/“spousal reunification”) and their criteria, the fact is that such classifications exclude people to produce notions of the deserving and undeserving, of what Anderson calls the “community of value.” It is important that anti-deportation campaigns, for example, do not replicate the problems with the “community of value” by defending an individual’s right to stay on the basis of her or his worthiness as “good citizenship” material, regardless of whether those criteria are drawn by the state or by a given community, including the LGBT community. An important step is for social movements to move beyond taking up the official discourse of the immigration and refugee system, such as, for example, the IRB guidelines for the management of refugees as a category of knowledge. Widening these guidelines to include LGBT people is insufficient.

Second, we need a historical-geographical understanding of global citizenship regimes that have worked to organize profound divides on a variety of spatial scales and of which the deployment of sexuality is a part. Without that analysis, the current LGBT human rights and refugee work will continue, as much of it does, to leave itself open for homonationalist deployments with both “national” and “international” effects and consequences. Aside from the example of Iran referenced at the beginning of this chapter, there is a strong need for more serious analyses of the Canadian state’s work in areas such as the Anglo-Caribbean (perhaps especially Jamaica) and Uganda, and within the broader context of Commonwealth debates on LGBT rights.<sup>56</sup>

More than ever, as Reddy argues, “it is imperative for us to refuse the

figure of the citizen as the subject of knowledge and the trope of unity.”<sup>57</sup> Indeed, as Anderson insists: “Recognizing simultaneously the artificiality and the consequences of the categorizing of people into migrants and citizens reveals that the politics of migration are far broader than immigration policy.”<sup>58</sup> Not asking the questions from the standpoint of citizenship and official discourse reveals important spaces for contestation in relation to all those neglected in many contemporary interventions, including transgender migrants, so-called temporary workers, and all those illegalized by the state. In both the United States and Canada, scholars and activists have begun to think through migrant justice from trans perspectives. As Noble’s contribution to this volume makes clear, one important conversation focuses on how questions of “proper documentation,” security, and identity affect trans people (undocumented or not), and on the need to theorize the intersection of “regulatory gender norms, racialization processes[,] and ideals of citizenship” in state surveillance practices.<sup>59</sup> Given the massive reliance on so-called “temporary” workers in the current system, there is a need to rethink not only temporariness and permanence in immigration but also the heteronormative character of temporary labour migration.<sup>60</sup>

The struggles over access to benefits and social services for refugees and the illegalized also opens up vital arenas for daily organizing through initiatives such as No One Is Illegal’s solidarity cities.<sup>61</sup> Sanctuary and solidarity cities have emerged in the United States, the United Kingdom, and, more recently, in Canada; while they may vary a great deal by local setting, these are urban-based initiatives focused on ensuring that undocumented people and refugees have access to services and the life of the community. In the Toronto case, efforts to build a solidarity city have a long history rooted in campaigns to ensure that children without papers (or whose parents are without legal status) have access to public education and to ensure that Canada Border Services Agency personnel do not enter Toronto anti-violence shelters looking for undocumented women. In February 2013, following organizing efforts led by the Solidarity City Network, City Council passed a motion affirming the right to municipal services for those without status. All of these spaces are important fronts for political work, and, ultimately, they point to the fact that we need to go much further; we need to “move from challenging national forms of belonging to trying to activate new subjectivities, ones that correspond with the global level at which human

activity is actually organized, in order to confirm a conception of freedom based on the collective political action of *equals*.”<sup>62</sup> Such a conception of human freedom means engaging with how contemporary border and migration regimes, including prisons and detention and deportation practices, are linked to “histories of struggle over colonialism, the nation- state, and what it means to be human.”<sup>63</sup> More than ever, we need queer struggles – grounded in anti-colonialist, anti-racist, anti-capitalist, and feminist visions – to grapple with these historical legacies and to think through a politics that can sustain us all.

## Notes

- 1 I use “LGBT” and “queer” interchangeably. These terms have limitations and do not by any means capture the range of everyday lived intimacies, sexualities, and gender expressions or identities and non-identities. LGBT is also an unstable coalitional term with its own complex political history. I do not use “queer” in opposition to “LGBT” or as more transgressive. I draw on aspects of queer theory and, especially, the work that focuses on sexuality in relation to class and gender relations, “race,” citizenship, and immigration. [Return to text.](#)
- 2 Various, “An Open Letter to Jason Kenney: We Are Not Fooled by Unsolicited, Self-Congratulatory Pinkwashing,” September 24, 2012, <http://rabble.ca/>. [Return to text.](#)
- 3 Ibid.; Jasbir K. Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham, NC: Duke University Press, 2007). Puar opens the book with a critique of the 2006 International Day of Action against Homophobic Persecution in Iran and of the complicity of some gay rights organizing with support for war against Iran. [Return to text.](#)
- 4 For an outline of key changes in the immigration and refugee system, including Bill C-31 but also others, consult Debra Black and Nicholas Keung, “Immigration and Refugee System: Canada Made Controversial Changes in 2012,” *Toronto Star*, December 29, 2012 [http://www.thestar.com/news/investigations/2012/12/29/immigration\\_and\\_refugee\\_syst](http://www.thestar.com/news/investigations/2012/12/29/immigration_and_refugee_syst) [to text.](#)
- 5 See the website [queersagainstapartheid.org](http://queersagainstapartheid.org) and also Tim McCaskell, “Queers Against Apartheid: From South Africa to Israel,” *Canadian Dimension*, June 22, 2010, <https://canadiandimension.com/articles/3102/>. [Return to text.](#)
- 6 Note that these are categories produced by the state and do not correspond directly to actual everyday lived experience. For example, it is quite possible to shift among several categories over the course of living in Canada. For more, see Luin Goldring and Patricia Landolt, eds., *Producing and Negotiating Non-Citizenship: Precarious Legal Status in Canada* (Toronto: University of Toronto Press, 2013). [Return to text.](#)
- 7 Bridget Anderson, *Us and Them? The Dangerous Politics of Immigration Control* (Oxford: Oxford University Press, 2013). See also Harald Bauder, “Nation, ‘Migration’ and Critical Practice,” *Area* 45, 1 (2013): 56–62. [Return to text.](#)
- 8 Étienne Balibar, *We, the People of Europe? Reflections on Transnational Citizenship*, trans. James Swenson (Princeton, NJ: Princeton University Press, 2004), 113. See also Nandita Sharma, *Home Economics: Nationalism and the Making of “Migrant Workers” in Canada* (Toronto: University of Toronto Press, 2006); and Kim Rygiel, *Globalizing Citizenship* (Vancouver: UBC Press, 2010). [Return to text.](#)
- 9 Goldring and Landolt, *Producing and Negotiating Non-Citizenship*. The literature on sexual rights is expansive. See Andil Gosine, “Sex for Pleasure, Rights to Participation, and Alternatives to AIDS: Placing Sexual Minorities and/or Dissidents in

Development,” IDS Working Paper, 2005, <http://www.ids.ac.uk/files/Wp228.pdf>; and Mikki van Zyl, “Beyond the Constitution: From Sexual Rights to Belonging,” in *The Prize and the Price: Shaping Sexualities in South Africa*, ed. Melissa Steyn and Mikki van Zyl (Cape Town: HSRC Press, 2009), 364–87. The entire book or specific chapters can be viewed at <http://www.hsrcpress.ac.za/product.php?productid=2249&cat=1&page=1> . [Return to text.](#)

10 Ibid. See also Sharma, *Home Economics*. Of course, at one level “temporariness” has been a feature of the im/migration system for some time, as the history of deportation in Canada reveals. For more, see my chapter, “The Museum of Illegal Immigration: Historical Perspectives on the Production of Non-Citizens and Challenges to Immigration Controls,” in Goldring and Landolt, *Producing and Negotiating Non-Citizenship*, 31–54. [Return to text.](#)

11 Several chapters in Goldring and Landolt, *Producing and Negotiating Non-Citizenship*, address this question. In particular, see contributions by Salimah Valiani, Delphine Nakache and Janet McLaughlin, and Jenna Hennebry. For ongoing updates, follow the websites of No One Is Illegal and Justicia for Migrant Workers. [Return to text.](#)

12 Debra Black, “Acceptance Rates for Refugees to Canada Decline Substantially since 2006,” *Toronto Star*, November 1, 2012, [http://www.thestar.com/news/canada/2012/11/01/acceptance\\_rates\\_for\\_refugees\\_to\\_ca](http://www.thestar.com/news/canada/2012/11/01/acceptance_rates_for_refugees_to_ca). Literature on “trafficking” and global anti-trafficking regimes is extensive. For recent critiques of the trafficking framework as, among other things, fundamentally anti-migrant, see Anderson, *Us and Them*; Kamala Kempadoo, J. Sanghera, and B. Pattanaik, eds., *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights*. 2nd ed. (Boulder, CO: Paradigm, 2011). The important recent wave of Syrian refugees accepted to Canada, many privately sponsored, should not distract us from the fact that important barriers remain for refugees, both Syrian and non-Syrian, and especially for African refugees. See the May 24, 2016 statement, “Call for a resettlement plan reflecting equity for all regions,” <http://www.ccrweb.ca>. [Return to text.](#)

13 Nicolas de Genova and N. Peutz, eds., *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement*. (Durham, NC: Duke University Press, 2010). See Delphine Nakache, “The Human and Financial Cost of Detention of Asylum-Seekers in Canada,” UNHCR, December 2011, <http://www.refworld.org/docid/4fafc44c2.html>. More recently, the UN Human Rights Working Group on Arbitrary Detention has criticized Canada for its immigration detention practices. See Nicholas Keung, “UN Chastises Canada over Immigration Detention, including Un-Deportable Man Jailed 8 Years.” *Toronto Star*, July 24, 2014, [http://www.thestar.com/news/immigration/2014/07/24/un\\_chastises\\_canada\\_over\\_immigration\\_including\\_undeportable\\_man\\_jailed\\_8\\_years.html](http://www.thestar.com/news/immigration/2014/07/24/un_chastises_canada_over_immigration_including_undeportable_man_jailed_8_years.html) . [Return to text.](#)

14 For details of recent changes to the family class, go to the Canadian Council for Refugees (CCR) at <http://ccrweb.ca/>. [Return to text.](#)

15 The Canadian Association of Refugee Lawyers summarizes the changes on its

website: “In June 2012, the federal government passed Bill C-31, the *Protecting Canada’s Immigration System Act*, ushering in sweeping changes to Canada’s refugee system. Under the new system, refugee claimants in Canada will face accelerated timelines, limited recourse for negative decisions, and restrictive access to safety nets including Humanitarian and Compassionate Consideration and Pre-Removal Risk Assessment. The new law also gives broad powers to the Minister of Public Safety to designate certain arrivals as ‘Designated Foreign Nationals’ – a label that carries mandatory detention, accelerated timelines, restricted access to the refugee system, and draconian conditions on refugees, including a five-year waiting period between a successful claim and an application for permanent residency. Finally, the new system includes a Designated Countries of Origin list – a list of countries that are assumed to be ‘safe’ for refugees. Refugee claimants from these countries will face accelerated timelines for their refugee hearings and fast removal without the chance to have a negative decision reviewed” (<http://www.carl-acaadr.ca/our-work/issues/bill-c31> ). Additional useful information may be found on the websites of the Canadian Council for Refugees and No One Is Illegal (Vancouver) at <http://ccrweb.ca/> and <https://noii-van.resist.ca/>. [Return to text.](#)

- 16 Rygiel, *Globalizing Citizenship*, 11. On queers and the national security state, see Gary Kinsman and Patrizia Gentile, *The Canadian War on Queers: National Security as Sexual Regulation* (Vancouver: UBC Press, 2010). [Return to text.](#)
- 17 Eithne Luibheid, “Queer/Migration: An Unruly Body of Scholarship,” *GLQ* 14, 2–3 (2008): 174. [Return to text.](#)
- 18 Jasbir Puar, “Rethinking Homonationalism,” *International Journal of Middle East Studies* 45 (2013): 336. [Return to text.](#)
- 19 Puar, *Terrorist Assemblages*, 2. Puar uses the concept of “national homosexuality” as a synonym for homonationalism. [Return to text.](#)
- 20 Puar, “Rethinking Homonationalism,” 336. [Return to text.](#)
- 21 Gary Kinsman, “Wolfenden in Canada: Within and beyond Official Discourses in Law Reform Struggles,” in *Human Rights, Sexual Orientation and Gender Identity in the Commonwealth: Struggles for Decriminalization and Change*, ed. Corinne Lennox and Matthew Waites, 183–205 (London: Institute of Commonwealth Studies, Human Rights Consortium, 2013), available for download at <http://commonwealth.sas.ac.uk/publications/house-publications/lgbt-rights-commonwealth>; Wright, “Museum of Illegal Immigration.” [Return to text.](#)
- 22 Anderson, *Us and Them*, 53 [Return to text.](#)
- 23 Simone A. Browne, “Of ‘Passport Babies’ and Border Control,” *Atlantis: A Women’s Studies Journal* 26, 2 (2002): 97–108. [Return to text.](#)
- 24 For more on this point, see Wright, “Museum of Illegal Immigration.” [Return to text.](#)
- 25 On the United Kingdom, see Anderson, *Us and Them*. See also the website of the Migrant Rights Network for ongoing updates. [Return to text.](#)
- 26 For updates on how the striking down of DOMA affects binational couples, see <http://www.immigrationequality.org/>. The striking down of DOMA also needs to be studied in relation to the recent gutting of the Voting Rights Act. Thanks to Rinaldo



- Walcott for this observation. See Devon Carbado, Kimberle Williams Crenshaw and Cheryl Harris, “Why We Can’t Celebrate,” *The Nation*, July 18, 2013, <http://www.thenation.com/article/why-we-cant-celebrate/>. Section 4 of the Voting Rights Act, a key victory of the civil rights movement, mandates that parts of the United States (especially the southern states) have to have any changes in voting legislation approved by the federal government. [Return to text.](#)
- 27 Debanuj DasGupta, “Queering Immigration: Perspectives on Cross-Movement Organizing,” *Scholar and the Feminist Online*, 10.1–10.2 (2011/12), <http://sfonline.barnard.edu/a-new-queer-agenda/queering-immigration-perspectives-on-cross-movement-organizing/>. [Return to text.](#)
- 28 Rachel Lewis, “Lesbians under Surveillance: Same-Sex Immigration Reform, Gay Rights, and the Problem of Queer Liberalism,” *Social Justice* 37, 1 (2010–11): 101. [Return to text.](#)
- 29 DasGupta, “Queering Immigration” (emphasis in original). [Return to text.](#)
- 30 Debbie Douglas, Avvy Go, and Sarah Blackstock, “Canadian Immigration Changes Force Women to Stay with Sponsoring Spouse for Two Years,” *Toronto Star*, December 5, 2012. [Return to text.](#)
- 31 Eithne Luibheid, “Sexuality, Migration, and the Shifting Line between Legal and Illegal Status,” *GLQ* 14, 2–3 (2008): 300, 301. [Return to text.](#)
- 32 Chandan Reddy, *Freedom with Violence: Race, Sexuality, and the US State* (Durham, NC: Duke University Press, 2011), 162. [Return to text.](#)
- 33 Puar, *Terrorist Assemblages*, 32. Puar’s three pillars are “sexual exceptionalism, queer as regulatory, and the ascendancy of whiteness” (2). [Return to text.](#)
- 34 For a classic article on the production of knowledge about “refugees,” see Liisa H. Malkki, “Refugees and Exile: From ‘Refugee Studies’ to the National Order of Things,” *Annual Review of Anthropology* 24 (1995): 495–523. [Return to text.](#)
- 35 Reddy, *Freedom with Violence*, 163–64. [Return to text.](#)
- 36 *Ibid.*, 164–65. [Return to text.](#)
- 37 Anderson, *Us and Them*, 57. [Return to text.](#)
- 38 For details about the cuts and the campaign, as well as news stories, see [doctorsforrefugeecare.ca](http://doctorsforrefugeecare.ca) and [collectifjusticesante-campagne.tumblr.com](http://collectifjusticesante-campagne.tumblr.com). However, the two sites (and associated organizing) vary significantly in their deployment (or not) of nationalism. There was also an important legal case mounted against these cuts. See Peter Showler, “Refugee Lawyers: Cuts to Interim Federal Health Program Are ‘Wrong and Illegal,’” June 18, 2013, <http://rabble.ca/>. Additionally, six Canadian provinces refused to implement the federal cuts. [Return to text.](#)
- 39 Puar, *Terrorist Assemblages*, 11–24. To be clear, private sponsorship of refugees, a system unique to Canada and often organized through faith-based groups, has been around since 1979. Private sponsorship of LGBT refugees is much more recent. [Return to text.](#)
- 40 David A. B. Murray, *Real Queer? Sexual Orientation and Gender Identity Refugees in the Canadian Refugee Apparatus* (London: Rowan and Littlefield, 2016). [Return to text.](#)



- 41 Kaj Hasselriis, "From Far and Wide," *Xtra!*, June 27–July 10, 2013, 29. Groups such as Rainbow Railroad pay for travel costs for LGBT refugees, but do not privately sponsor them. See <http://www.rainbowrailroad.ca>. The Metropolitan Community Church of Toronto, with an LGBT-focused ministry, has a sponsorship agreement with the Canadian government and has sponsored about a dozen refugees in recent years. See <http://www.mcctoronto.com>. [Return to text.](#)
- 42 The recent stream of Syrian refugees has, of course, significantly raised the numbers of privately sponsored refugees and revealed new issues in the private sponsorship system. The fact also remains that private sponsorship of non-Syrians remains difficult, especially for refugees from Africa. For discussion, see the January 2016 paper, "Renewing Canada's Private Sponsorship of Refugees Program," at <http://www.ccrweb.ca/sites/ccrweb.ca/files/renewing-psr-jan-2016.pdf>. [Return to text.](#)
- 43 The source for the first citation is Peter Nyers, *Rethinking Refugees: Beyond States of Emergency* (New York: Routledge, 2006), 45; and the second is from Rygiel, *Globalizing Citizenship*, 13. [Return to text.](#)
- 44 On refugees as "fearful subjects," see Nyers, *Rethinking Refugees*, esp. chap. 3. [Return to text.](#)
- 45 Ibid., 130. [Return to text.](#)
- 46 The following discussion of Alvaro Orozco's refugee claim and of the campaign to stop his deportation is in no way meant to be a complete account of this rich story. For more on queer undocumented youth organizing in the United States, see Karma R. Chavez, *Queer Migration Politics: Activist Rhetoric and Coalitional Possibilities* (Urbana: University of Illinois Press, 2013), esp. chap. 3. [Return to text.](#)
- 47 Jenni Millbank, "Imagining Otherness: Refugee Claims on the Basis of Sexuality in Canada and Australia," *Melbourne University Law Review* 144 (2002): 154. [Return to text.](#)
- 48 "Refugee Claimant Who Didn't Prove He's Gay Denied Asylum," <http://www.cbc.ca/news/canada/toronto/refugee-claimant-who-didn-t-prove-he-s-gay-denied-asylum-1.646959>. [Return to text.](#)
- 49 Reddy, *Freedom with Violence*, 161. [Return to text.](#)
- 50 Millbank, "Imagining Otherness," n117. [Return to text.](#)
- 51 Nyers, *Rethinking Refugees*, 48. *Last Chance*, directed by Paul Emile d'Entremont, was released by the National Film Board of Canada in 2012. [Return to text.](#)
- 52 No One Is Illegal, a migrant justice network composed of immigrants, refugees, and allies, has been active in several Canadian cities for over ten years. Among other goals, the network campaigns to end deportations and detentions within an anti-colonial framework that advocates against displacement and for the right to move as well as the right to stay. [Return to text.](#)
- 53 Anderson, *Us and Them*, 133. [Return to text.](#)
- 54 Ibid., 134. See also Wright, "Museum of Illegal Immigration." [Return to text.](#)
- 55 Anderson, *Us and Them*, 131. [Return to text.](#)
- 56 Rinaldo Walcott, "Queer Returns: Human Rights, the Anglo-Caribbean and Diaspora Politics," *Caribbean Review of Gender Studies*, 3 (2009): 1–19. On the Commonwealth

- debates, see Corinne Lennox and Matthew Waites, “Human Rights, Sexual Orientation and Gender Identity in the Commonwealth: From History and Law to Developing Activism and Transnational Dialogues,” in *Human Rights, Sexual Orientation and Gender Identity in the Commonwealth: Struggles for Decriminalization and Change*, ed. Corinne Lennox and Matthew Waites, 1–59 (Institute of Commonwealth Studies, Human Rights Consortium, 2013). Available for download at <http://commonwealth.sas.ac.uk/publications/house-publications/lgbt-rights-commonwealth>. For broader discussions of sexuality within the Caribbean context, see Mimi Sheller, *Citizenship from Below: Erotic Agency and Caribbean Freedom* (Durham, NC: Duke University Press, 2012); M. Jacqui Alexander, *Pedagogies of Crossing: Meditations on Feminism, Sexual Politics, Memory and the Sacred* (Durham, NC: Duke University Press, 2005); Kamala Kempadoo, *Sexing the Caribbean: Gender, Race, and Sexual Labor* (New York: Routledge, 2004). [Return to text.](#)
- 57 Reddy, *Freedom with Violence*, 156. [Return to text.](#)
- 58 Anderson, *Us and Them*, 180. [Return to text.](#)
- 59 See Noble (chap. 13, this volume) as well as Toby Beauchamp, “Artful Concealment and Strategic Visibility: Transgender Bodies and US State Surveillance after 9/11,” *Surveillance and Society* 6, 4 (2009): 256–66; Jenna Loyd, “Immigrant Justice from a Trans Perspective: An Interview with Gael Guevara,” in *Beyond Walls and Cages: Prisons, Borders, and Global Crisis*, ed., Jenna M. Loyd, Matt Mitchelson, and Andrew Burrige (Athens: University of Georgia Press, 2012), 314–24. [Return to text.](#)
- 60 For some provocative thoughts on this last point, see Martin Manalansan, “Queer Intersections: Sexuality and Gender in Migration Studies,” *International Migration Review* 40, 1 (2006): 224–49. [Return to text.](#)
- 61 For more on solidarity cities organizing, see <http://toronto.nooneisillegal.org/>. See also Jean McDonald, “Building a Sanctuary City: Municipal Migrant Rights in the City of Toronto,” in *Citizenship, Migrant Activism and the Politics of Movement*, ed., Peter Nyers and Kim Rygiel (London: Routledge, 2012), 129–45; and Vicki Squire and Jennifer Bagelman, “Taking Not Waiting: Space, Temporality and Politics in the City of Sanctuary Movement,” in Nyers and Rygiel, *Citizenship*, 146–64. [Return to text.](#)
- 62 Bridget Anderson, Nandita Sharma, and Cynthia Wright, “‘We Are All Foreigners’: No Borders as a Practical Political Project,” in Nyers and Rygiel, *Citizenship*, 86. Emphasis in original. [Return to text.](#)
- 63 Jenna Loyd, Matt Mitchelson, and Andrew Burrige, “Introduction: Borders, Prisons, and Abolitionist Visions,” in Loyd et al., *Beyond Walls and Cages*, 2. [Return to text.](#)

# 13

## Trans-ing the Canadian Passport

### On the Biopolitical Storying of Race, Gender, and Borders

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*Bobby Noble*

In May 2012, I queried the possibility of a human rights complaint against the federal government of Canada for its use of binarized sex categories on the Canadian passport. I argue that the use of such categories creates structural conditions of inequality by assuming uncomplicated differentiations between only two sexes and so discriminates against transgender, genderqueer, transsexual, and gender non-conforming peoples for whom a great deal of variance and complexity exists between embodiment and genderedness. I argue that such discrimination, according to the Canadian Charter of Rights and Freedoms, creates inequalities which become manifest in “ordinary” everyday practices such as border crossing and travel. But this equality-based legal claim challenges Transport Canada’s new screening policy, released in 2012, which stipulates that if a passenger does not appear to be of the gender indicated on the legal papers “he” or “she” presents, that person will not be allowed to fly.<sup>1</sup> Citizens in this situation can travel if they apply for an emergency and temporary passport indicating that they will comply surgically with irreversible and legal gender norms within one year. In Canada, not everyone has equal access to such procedures. Under Canadian health regulations, compliant with the American Psychiatric Association’s *Diagnostic and Statistical Manual of Mental Disorders* 5th edition (*DSM V*), which has taxonomized transsexuality as a mental illness since 1980, a person must live at least one year in her/his assumed gender identity before some partial state-paid reassignment surgeries will take place, even though what “partial” and “transition” means for FtMs versus MtFs vary from province to province.<sup>2</sup> The regulations governing legal sex change on identification documents also change from province to

province, implying, as a consequence, that the criteria and limits establishing legal sex are also contingent and context-specific. For instance, in Quebec, it is possible for FtMs to change legal sex status with a physician's letter, top surgery, and hormones but without having had a hysterectomy.<sup>3</sup> In Ontario, as of late 2012, it is also legal to change one's sex without undergoing complete sex reassignment surgeries and hormone therapies.<sup>4</sup>

Despite these local and very interesting discrepancies, the passport human rights complaint and the scholarship it generates seek to *out* the failures of sex categories at the national level (such as those codified in the new Transport Canada screening regulations), as evidenced by the security state's complicated triangulations of border anxieties regarding identification, gender, sex, passports, *and* race. Needless to say, the passport document is part of a biopolitical technology constituting supposedly self-evident truths about the sexed body and subjectivity.<sup>5</sup> Precisely because of this presumed – but also regulated and enforced – transparency, the passport as text functions most efficiently not as an overarching structure (although this is clearly what it indexes) but also, to quote Kathleen Stewart, as scenes of ordinary and everyday “immanent force ... (where) the ordinary is a shifting assemblage of practices and practical knowledges, scene(s) of both liveness and exhaustion ... continual motion(s) of relations...in publics and social worlds of all kinds that catch people up in something that feels like *something*.”<sup>6</sup> Supposedly clear-cut binary distinctions between sexes are part of this nexus of a truth regime orbiting the passport as text – *something* reified further by the emergence, first, of the photograph but also more recently by biopolitical technologies like facial recognition software. But so, too, are similarly constituted racial differences experienced as *something* as they are perceived to do the work of indexing the ontologically “proper” national subject that is always already a properly racialized, enculturated, or, even more troubling, naturalized subject. That is, a modern taxonomy of assumed sex-gender coherence and national and racial differences has been the ground upon which passport cultures have been erected. But in this decision by Transport Canada, and in its defence of the regulation, these truth regimes not only orbit each other, not only intersect, but contingently articulate within the same imaginary. In justifying that the federal department responsible for air safety in Canada must be able to “identify” travellers “regardless of their culture, religion or sexual orientation,” the panoptic biopolitics of trans-nation and

trans-gender come to be codified as the same anxiety.

To frame this differently, the panicked epistemological confusion about sex is indexing a racially inflected panic on the part of the security state. Given the justification named in the need to identify “culture, religion and sexual orientation” – and given that those beyond Trans 101 know that one’s gender status has nothing to do with one’s “sexual orientation” – is this not a moment in which the security state reveals not only its ignorance but also its agenda to make each of these the other? This is not to say that racism, racial violence, and racial profiling do not and will not continue to regulate national belonging both inside and outside the nation’s borders. They do. And the emergence of this regulation post-September 11, 2001, suggests that the panic-driving racial profiling might well have taken on the additional shape of a gender panic. I try to get at that question here by elaborating the concept of trans- through my own human rights complaint; two additional passport stories; one recent American novel by Shelley Jackson, entitled *Half Life*, about conjoined sisters; and, finally, a short story by Thomas King entitled “Borders.”<sup>7</sup> By trans- I do not signal only what gets labelled too easily (and so dismissed) as “merely” the “identity politic” of transgender – as if such a thing is not still necessary given the deep pathologizing regime of the diagnosis of Gender Identity Disorder in the *DSM IV* and the *DSM V*. Such administrative and institutional biopolitical violences are all too easily disavowed and forgotten in the characterizations of gender reassignment practices as “trendy,” “chic,” or the “new gay.”<sup>8</sup> Nor am I at all interested in transgender normativities, as if we haven’t learned enough from those assembled under the practices of homonormativity.<sup>9</sup> Instead, this project in progress wants to contingently unhinge trans- from its overdetermined mooring to “gender” or “nation” to ask about the *trans-case* as a much larger critical modality. I query trans- unhinged not only as both content to analyze but also as the method by which such analysis needs to occur. To trans-means in part to denaturalize what is linked, reified, and assembled as the natural order of binary opposites, to render obvious the connective tissue between those linkages that is otherwise not obvious, and to occupy critical mobilities that have been rendered impossible according to spaces and shapes of political intelligibility.<sup>10</sup> In this chapter, I seek to trans- those linkages by detailing stories about, and the bodies reified through, the lies told as identification papers.

## Storying (in) the Trans-Case

*Passport story #1:* In August 2009, thirty-one-year-old Canadian citizen Suaad Hagi Mohamud returned home after being stranded in Kenya by the Canadian government. Mohamud travelled on a Canadian passport to Kenya, but, upon her attempted return to Canada, her passport was rejected by Canadian officials in Kenya who believed her to be an imposter, claiming that she did not look like her passport photograph.<sup>11</sup>

*Passport story #2:* In April 2010, three young First Nations men took a ten-day trip to Bolivia as the Mohawk Delegation for the World Peoples Conference on Climate Change and travelled, as per their right according to a series of 1924 Canadian-American agreements, on their “national” passports as members of the Kahnawake/Mohawk nation. As neither American nor Canadian citizens, members of the Mohawk nation have not relinquished citizenship and so do not travel on either American or Canadian passports. Upon attempting to return to Canada, they were stopped in El Salvador by both the Canadian Border Services as well as Immigration Canada and threatened with deportation back to Bolivia unless they signed what amounted to emergency Canadian passport statements declaring their “Canadian” citizenship in order to return to their home nation. With razor sharp astuteness, all three knew that signing such documents had the potential to establish legal precedent that would relinquish the right of sovereign citizenship as both a performative and a legal act for the Mohawk Nation. And so for twenty-nine days they were detained by the Canadian government, in essence for “security reasons,” until they were able, eventually, to pass through the geographical spaces of Canada and the United States to travel to their “home” inside occupying nations.<sup>12</sup>

I detail these first two stories as clear examples of the administrative and carceral violence done by colonial nation-states through passport practices. While in the first instance Mohamud was exiled for failing to look enough like herself, in the second instance, First Nations subjects are constituted as outside of “home” territory and are only permitted re-entry if they agree to their own genocide. In the second case, the subjects are threatened with



violence even as they are always already subject to external exile (deportation back to Bolivia) while still being Canada's "insider dispossessed" – that is, dispossessed of national belonging on their own sovereign terms and on their own homeland.<sup>13</sup>

These forms of trans- incoherences – as in *being rendered incoherent to the imaginings of nation* – bring a great deal of pressure to bear on the stylization of imagined Canadianness as the Conservative prime minister represented it at the 2009 G20 as "big enough to make a difference, but not big enough to threaten anybody."<sup>14</sup> They function as violent truth-events, moments that are represented as incidental but that, in fact, demonstrate the ordinariness of a historical and systemic settler colonialism and structural racism. If Benedict Anderson is correct in arguing that "everyone can, should, will 'have' a nationality, as he or she 'has' a gender" – then what shapes of convergence might emerge if we give to these variously authorized moments of incoherences and violent disciplinings the name *trans-modalities*?<sup>15</sup> Such a naming requires that we notice convergent constructions of "citizen" and "person" and "gender" as simultaneous modalities of state belonging that necessitate such singularity as their condition of intelligibility. In both of these passport cases, there is *something* in excess of that authorized and either facialized or colonized shape of "citizen" that must be excised in order to accommodate "Canadianness."<sup>16</sup> These biopolitical shapings of personhood, to borrow from Dean Spade, are ones in which compliance becomes complicit with self-effacement.<sup>17</sup>

Such an overdetermination of compliance and complicity is precisely what my own human rights complaint seeks to out and trouble. As a transgender person with almost three decades of lesbian, queer, and feminist activism before transition – histories and selves I in no way disavow even as there is much I might want feminism to have done differently – I seek to trouble self-annihilating conditions of belonging (either as one sex OR the other, not both) so that I am not always already complicit with the lies authorized by such imperatives: and where I, in fact, can productively fail to live up to such truth regimes. The production of such multiplicities is necessary, even in the face of state administrative apparatus, for creating contingent opportunities for a reassertion of personhood on terms transitory – that is, mobile, contradictory, and what Sandy Stone calls the intertextuality of the body, occupying both the "here" and the "there," the present tense first



person but also the space of personhood invisibilized through a documentary text like the passport.<sup>18</sup> In the case of my own passport, and in the first two passport stories, the intervention is imperative both to trouble Anderson's alignment of nation and sex (every person will "have" a nation like she/he "has" a gender) but also, after the creation of its new screening regulation, to antagonize the security state's panoptic but very confused conflation of particular forms – "culture, religion and sexual orientation" – as security risks (again, reasserting that gender identity is not sexual orientation). While a subject of white incoherence is not likely subject to deportation, it is now, according to Transport Canada, a dangerous offence and a very strange threat to air travel safety to pass through borders as gender variant and/or to not desire to use medical technologies like surgery and hormones to fix and securitize the trans-ing body.

### **Trans-ing Embodiment**

But let me try to get at my questions with more examples of these strange nation-state "havings" and "passings" and what they might mean. I want to shift focus to the complex, ordinary world of subjects with multiple bodies as depicted in Shelley Jackson's *Half Life*. If, as I argue here, to trans- as verb means, in part, to denaturalize what is linked, reified, and assembled as the natural order of binary opposites, to occupy critical mobilities that have been rendered impossible according to spaces and shapes of political intelligibility, then the subjects of these bodies deemed non-normative have both trans- and critically trans-ed lessons to teach. To be clear, I do not mean here identitarian and minoritized transgender identity politics. But I do intend to examine how these texts stage epistemological and important interventions in the ways that some bodies are constituted within "obvious" norms (those of gender, for instance) while others are constituted as the limits of norms (transnationalized subjects, for instance, or, in these novels, bodies that are not singular and are occupied simultaneously by more than one subject). *Half Life* tells a very queer story about the life of conjoined twins, or Twofers, Nora/Blanche, in which we see twoness literally depicted as doubled bodies extending each into the other. Conjoined twins have made curious appearances in a number of recent fictions, and, in most cases, the impossibility of life as a conjoined subject maps neatly onto the arc of the narratives. Barbara Gowdy's collection of stories, *We So Seldom Look On*

*Love*, introduces us to twins Sylvie and Sue in a short story that ends, as many do, with the “dominant” twin, Sylvie, undergoing surgery to remove Sue, her twin who was “nothing but a pair of legs” attached to her.<sup>19</sup>

Other contemporary fiction featuring conjoined twins follows a similar course. DBC Pierre’s *Ludmila’s Broken English* opens with the successful separation of Bunny and Blair.<sup>20</sup> The one recent fiction to deviate slightly from this formula is Canadian novelist Lori Lansens’ *The Girls*.<sup>21</sup> Lansens’ novel details a brief glimpse into the short lives of Rose and Ruby Darlen, born during a particularly devastating tornado in Leaford, southern Ontario, in 1974 but adopted out to, and raised by, Lovey and Stan Darlensky. Rose and Ruby never consider surgical separation despite the fact that, as Rose tells us, “there is some discomfort in our conjoinment.”<sup>22</sup> In fact, the most poignant feature of Lansens’ novel is precisely the intensely intimate emotional and physical relationship between Rose and Ruby, all the more so given such peculiarly intimate proximities. Rose tells us in the opening lines of the novel that, even though she “[has] never looked into [her] sister’s eyes,” she is determined to tell the story of her life, as impossible as that is.<sup>23</sup> She proceeds to tell us of the previous twenty-nine years of a life quite literally deeply attached to another human being “by a spot the size of a bread plate on the sides of our twin heads,”<sup>24</sup> acknowledging: “my truth will be coloured a shade different from my sister’s.”<sup>25</sup> While Rose and Ruby never seek separation from each other, the narrative does shift between each of their first-person viewpoints to stage both irresolvable conflict between them and a strange fusing, which suggests that consciousness of sensation, thought, emotion, and physicality between them may not be as separate as humanist and medical models would have it.

*Half Life* is no exception in terms of its choice of subject(s), even as it differs dramatically and performatively in terms of form. While *The Girls* is entirely realist and very earnest in its depiction of subjectivities and embodiment, *Half Life* seeks to trouble and queer both realism and earnestness combined with sexuality and through queer theory. Set in San Francisco in June during Twofer “Pride,” *Half Life* details the angst of Nora, in particular, as they attempt to come to terms with the ghostly presence of Blanche, a physically attached second partial body and self – literally a head sharing a shoulder and spine but with a separate personality – whom they resent and who has become, according to Nora, a burden, asleep now for

almost twenty years. The twins cannot see each other easily, their heads and eyes are positioned in opposite directions, but they certainly come into an ironically doubled sense of individual twoness even as not being entirely singular – that is, sharing a very complex body, embodied plural, AND as one physical entity with two distinct selves.

Nora can no longer endure not being alone, and so the novel follows their quest for singleness. Identifying with the hegemonic norm of individuation, Nora discovers the mysterious (and British) Unity Foundation that will allow “them” the one thing Nora claims as their birthright – the first person singular pronoun. Nora plots, in other words, “The Divorce,” Unity Foundation’s code for *physically killing off their twin*, Blanche, an act legal scholars debate to no end in the novel as quite possibly both murder AND suicide. Of course, the matter of the plot literally thickens. The narrative is, so we think, written primarily through Nora’s point of view, but the text begins to undo its own telling as Blanche (French feminine form of “blanc,” or white), who has been asleep for twenty years, begins to wake and take up a presence in the novel through textual ellipses; incomplete sentences, truncated sentences, strained and confused points of view, pauses, gaps, and so on, all begin to signal that presence breaking into the supposedly proper narrative voice. Unbeknownst to Nora and barely discernible to all but the very careful reader, Blanche wakes intermittently and makes the exact same arrangements to divorce Nora. The novel’s climax occurs on the operating table as Nora realizes that they are about to become the twin “removed.” They, of course, free themselves and return back to San Francisco even more alienated and in a textual and existential crisis about truth, privacy, self, and knowledge living in twoness. In what is the final, long section of the text, Nora struggles to come to terms with what multiplicity might mean, attempting to live in solitude and privacy away from Blanche, never quite fully reconciling to the mutuality but growing instead into the simultaneity of the “and” between them. Needless to say, Jackson’s is a complex text that leaves us much to consider, not the least of which is how grammar itself depends upon singular (and so non-trans) constructions of personhood. Moreover, Jackson’s text forces the careful reader to proceed very wilfully with pronouns, something not unfamiliar to those conversant in trans-lexicons and grammars. Readers notice that there is no other pronoun with which to describe a multiple self other than “they” and that the logic of what are often thought of as constative sentences using “they” are confusing and performatively strain against the rules of grammar.

Beyond staging a crisis in pronoun usage for the trans- critic, what remains telling about *Half Life* is not just its plot and its defiance of intelligible subjectivities but also the *how* of its telling. Deploying conventional realism, it also troubles such realism with doubling intertextuality and metatextuality, including poetry, song lyrics, Venn diagrams and drawings mapping the complex Boolean logic of the Twofer, case studies, endless lists and catalogues and taxonomies of things real and imagined, and Nora/Blanche's writing of their own Siamese Twin Reference Manual. All of these perform the very precise argument of the Nora/Blanche dilemma: "Every book seems to me," Nora tells us, "to have a second story under its skin ... [one] at odds with the one on the surface."<sup>26</sup> Readers discern, before the operating room epiphany, that Blanche haunts every image, picture, case study, list and taxonomy as a second textual presence and skin, even, literally, unwriting Nora's words until, on the last page of the text, they (i.e., Blanche) have peeled away Nora's textual presence. On that last page readers encounter a final paragraph of periods, commas, question marks – no words, just punctuation. Blanche, unwritten as Nora writes, in turn unwrites Nora until we hear a narrator say in the final three sentences: "I look down and see that my ballpoint has been sponged clean by the wet paper. The page is blank, except for the occasional ding where I bore down on a comma or a dash."<sup>27</sup> Blanche, the absented self, unwritten as Nora writes, in turn unwrites Nora until the very last page. In its imperative to *language's* impossible presence inside of the grammars of personhood, *Half Life* foregrounds what disability theorists have been arguing for a while now: that the conditions of normative subjectivity are such that each person will "have" a body in the same way that he or she will "have" a nationality and "have" a gender – that is, normatively or not at all.

Moreover, their quest to England brings Nora/Blanche directly into the purview of the securitizing nation-state as they negotiate not only the world of travel but also the problem of passports and borders. Mobility as anything other than at least plural is impossible for Nora/Blanche. The state, on the other hand, can only recognize singularity. Nora/Blanche ruminates upon this predicament: "A civic body neither singular nor plural presents a number of problems for the state,"<sup>28</sup> noting that the solution from the state has been to issue Nora and Blanche separate papers: they have a joint passport that is, in essence, two stapled together. Even as the math does not make sense, their

border crossing is very interesting. Unlike the subjects at the start of my chapter, who are more complicatedly multiplied than what the state can render as citizen, and who are subject to its violence as a result, Nora/Blanche pass through customs without issue: “All around us was the din of human notice but not one glance fell on us. *We occupied a hole in the air made expressly for us.* Yet the wind of swerved attention carried our small hairs ... warning me that nothing we did would ever go unnoticed, for the space around us enjoyed a scrutiny interstices rarely get. And as anyone with a stencil knows, a shape is as precisely defined by what it is not as by what it is.”<sup>29</sup> The border becomes spatialized in this imagery as a hole, a passageway shaped between modern nations, one that does not impede the progress of its recognizable citizen-subjects: “it was a hole in the air made ‘expressly’ for us.” At the same time, that hole in the air is made for an assumed “us” who is also assumed to have a nation like he or she has her/his gender – coherently and without complexity or excess. This is a complicated moment. Nora/Blanche passes through the hole made for them but they do so half asleep, manipulating the self-complicit fiction of coherence to enable recognition at customs, despite the obvious. “‘Has anyone handled your luggage besides yourself?’ the customs officer was looking at Blanche. ‘Well, I did’ I said ... ‘Do I understand that she’s unable to speak for herself?’ I assented. ‘Do you have a doctor’s statement to that effect?’ ‘Nobody told me I needed one.’ He slowly caressed his shining scalp ... We both looked over at the bright cubicle [next to us] where a turbaned Sikh Twofer had not moved. He sighed. ‘All right’ ... A small steel door opened to the right of the Customs sign.”<sup>30</sup>

Their actual passing, the door opening for them but not for the Sikh Twofer, is another instance of the two failed crossings I detail at the opening of this chapter: for Nora/Blanche, the shape works. The others are each not only stencilled but also coloured in – in all likelihood with the aggressive shades of racial profiling and disciplining nation technologies. That the metaphorical hole permits some but denies others is precisely the point. It is a space of normativity that is shaped to violent precision to render incoherent to the state the Sikh Twofer; the subject who doesn’t look quite enough like the image authorized on her passport; and the Indigenous subjects refusing complicity with their own colonization – these forms of subjectivity cannot pass without self-harm as “canadian.” Such cases of trans-ness suggest to us that Anderson’s edict, that “everyone can, should and will ‘have’ a

nationality, as he or she ‘has’ a gender” needs to be unwritten as descriptive and rewritten as imperative: “everyone *must* have a nation as *he or she* must have their gender,” with state-defined and authorized coherence; in compliance with abject political confusion and often with violent consequences (both the Sikh and the “sexual orientation” of Canada’s screening regulation); with hegemonic singularity; with annihilating self-complicity and, by necessity, half-asleep to these conditions.

### **Stateless Objectors: Resisting Borders and Their Single Stories**

That complicated “hole in the air” around Nora/Blanche in *Half Life* is not unlike the impossible shape of Indigeneity found in Thomas King’s short story “Borders.” King’s story takes place in a very small border town, where a nameless Blackfoot mother and son attempt to cross the Canada- US border. Told through the son’s perspective, “Borders” captures the motions – both large and small – that are both state biopolitics and their “crossings,” the latter of course completely dependent, a priori, on the former. Mother and son, members of the Blackfoot Nation, try to cross into the United States. When asked what her citizenship is, the nameless mother declares proudly, “Blackfoot.” When she refuses to self-efface by identifying either as “American Blackfoot” or “Canadian Blackfoot,” mother and son are returned back to the Canadian side of the border that will also not allow them to return until they conspire against their own nationality and declare as “Canadian.” Eventually, a television crew arrives to film their story, one now consisting of several days of shuttling back and forth in a colonial no man’s land until, in front of a camera crew, they are finally let back into their homeland in the occupied territories of Canada. What is painfully ironic from King’s story is the degree to which the shape of the nation is both completely arbitrary but potently policed on, through, and *as* their bodies are subjected to the same terms as the Mohawk delegation: self-annihilation or exile.

King situates his story between two prairie towns – Coutts, Canada, and Sweetgrass, USA – two small towns straddling the Canada-US border. But the narrator also tells the story through flashbacks, remembering the time he and his mother attempted to cross the border to visit his sister Laetitia who had moved to Salt Lake City. Both the physical location and the flashback sequencing layer (at least) doubled geographies and temporalities onto the telling, rendering both time and space through binarized terms. The son’s

recollections of several trips to the border are those of any child; he wonders about the chance of stopping in restaurants along the route instead of eating the homemade sandwiches his mother packs. He thinks the names of the towns should be inverted based on their connotations: “Coutts” sounds far less pleasant than “Sweetgrass” and so should identify Americanness rather than Canadianness. And he recalls, without knowingness, the tensions between mother and daughter over a painful goodbye; he is told to go check out an old wooden abandoned building (the “Museum”) as mother and daughter say their goodbyes. That the Museum is boarded and closed is quite significant. Like time and space, the closedness of the Museum indexes the lack of other vectors of memory. This is a town, and a series of memories, suspended not only from their own histories of colonialism but also, for the children, from a sense that “reality” could be anything other than colonial and filled with the overdetermining and decontextualizing presence of its own present. The heavy imposition of both colonial time and space become the very things that trap mother and son.

The physicality of their experiences while attempting to cross the border is performative of their employment in binarized either/or colonial geographies and what Nigerian novelist Chimamanda Ngozi Adichie calls their dangerous single stories.<sup>31</sup> Adichie’s description of a single story is one that is the opposite of diasporic stories; these are stories that show “a people as one thing, as only one thing, over and over again [until] that is what they become.” The not-named son and his mother in “Borders” become subject to singularizing practices on both sides of the border, nationalizing practices that have more in common than they have in opposition. The consequence is that their personhood literally shuttles back and forth between discursively manufactured borders, both of which heavily police that imagined border and the motion of bodies within its terms, and neither of which recognize rights of Indigenous sovereignty. They become *persona non grata*, reduced and defined by a singular “national” story that demands of them their complicity in such biopolitical occupation of their selves and their history. Such singularity is, as Adichie suggests, always already incomplete: “The single story creates stereotypes, and the problem with stereotypes is not that they are untrue, but that they are incomplete. They make one story become the only story ... [W]hen we reject the single story, when we realize that there is never a single story about any place, we regain a kind of paradise.” Mother and son do not gain anything like a paradise but they do out the lie behind the cost of



the imperative to belong. That cost is near-genocidal and disproportionately high.

As I take the state to court, I am extremely mindful of both that disproportionate cost and the words of Kenyon Farrow (and many others) writing as a member of Queers for Economic Justice: “Whatever we think about the mainstream equality movement, it is almost finished with its agenda, and thank goodness.”<sup>32</sup> While I’m not sure if a human rights complaint case fits into the category of “mainstream equality movement,” it needs to disturb truth regimes and their violences (including its own) *and* that it attends seriously to the very important question Farrow asks: What comes after equality? I am not sure that I know the answer to this yet; nor do I know how to shepherd a legal human rights claim to guide its consequences beyond “equality” claims and towards the kinds of productive categorical interruptions represented in the fiction I discuss here. While asking for a deconstruction of a lawsuit might seem unrealistic, it is worth reiterating, as this chapter does, that the concept of “equality under settler-state law” remains bound by colonial, nationalist, and so, by implication, historical terms.

But remaining awake to the hard questions of state hegemonic bargains seems vital: How to trouble the now codified state imperative of full, irreversible transition as part of the passport to mobility? But also, and with full acknowledgment of the trans and trans positive folks working very hard on this, why stay complicit with the listing of Gender Identity Disorder in the *DSM* as a disorder? Do we not need to engage as a counter-discourse what Audre Lorde told us – and I was one of that *us*, reading her live – that “the master’s tools will never dismantle the master’s house” regardless of how seductive the clinical alibi?<sup>33</sup> Can we hold this, mindful of Sandy Stone’s twinned assertions that, like the First Nations subject shuttling between colonial borders, “it is difficult to generate a counter discourse if one is programmed to disappear”; and that, “[while] individual change is the foundation of all things, it is not the end of things?”<sup>34</sup> We also desperately need a trans-feminist analysis. The recently released findings by the European Network of Legal Experts on transgender and intersex discrimination document the reality that “average earnings for female-to-male transgender workers increase slightly following their gender transitions, while average earnings for male-to-female transgender workers fall by nearly

1/3.”<sup>35</sup> This is a problem. So, too, is the alarming trend in the United States of increasing violence against transwomen of colour (with fatal consequences) more than against any other group. According to the American Coalition of Anti-Violence Programs (coordinated by the New York City Anti-Violence Project), LGBTQ people of colour are two times as likely to experience physical violence as compared to the mainstream non-queer population; 44 percent of all hate murders in the United States in the last two years have been of young transwomen of colour.<sup>36</sup> And yet American CeCe McDonald, another young transwoman of colour, has been found guilty of second-degree manslaughter for defending herself against a near fatal assault. Despite our many disagreements about remedying the transphobias of feminism while continuing to practise feminist politics, it is clear that an anti-racist, trans-feminist analysis of violence is desperately overdue, especially one that rejects the imperatives of singular narratives. Mainstream equality movements have a long history of not just missing the point but also of being complicit while the most precarious remain vulnerable to state, legal, and police violence. I, for one – correction – I, for two, want to ensure that trans-movements do not do the same.

## Notes

- 1 See <http://laws.justice.gc.ca/PDF/SOR-2007-82.pdf>. [Return to text.](#)
- 2 *Diagnostic and Statistical Manual of Mental Disorders*, 5th ed., DSM-V (Washington, DC: American Psychiatric Association, 2013). See also <http://dsm.psychiatryonline.org/doi/book/10.1176/appi.books.9780890425596> . [Return to text.](#)
- 3 “Quebec Transsexual Battles Bureaucrats over His Status,” *Globe and Mail*, March 24, 1999, A10. [Return to text.](#)
- 4 “Ontario Allows Trans People to Change Birth Certificate without Surgery,” *Toronto Star*, October 12, 2012, A3. [Return to text.](#)
- 5 See John Torpey, *The Invention of the Passport: Surveillance, Citizenship and the State* (Cambridge: Cambridge University Press, 2000). [Return to text.](#)
- 6 See Kathleen Stewart, *Ordinary Affects* (Durham, NC: Duke University Press, 2007), 2. [Return to text.](#)
- 7 See Shelley Jackson, *Half Life: A Novel* (New York: Harper Perennial, 2006); and Thomas King, “Borders,” in *One Good Story, That One* (Toronto: Harper Perennial, Canada, 1999). [Return to text.](#)
- 8 See [http://www.bilerico.com/2009/08/this\\_just\\_in\\_transgender\\_acceptance\\_in\\_its\\_trendy.ph](http://www.bilerico.com/2009/08/this_just_in_transgender_acceptance_in_its_trendy.ph)  
See also Dean Spade, *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law* (Brooklyn, NY: South End Press, 2011). [Return to text.](#)
- 9 See Ann Agathangelou, M. Daniel Bassichis, and Tamara Spira, “Intimate Investments: Homonormativity, Global Lockdown and the Seductions of Empire,” *Radical History Review* 100 (Winter 2008): 120–42. [Return to text.](#)
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