

Queer Ontario

Queer Rights to Erotic Spaces:

Position on Public Sex: Park and Washroom Sexual Activities

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Queer Ontario has long recognized that gay, bisexual, trans-men and other men who self-identify as men and who desire sexual contact with other men (MSM) have long used parks, washrooms, and other designated ‘public’ spaces as a venue to meet for friendship, pleasure and sex. This practice is not solely confined to LGBTQ folks and is a practice that has a pride of place in heterosexual culture, such as talk of ‘moonlight walks’ and ‘lovers’ lanes,’ which appear in many mainstream songs and other cultural productions.

Queer Ontario’s predecessor, CLGRO had pushed back in a previous era of policing, recognizing the risks that men MSM who are not out, and married men face through arrest and exposure of their sexual seeking activities. In the 1990s CLGRO produced a pamphlet that addressed this issue directly.¹ It is once again time to confront the various social, legal and institutional forces and homophobia that surround public sex. It is time again to ‘queer’ public sex and confront it as a legitimate issue of social and sexual freedom. The issue today may be more complicated by the intensification of public lands and developed space under the mantle of gentrification and tourism dollars that virtually (and we believe deliberately) design out opportunities for discrete encounters.

Public sex is not new and it won’t go away. It is directly related to how we choose to envision the environments we live in, how we organize our erotic lives, and what value we assign the random, the unpredictable and the adventure of unplanned pleasures as legitimate parts of democratic association and as a vision of the good life – all certainly part of what makes life worth living. What makes lived environments spaces of productivity, entertainment, family life and various pleasures, including erotic pleasures is something that needs more concerted attention and meaningful dialogue. We start from the fact that such practices have always existed and we seek to unburden them from the grip of shame and hypocrisy about the variety of ways that a wide cross-section of citizens -- queer *and* straight -- seek sexual pleasure in their lived environments. We thus begin from a premise of a sexual positive culture in order to start engaging seriously in the issue of public space as a legitimate space for safe, consensual erotic encounters among those so inclined.

What has led to the latest round of queer activism and concern is the mass charges and arrests of men who have sex with men in Marie Curtis Park in South Etobicoke by Toronto Police in the Fall of 2016. These police actions remind us that consensual gay sex among men is still subject to homophobic reprisals and activates police activities and community sanctions.

¹ Coalition for Lesbian & Gay Rights Ontario, *Washroom and Park Arrests*, (pamphlet), Toronto: CLGRO, March 1991.

The LGBTQ communities have a long history of resisting attempts by the police who impose upon and/or restrict spaces we have created to address our needs. From raids on bathhouses and strip clubs to arrests in parks and washrooms, the police have used discretionary law enforcement to try to curtail the sexual activity of men who desire other men. Academic research spanning over forty years has been conducted into park and washroom sex between men. Laud Humphreys' *Tearoom Trade*, (1970), was one of the first major studies to highlight the complex interactions among participants engaging in washroom sex. Laud Humphreys and others' research have consistently found, for instance, despite the anonymity and impersonal nature of discrete washroom encounters, that the men involved take measures to prevent discovery by other members of the public, thus containing their activities from public view and unsuspecting men using the facilities. Fearing homophobic attacks, potential exposure and discovery, it is a consistent finding that men who have engaged in public sex have developed practices, often in collaboration with other participants, to prevent inconvenience to the public, to prevent their activities to come to the attention of police and other members of the public, non-participants such as women, children and families.

This also means that what has come to constitute public and private space is a slippery category. Engaging in sex with someone in a closed bathroom stall is not public in the sense that we usually have come to expect, even if it is in a space so designated as a 'public' bathroom. Men seeking sex with other men in such public yet discrete places do so for a variety of reasons. Some may not be 'out' for various reasons, or find that they are unable or unwilling to secure success in the conventional gay community environment of bars and bathhouses where a high premium is placed on youthfulness, conventional codes of beauty, or middle-class presentation. Others seek adventure and risk, and the thrill of seeking random pleasures with men they perhaps would not meet in the normal course of their gay community lives. There is evidence to indicate that some parks in Toronto become more populated by young club going gay men after the bars let out at night, thus highlighting that the use of parks is an accepted if not overtly avowed practice among many young queer men who otherwise are fully engaged in the gay night life available in this city.

There is evidence that the poor, the marginalized, including new Canadians, transfolks, and people of colour are at greater risk for intensified policing of park and washroom sex and consequently exposure and stigma. This has been confirmed by anecdotal accounts by gay men who have frequented parks for sex, and is emerging in the literature around urban sexualities and public space. Canadian sexuality scholar, Sheila Cavanagh, has discussed the issue of racialized bodies in public washrooms, whose risk of adverse events is heightened due, in part, to the marked contrast to the hegemonic norms of whiteness as most bathroom conform as signifying purity and cleanliness. The space of purity and cleanliness is policed by activities or bodies that are deemed, in racist ways, as non-white or unclean, as space is policed for 'unwelcome' interventions and 'unauthorized' activities.²

Other issues emerge in the desire to eroticize public space outside of official use value. Making claims on public sex practices is not confined solely to cis-gendered gay, bisexual or men who have sex with men. In their 2002 video, *Lesbian National Parks and Services: A Force of*

² Sheila Cavanagh, *Queering Bathrooms*, (Toronto: UTP, 2010), pp. 86, 139.

Nature, Canadian performance and video artists, Shawna Dempsey and Lorri Millan³ dramatize their “frustration in the bush” through their “Lesbian Rangers” personae and ask, in part, why lesbian sex and eroticism are missing in public parks and public spaces. Their video is a wonderfully clever satire and political statement on the invisibility of lesbian and trans-female erotic experiences in public space, as well as a witty declaration of the need for female identified queer and trans folks to stake out more public space as potential for sexual needs and practices. There have been coordinated efforts in other jurisdictions to provide a space of safety for female-identified queers to pursue public sex with queer male and female participants collaborating in ways to produce a measure of safety and protection for lesbians and trans women seeking erotic fun in ‘public.’

Calling greater attention to the need to openly embrace the practice of public sex among self-identified queer men was produced by a queer art collective I took part in over a decade ago. In the summer of 2006, a recently formed collective of queer men, the Queer Public Acts Collective, or Q-PAC, staged a public intervention inviting interested folks to engage in a collective sexy encounter while we passed around leaflets and spoke about the unveiling of public sex as a form of resistance to the boring routines of everyday life including the growing respectability of the queer community itself. Our efforts were a fun way to raise public consciousness around park participants themselves and to reduce the stigma attached to such activities.⁴

A recent article in *Canadian Art* calls attention to the mixed legacy and meanings attributed to officially sanctioned public art amidst a veritable boom-time for condo developers.⁵ In one aspect, officially sanctioned public art calls attention to the use of public space outside of the dominant norms of commercial utility, and yet, the production of art for the public also attests to the use of public space in ways that attend to the creative spirit, to leisure and activities that can give pause to the city-dweller’s normal routines involving productive activities. The use of public space in ‘non-productive’ ways, is then acknowledged and yet removed from the autonomy of the citizen, shorn of the needs of the libido and the desire for spontaneous, self-directed non-planned urban fun. The ‘right to the city’, as first proclaimed by urban sociologist Henri Lefebvre in 1968, is also a right to the unplanned pleasures that our erotic imaginations can compel in ways that are delinked from commercial profit, in self-directed and responsible ways, in public space.

A conjoined set of forces has produced a situation in which the availability and the legitimation of public sex are now both under threat. Increasing pace of gentrification and the imposition of new regulation on social and sexual life has meant a gradual transformation of the spaces that queer social life depends on. Spaces for social and sexual interaction have become more homogenous and reflect the changing pace of gentrification and assimilationist politics that are

³ Shawna Dempsey and Lorri Millan, *Lesbian National Parks and Services: A Force of Nature*, (Winnipeg, Manitoba: Video Pool Media Arts, 2002). Their video is available at <https://vimeo.com/132492078>.

⁴ Q-PAC’s agit-prop flyer, distributed at night in Queen’s Park in Toronto, read in part: “We are a collective of queer folks who want to take action and push the arts of pleasure in new directions. We aim for our pleasures to be collective and participatory. You are part of revamping sex and life in this city. Cum and join us! Queer sexual direct action means taking it out to the public spaces we choose to build sexy autonomous alliances and new formations of pleasure! *All power to the erotic imagination!*” (Q-PAC Flyer, “Queer Public Sex Art Intervention,” August 28, 2006).

⁵ Chris Hampton, “Art in Condoland” *Canadian Art*, Spring 2017, pp. 88-95.

predominant in the gay mainstream culture. Inevitably this shapes the choices and forms that queer social life takes, and issues of who has access. It also has effects on how gay, bisexual and queer men and women and transfolk self-fashion themselves according to the dominant dictates of taste, values, etc. For many queers whose participation in queer culture is marked by difference or marginalization, these changes are felt palpably and lead in part to frustration, resentment, and deepening alienation.

Changing public sentiment in Ontario and Canada around public sex activities will take some work. One aspect of the task is how city public space is regulated under the *Municipal Act*. Although the codification of the term “morality” has been removed from the Act, the regulatory parameters around legitimate use for public welfare or ‘well-being’ is a sense that needs further debate and action.⁶ Queer Ontario recognizes the citizen as a libidinal subject and that their right to use public space is also a right to exercise their discretion, and without infringement on the rights of others, to consensual sexual practices in public with a view to take reasonable steps to prevent the activity to be discovered by others. Queer Ontario calls for an expanded dialogue about the possibilities of an erotic public space, and seeks to further the sexual citizenship in directions that calls for autonomy and self-determined access to spaces for discrete and consensual public sex.

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Queer Ontario is a provincial network of gender and sexually diverse individuals — and their allies — who are committed to questioning, challenging, and reforming the laws, institutional practices, and social norms that regulate queer people. Operating under liberationist and sex-positive principles, we fight for accessibility, recognition, and pluralism, using social media and other tactics to engage in political action, public education, and coalition building.

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⁶ Political Action Committee, *Backgrounder: Policy and legal limitations of by-law enforcement in Ontario*, prepared for: Queers Crash the Beat Committee, July 10, 2017. 4pp.