This article engages in a discussion of a particular aspect of homosexuality that, due its taboo, sub-cultural nature, is under-theorised in socio-legal and criminological discourse both in Australia and abroad — the phenomenon of men meeting in public ‘beat’ spaces to pursue homosexual intimate encounters. Such forays have long been discouraged as a public nuisance and criminalised using common law “public order” laws governing offensive behaviour. Indeed, police antagonism to this sexual sub-culture is well documented, and in the past, agent provocateur policing procedures were commonly used to entrap men at beats.

Despite that fact that hundreds of encounters take place every day in Australia, very few studies have sought to examine the nature of homosexual intimate encounters in public spaces. Those studies that do exist are either dated, or historically focused. Swivel’s article is the only recent Australian text to demystify ‘beats’ and situate their relevance to criminological discourse. Swivel states: ‘[t]he humanisation of the beat might be assisted through future research which locates the beat within other discourses’. This research rises to this challenge by locating ‘beat’ sexuality within a Foucauldian discourse of resistance, aided by references to the writings of another French philosopher, Michel De Certeau. It does so by offering an insight into the ways that men in Australia resist police attempts to regulate intimate conduct in the realm of the ‘beat’. Since no State or Territory in Australia now outlaws consensual same-sex practices in private,
‘beat’ public spaces is one particular area where homosexual conduct is criminalised in Australia. However, it should be stressed that the criminalisation of homosexuality is far from limited to those public spaces described and known as ‘beats’ — rather, that ‘beats’ are spaces commonly implicated in police accusations of sexual misconduct in public.

This discussion does not seek to evaluate the morality of homosexual desire in ‘beat’ spaces, other than to acknowledge that beat sex attracts much legal, social and cultural hostility as ‘dirty’ sex that is out-of-place, repulsive, disgusting and offensive. Nor will this paper explore the health issue of HIV transmission or the safety issue of homophobic violence that are associated with beats — as critical as these issues are. Rather, in deference to Foucault’s legacy of celebrating human resistance to the governance of sexual conduct, this discussion accepts that beat sex is a fact of life and seeks to document the tactics and strategies that gay men adopt to thwart police attempts to regulate their desire in the public realm.

In order to document these tactics I defer to Foucault’s notion of countermemory — a competing narrative of the past composed of memories that exceed the official public history. The interviews with gay men that underpin this research allowed me to access their resistant countermemories. Following, I wish to offer an ethnographic “snap-shot” of male-centered sex in public places in which the participants own narratives are paramount in documenting public sexual practices. Such an approach will highlight the personal and emotional nature of lived experiences that male-centered sex-in-public places so richly contain.

Human resistance to regulatory practices has emerged as an issue that criminological and socio-legal scholarship cannot continue to shy away from. If criminology is to remain relevant in current times, it must engage with and contribute to ‘knowledge of resistance.’ Walters argues: ‘[s]uch criminological work is crucial during an ascendency of an intolerant, punitive and moral authoritarian state’. However, such knowledge of resistance is ‘often marginalised and seen as deviant voices’ in the mainstream.

This article responds to the challenge posed by Walters by attending to male sex in beat spaces, not as a problem of deviance, but as an opportunity to elucidate an appreciation of the complex ways that same-sex attracted men resist police attempts to regulate their desire.

9 Swivel above n 2 at 243.
10 As above at 238.
13 As above at 4.
14 Walters Reece. ‘Boycott, resistance and the role of the deviant voice’ (2005/06) 62 CJM, 7.
15 As above at 7.
16 As above at 7.
1.0 OVERVIEW OF STRUCTURE AND THEMATIC CONCERNS

In the first section of this article I will provide a methodological account of the research that underpins this paper. Secondly, I will introduce the concept of ‘beat’ spaces and explain why they are so troubling to law and society. Thirdly, I will situate the theme of resistance by providing an overview of the legal position on criminalisation of same-sex acts between men in Australia. This is important because the theme of resistance needs to be tethered to an understanding of the risks entailed in pursuing desire in beats spaces. Fourthly, I will discuss the overarching theme that underpins my discussion of gay male resistance — “resistance as a daily practice”. In order to explore how resistance is acted out on a daily basis, I will then explore the theme of the occupation of space. Then, in order to explore through what kind of bodily action space is occupied and resistance enacted, the theme of “walking” will be discussed. These themes underpin the subsequent discussion of the embodied forms gay male resistance take. That is, having introduced the overarching theme of “resistance as a daily practice” and the associated themes of “the occupation of space” and “walking as a resistant practice”, the article will expound on the empirical evidence that supports these themes. A discussion of the general tactics that gay men adopt to thwart police regulation of their sexual conduct in beat spaces is the first section devoted to exploring the empirical evidence of resistance. Two antithetical specific forms of resistance are then explored: the tactic of ‘passing’ as a heterosexual male subject and the tactic ‘not passing’ as a heterosexual male subject. Gay male vigilance, as a tactic of managing the risks posed by being subject to the prospect of police surveillance, is then discussed. Finally, the article concludes by positing gay male resistance as the accomplishment of ‘outlaw’ desire despite regulatory attempts to quell its expression.

1.1 Some Methodological Considerations

As part of a doctoral study, this research sought to explore how gay men have experienced legal regulation of their sexual behaviour in ‘beat’ environments. This objective necessitated interviewing men who had had an ‘encounter’ with the police. The nature of these ‘encounters’ varied from informal interviews with the police, interviews conducted after an arrest and the formal scrutiny inherent in a prosecution. All encounters related to police accusations of undesirable and/or criminal homosexual conduct in public. Interview subjects were sought using variety of methods. Notices calling for subject participation were printed in a local gay and lesbian weekly newspaper. Letters were sent to various Victorian gay social clubs and community organisations promoting the existence of the research. An interview on Melbourne’s gay and lesbian radio station ‘JOY FM’ also promoted the research. Over two years, the research resulted in twenty structured interviews taking place. Whilst the research was not directed exclusively at men who identified as gay, all the participants happened to identify as gay men. This should not be taken as an indication that beats are solely the domain of men who identify as gay, for it is well documented that married men, bisexual and heterosexual men also use beats. Additionally, it

should be emphasised that these interviews are a rare and valuable example of data from civilians about encounters with police officers in relation to the policing of sexual conduct in public.

The participants were mainly drawn from the city of Melbourne and its environs and represented a variety of occupations and backgrounds. Soldiers, police officers, sales consultants, a medical doctor, a teacher, a hairdresser, a financial professional, an unemployed man and a businessman took part in the research. The encounters analysed in this research took place between the years 1964 and 1999 and span a diverse period of social, legal, and cultural change in Australia. Some of the encounters took place during the years when homosexual conduct was criminalised, while others took place either before or after the rise of the gay liberation movement. Indeed, some encounters took place long after most states in Australia decriminalised consensual homosexual conduct. The research presented in this article does not seek to situate each encounter in its particular socio-cultural context as the relatively small sample precluded such an approach. Rather, common and overlapping themes of resistance that emerged during the analysis stage inform my discussion. This also allows the universality of resistant practices — their enduring nature — to be situated in this article. To protect the anonymity of participants, information that might identify subjects was removed from the transcribed data and respondents were assigned pseudonyms — two random initials. Participating in an interview afforded gay men with an opportunity to record their stories of legal scrutiny in contrast to those official records that typically stigmatise and repudiate gay male sexual conduct as intrinsically deviant.

1.2 What Are ‘Beat’ Spaces And Why Are They So Troubling?

In Australia, the term “beat” is used to refer to spaces where men gather to seek out or arrange casual sexual encounters with other men, irrespective of the sexual identity of participants. Beats afford men a degree of privacy conducive to sexual intimacy. Moore has documented that beats have existed in Australia for well over one hundred years.18 Beat spaces evolve in parks, secluded hinterlands, beaches, public shower-blocks and the like.19 The most common and notorious beats are those which manifest in public lavatory blocks in railways stations, parks and shopping malls.20 These public sex environments are found in just about every suburb in every city of Australia and many country towns.21 Moore has identified a key attribute of the beat:

‘[t]he essential feature of a beat is that it must be a legitimate place to be seen, whether one is taking a stroll, sunbathing, walking the dog, or using public amenities.’22

This question of legitimacy is important and will be subsequently explored in relation to the ways that resistance is enacted in beat spaces.

18 As above at 328.
19 As above.
20 Note that the English use the term “cottage” and the Americans use the term “tearoom” to refer to beats associated with public toilets.
21 Swivel above n 2 at 237.
22 Moore above n 17 at 321.
Marshall argues that intimate homosexual encounters in public operate as percées (breaks, gaps) in the social tissue. For the enactment or performance of beat sex is invested with the potential to disgust, particularly when the beat space happens to be a public toilet. Indeed, as Berlant and Warner have documented: ‘in gay male culture, the principal scenes of criminal intimacy have been tearooms, streets, sex clubs and parks — a tropism toward the public toilet’. As Johnson has observed: ‘it is this erotic homosexual potential, built into public institutions, which makes them inherently problematic in (heterosexual) public life.’ Such behaviour disturbs order simply because it circumvents rules, manners and expectations associated with these public spaces. Public conveniences are built and maintained for the purpose of enabling people to dispose of their bodily wastes. When these places become sites of sexual expression, this runs counter to the socially authorised use of these spaces. The disposal of wastes is a form of bodily subtraction. Gay sexual expression is a form of addition — the conjoining of bodies and the exchange of pleasure. These two differing equations, the subtraction of wastes and the addition of pleasure, co-exist in a domain of tension. Yet both equations share a commonality—the disposal of waste and the expression of gay sexual desire in public are perceived as repulsive activities. Indeed, as Miller has noted, disgust triggers powerful aversive responses in individuals. Where beats are concerned, such responses are often triggered by signs of desire. As Dalton has noted, the visible presence of semen in beat spaces has been identified as a spectacle that incites extreme disgust and revulsion and helps explain why some public toilet beat spaces attract public scorn and disapprobation. Indeed, Johnson has documented how fears, anxieties and disgust about male homosexual sex in England underpinned the creation of new statutory offence of ‘sexual activity in a public lavatory’ under section 71 of the Sexual Offences Act 2003. Whilst at the time of writing Australia has no similar provision in the criminal law, Johnson’s analysis of the genesis of this law identifies that a heightened anxiety about the publicness of homosexual sex helped justify its introduction.

Finally, in closing this introductory discussion, it is imperative to emphasise that beats are inherently risky spaces. Men who frequent them risk encountering the police, which entails possible arrest and prosecution. The risk of being assaulted by gay bashers is also a very real threat that men who visit beats must contend with. Tragically, such assaults sometimes prove fatal, as it is documented that many hate-crime motivated homicides occur in beat spaces. Men also risk personal upset and humiliation when their overtures are rejected by other men in beat spaces.

25 Above n 8 at 538.
28 Johnson, above n 8 at 537.
29 As above at 537.
1.3 The Legal Position on Criminalisation of Same-Sex Acts
Between Men in Australia

Whilst an exhaustive exploration of homosexual law reform is not within the purview of this article, it is nevertheless important to provide a brief overview of the legal position on criminalisation of same-sex acts between men in Australia. In 1972 South Australia became the first Australian jurisdiction to decriminalise homosexual acts conducted in private involving consenting adults. In 1976 and 1980, respectively, the Australian Capital Territory and Victoria followed suit and decriminalised homosexual behaviour between consenting adults in private. The Northern Territory became the next jurisdiction to decriminalize consensual homosexual acts between men in 1983, with New South Wales following in 1984. Western Australia became the next jurisdiction to implement legislative reforms in 1989. For a summary of the legislative changes that gradually saw ‘homosexual’ acts between consenting adult males decriminalised in the various states and territories of Australia see Bull, Pinto and Wilson and Moore.31 The last remaining state that criminalised homosexuality — Tasmania — had legislative reform forced upon it resulting from the United Nations Human Rights Committee case Nicholas Toonen v Australia.32 The passing of Anti-Discrimination Act 1998 (Tas) effectively decriminalised consensual sex between men.

With this final State change, it is true to say that the only remaining criminality in connection to homosexuality concerned sex involving minors and, potentially, sadomasochistic sex acts involving men given the infamous Brown prosecutions in the United Kingdom,33 although from the 1990s onwards, the advent of prosecutions for ‘reckless’ HIV transmission in different States presented various avenues through which homosexual conduct could be criminalised in Australia.34 The final area of concern for the law pertaining to homosexual sex that has not been addressed by the legislative reforms detailed above is the vexatious issue of homosexual sex in public spaces. A wide range of public order offences dating back to the early nineteenth century are still used in particular State jurisdictions to prosecute homosexual sex acts conducted in public. Such laws are often justified as being required to protect the public from exposure to offensive behaviour.

Beat spaces have a long and complicated history of attracting the animosity of the police. It can be argued that the period of 1970s to the 1990s saw an intensification of police interest and prosecutions for homosexual conduct in beat spaces. This is not to say that the practice of policing homosexual conduct in beat spaces has ceased in Australia in contemporary times. On the contrary, beats are still subject to random and targeted (that is proactive) policing initiatives. Many police forces in Australia now liaise with the Gay/Lesbian/Bi-sexual/Transgender

32 Funder Anna. ‘The Toonen Case’ (1994) 5 Public Law Review, 156.
33 Moran above n 2 at 180.
{hereafter, GLBT} community in consultative and co-operative partnerships. Such approaches seek to respond to the ‘problem’ of sexual conduct at beats by educating men about the type of behaviour and conduct that will not be tolerated at beats. The gay press augments this role here — disseminating warnings about police targeting particular beat ‘trouble spots’.

The prevalence of the practice of agent provocateur entrapment at beats is much more difficult to ascertain. The last published news reports of alleged entrapment in Australia relate to the use of plain-clothed officers taking part in ‘Operation Dalliance’, policing the Men’s public toilet in Melbourne’s Flinders Railway Station in March 2002. GLBT community hostility has arguably contributed to the decline of entrapment of gay men in the contemporary Australian policing landscape. In 2007, a notorious toilet block beat — ‘Veale Gardens’ in the city of Adelaide — was demolished by order of the City of Adelaide. Many other city and town beats have been subjected to a range of practices to eliminate, discourage or minimise their use as sites where homosexual conduct is enacted. Such measures include: closing public toilets at night; covering over glory holes between toilet cubicles; painting over gay solicitous graffiti; installing floodlights in secluded places; and removing bushes and other vegetation in parklands to deprive the environment of a space conducive to sexual conduct. Such tactics often displace conduct to other beats. All of these factors highlight that beats are landscapes under siege, and that the resistant tactics explored in this article must be understood as taking place in a climate where attempts are being made to delimit the existence and prevalence of beat sex.

Many gay men are troubled by the fact that the rise of gay citizenship, with its attendant claims for respectability, is compromised by the prevailing existence of what some people perceive as dirty, clandestine homosexual public sex. Indeed, the wider community is often hostile to the existence of beats as evidenced by articles printed in local community newspapers complaining of the problem of sexual misconduct. Whilst gay liberation paved the way for gay desire to find its expression in bars, private spaces (homes) and even licensed ‘sex-on-site’ premises, beat spaces are still places where outlawed desires continue to be enacted. In part, this might be explained by the fact that whilst public displays of sexual intimacy may be fine in the inner city areas of the larger Australian cities (e.g. Newtown in inner Sydney); such displays may not be as readily tolerated in suburbia or rural areas.

Beats still attract patronage from men who do not identify as gay (MSM — men who have sex with men) and from men who are attracted by the frequency and anonymity afforded by such encounters. Also, whilst the police no longer play a prominent role in inciting gay desire through agent provocateur entrapment techniques, beats are still places where a police presence can manifest at any time. This is a critical point and explains why the theme of vigilance (as will be subsequently discussed) is so important in understanding gay male resistance in beat spaces. Thus, despite so many changes in sexual politics over the last twenty odd years, (spanning the eras of pre-decriminalisation, gay liberation and post-decriminalisation) beat spaces are still volatile

36 For a discussion of this term, which attempts to divorce identity and practice, see Weeks Jeffrey. The World we Have Won: the remaking of erotic and intimate life, London: Routledge, 2007, p.102.
spaces where bodies coalesce and desire is enacted. While gay male resistance is now enacted in a vast array of ways and in different places, beat spaces are still relevant and worthy of exploration as points of resistance. One final point bears making in relation to claims that beats are resistant spaces. Given that decriminalisation paved the way for making sex and intimacy between men more visible, it could be argued that beat sex ensconces intimacy between men as paradoxically less visible. In terms of visibility, such an assessment seems true on the face of things, but we should not forget that resistance is not merely or solely tethered to visibility. In that sense, however invisible desires enacted in beat spaces might be, they are nevertheless still enacted.

2.0 RESISTANCE AS A DAILY PRACTICE

Lupton argues that, as a legacy of Foucault’s impact on our understanding of governmentality, too much attention is devoted to regulatory discourses and strategies, and that the ways ‘people actually respond to them as part of their daily life’ receive scant attention. 37 By focusing on daily instances of gay resistance I hope to address this imbalance. Hocquenghem states that: ‘[e]very day a thousand kinds of homosexual behaviour challenge the classifications imposed upon them’. 38 Accordingly, this discussion engages with the everyday triumphs of gay men whose behaviours’ defy law’s attempts to classify their conduct as deviant and restrict its expression. De Certeau emphasises the importance of everyday rituals and tactics of resistance. 39 Stressing that resistance is primarily linked to embodied strategies, his ideas resonate in the daily lives of gay men who traverse social space in pursuit of desire. His writings reveal those ‘stubborn procedures that elude discipline’, which lead us to a theory of everyday practices. 40 Exploring the ways that gay men defiantly express their desires in public spaces will allow us to appreciate the form these everyday practices take and how they assist gay men to impede the legal regulation of their desire.

By looking at gay male ‘ways of operating’ in public spaces, I seek to document that resistance is not only a daily practice, but also one that is markedly creative and ingenious. 41 Gay resistance accords with an ‘ethics of tenacity’ which De Certeau defines as: ‘countless ways of refusing to accord the established order the status of law’. 42 An example of this ‘ethics of tenacity’ is when gay men break established order by occupying a toilet cubicle with two bodies and exploiting other architectural and structural attributes of beat space (as will be subsequently explored section 3.1). The notion that resistance is enacted daily does not mean that gay men and same-sex attracted men plan or schedule the pursuit of desire in a calculated manner; rather they

40 As above at 96.
41 As above at xix.
42 As above at 26 (original emphasis).
often seize opportunities when they are presented to them. Consider the comments of HD — a medical doctor in his thirties:

> It’s not as though I planned to have sex that afternoon … I wasn’t looking for it or even thinking about it. I was just walking near the beach at [location suppressed] but when I saw him on the path … the path’s edge … I thought “He might be gay?” Well he looked like he was up for it — some fun. I was nervous but I still followed him into the bushes, and sure enough, my instincts were right.43

Other interviewees spoke of seeking out and using beat space on a regular basis, acknowledging that it was part of their daily routine: A respondent GR — a businessman in his forties — commented on the lure of beat sex as part of his daily life:

> I regularly visited this beat near [location suppressed] because … it’s just that I used to drive past on my way home from work each … well, most night’s at the same time and I would stop (pause nervous laughter) — often to be honest — and check out the action. I guess it was convenient — easy access and all that— and my ruse was pretending to go to the toilet — so it became — became a daily thing.44

Situating gay male resistance in beat spaces as a daily practice is important because it serves as a reminder that beat encounters are not uncommon or novel events; they are part of the fabric of everyday resistance for many men who pause to occupy space and pursue desire. Indeed, Berlant and Warner characterise sex in public as ‘nonstandard intimacies that people have in everyday life’ and they insist that these non standard intimacies should not be disavowed simply because provoke social hostility: ‘These border intimacies give people tremendous pleasure. But when that pleasure is called sexuality, the spillage of eroticism into everyday social life seems transgressive in a way that provokes normal aversion’.45

### 2.1 Resistance: The Occupation of Space

Following Woodhead, I propose to read gay resistance as a spatial practice which defies the propriety of the place.46 Despite periodic ‘crack down’ campaigns and the ever-present risk of entrapment, gay men defiantly move through beat space in the pursuit of desire. Gay resistance is thus an inherently spatial practice. Lefebvre insists that a theory of the production of space underwrites ‘a politics of resistance that must be (and indeed, can only be) a “politics of space”’.47 Shields states that Lefebvre’s writings recognise the importance of libidinal spaces as:

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43 Interview with HD
44 Interview with GR
45 Berlant and Warner, above n 24 at 560.
Counter spaces of festival, adventure, and the potential carnivalesque inversions of the social order (the unleashing of libidinal intensities) and thus revolt (liminality) against the normative order.48

Beat spaces accord with this notion of counter spaces. As spaces that are neither wholly ‘public’ nor ‘private’, they provide a forum for the unleashing of libidinal intensities. This tension between the ‘public’ and the ‘private’ requires elaboration. Beat sex takes a supposedly private act and places it in the public domain yet does this in a way that is still partially privatised (behind doors, bushes et cetera). That is, beat sex moves continually in and out of public and private zones, and this disrupts the dichotomy itself. Nevertheless, men revolt against the heteronormative order in beat spaces. Indeed cruising is marked by a spirit of adventure which sees gay men assert their presence in beat spaces. As Burgin has argued: ‘there is more to our wanderings in the city than urban planners take account of’.49

2.2 Walking as a Resistant Practice

In exploring gay male resistance in beat spaces, I seek to follow De Certeau’s example by inquiring ‘into the impossible object of desire that the ordinary man represents’.50 Such an inquiry will bring to light ‘the clandestine forms taken by the dispersed’, those ‘groups or individuals already caught in the nets of discipline.51 That is, I am interested in documenting and understanding the elusive desires of ordinary gay men who adopt surreptitious, covert and furtive behaviours as they wander the streets seeking to encounter others like-minded whilst simultaneously seeking to evade police scrutiny. Subterfuge is a key attribute of the man’s behaviour, which accords with De Certeau’s notion of the clandestine. Ordinary men, dispersed across the city, subject to the gaze of the police, are tenacious subjects who slip through these disciplinary nets and generally evade capture by the regulatory apparatus. Gay men roam the streets in search of desire and, despite their forays being fraught with danger (of arrest and homophobic violence), they defiantly occupy public space. Duncan argues that the street serves as a metaphor for sites of resistance.52 My attention thus turns to walking the streets as an intrinsically resistant practice.

Pile emphasises that ‘[w]alking is a fleeting though ineradicable space of resistance’.53 Walking is critical to the way that gay men ‘talk their pleasures’.54 Walking entails a process of inscription, it is the very practice through which gay men ‘draw their maps of desire, disgust, pleasure, pain, loathing, love’.55 De Certeau argues that walking places one in a position of active

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48  Shields as above at 184.
50  De Certeau above n 39 at v.
51  As above at xiv.
54  De Certeau, above n 39 at 130.
55  Pile above n 53 at 209.
As subsequent analysis of gay tactics of resistance will reveal, reading and deciphering signs of desire is inextricably linked to the ways that gay men negotiate sexual encounters as they walk the streets of the city. This is not to imply that every time a gay man walks the street he is looking for sex, but sometimes he is attuned to the sexual possibilities of making eye contact; of encountering other men and enacting desire. Cruising, as a specific mode of walking, is attracting increased academic attention. As Turner notes: ‘Like every other walker, the cruiser writes his own text of the city, but it may be a text that not all of us can read equally’. This is a critical point and a reminder that cruising is dependant on signs of desire being communicated and reciprocated by those familiar with the signs of availability to which same-sex attracted men are au fait.

Cruising is not, of course, forbidden. However, it is when gay men pause to occupy public space to have sex that their behaviour exposes them to the risk of criminal prosecution. This is because cruising for sexual partners is not illegal. The risk of attracting criminal charges is entailed in a range of activities that can be exhibited in beat spaces. These behaviours typically include: propositioning another person for the purposes of sex; touching another person’s genitals; performing the act of fellatio on another or being the recipient of such an act; and masturbating in public. Charges of “offensive behaviour” or “gross indecency” can often be laid in connection to the exhibition of such behaviours in beat spaces. Gay man walking through beat space is a process marked by fleeting appearances and sudden vanishings. These movements often take place veiled in the darkness of night or the shadows of beat space where a canopy of trees (or the like) creates a secluded environment. Beats emerge in these contexts as ‘liminal zones, frontiers, temporary camps’ of outlawed desire. For the desire enacted in beats is ephemeral; constantly ‘on the run’ and often attuned to the possibilities offered by beats as a space in which to be enacted. Deleuze and Guatarri assert that desire is, by its very nature, ‘nomadic and migrant’. Gay desire is similarly nomadic. ‘Cruising’ is intrinsic to this nomadic and resistant wandering.

Desire haunts public spaces, its presence merging in and out of visibility as gay men appear (and more importantly are seen) at large in beats. Indeed the trope of homosexuals ‘haunting’ public space as the nemesis of good public order, typified press accounts of homosexual conduct prior to the advent of gay liberation. Hutchings documents how the nineteenth century was haunted by the spectre of crime. The spectrality of the gay body appearing and disappearing in beat space builds on this tradition.

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56 De Certeau, above n 39.
58 Shields above n 39 at 172.
3.0 RESISTANCE TACTICS: INTRODUCTION

I wish to foreground the discussion of gay resistant practices with reference to De Certeau’s theory of tactics. These ideas enable us to better comprehend how gay men resist attempts to regulate the way that they desire in beat spaces. Those tactical forays that gay men make into places where police can materialise can be characterised as ‘manoeuvres within the enemy’s field of vision’ as Bullow frames it. Gay men negotiating the terrain occupied by police are markedly tactical subjects. De Certeau describes tactics as ‘ways of operating’ that are ‘victories of the weak over the strong’. Some examples of these ways of operating include ‘clever tricks, knowing how to get away with things, hunter’s cunning, manoeuvres and joyful discoveries’. De Certeau also argues that tactics of resistance are opportunistic:

[A] tactic does not have a set place — it is always on the watch for opportunities that must be seized on the wing. Whatever it wins it does not keep. It must constantly manipulate events in order to turn them into opportunities.

Cruising beat space is a markedly exploitative practice of tactical resistance. It does not have a “set place” for the cruiser is mobile and can negotiate the city’s terrain on foot. Gay men who cruise are always on the lookout for opportunities, surveying other men for reciprocated signs of desire. When gay men pause for intimate interludes in beat spaces, their encounters are often marked by an erotic intensity that quickly dissipates. Giorno best captures the intensity of such encounters: ‘[y]ou got to burn to shine. We got to burn some more. Burning away all concepts, releasing the bliss trapped in our hearts’. Such a release of trapped bliss accords with the psychoanalytic notion of jouissance, characterised by Fuery as ‘that untranslatable term for a pleasure that is orgasmic, pure, excessive and therefore revolutionary’.

As Lacan argues ‘without a transgression there is no access to jouissance’. Gay resistant encounters in beat spaces, in transgressing various legal and social prohibitions, have the potential to lead to jouissance. This sense of bliss is captured in the remarks of HS — a financial professional in his 30s — when he defended beat sex against what he perceived as its poor reputation in society:

Despite some people … um … thinking … well believing in their minds … that beat sex must be dirty and horrible — impersonal — the fact is that some of the most tender moments I have ever had … um… in terms of sexual pleasure — have been with men.

62 Cited in De Certeau above n 39 at 37.
63 As above at xix.
64 As above.
65 As above.
Cruising public spaces is often portrayed as a sordid practice. Such a view is countered by gay men recalling their encounters as pleasurable and deeply affirming. The filmmaker Derek Jarman romanticises his experiences of cruising in an idyllic tone:

The deep silence, the cool night air, the pools of moonlight and stars, the great oaks and beeches … as always, once you cross over the invisible border your heart beats faster and the world seems a better place.\(^{70}\)

Jarman's remembrance serve as reminder that the resistance entailed in outdoor sexual encounters is as celebrated by many gay men as it is reviled by law. Having outlined the general importance of tactics to gay resistance, I wish to document the specific forms that such tactics take.

### 3.1 General Tactics of Resistance

Gay resistant tactics are protective measures adopted to minimise the threat of detection by police. Gay men understand that the presence of an ever-vigilant law, in the form of the police, encroaches on beat spaces. The presence of the law is often experienced not as a literal presence, but rather as the palpable memory of those gay men whose behaviour was criminalised in the past. These memories serve to remind men of the risks associated with beat sex. The comments of PB — a hospitality worker in his twenties — typify this sentiment:

I heard about George Michael's arrest in that Beverly Hills toilet and I thought of all those men like him unlucky enough to be dragged into court to face the music um … and it made me think of all those ruined lives back in the days past when it was like … to be caught out was the end of the world.\(^{71}\)

In order to safeguard their freedom, men approach interactions with other men at beats with a degree of caution. One way of operating is to use beats merely to meet other men. By going off to have sex elsewhere, many gay men protect themselves from the ignominious prospect of being caught in \textit{flagrante delicto}. Many men will use a beat just to meet other men. Consider the remarks of HD:

I still go to beats but I do a lot more picking up and going somewhere else … not to another beat … to their place or my place or some other place. But beat sex is still fun and I still do it when I am absolutely sure that there is no high probability of being captured.\(^{72}\)
As HD notes, beats still present as venues that can afford pleasurable opportunities, but risk assessment and personal preferences see many men choosing other places to have sex. As another respondent — a police officer in his forties remarked: ‘I am a “take away” man. I would rather be naked and roll around under a blanket.’ For those men who choose to participate in sex acts at a beat, they adopt tactics to protect themselves. A common tactic is to never instigate contact. PB remarked that it is unwise to do so, it is better to ‘let them [the other person] make the first move’. However, the fact remains that gay men must weigh up the risks and demonstrate their intention to commune with other men. Gay men need to send out messages at beats if they want to have sex. ME — an Engineer in his thirties — remarks that such messages:

[A]re quite straightforward and quite forward in some respects. I don’t believe in standing and pretending to pee …. like wasting time. My argument is that if you are going have sex why make bones about it.

Many men do not share ME’s willingness to be so forward in sending out signs that they are willing to pursue an intimate sexual encounter. As RN — a salesmen in his fifties — remarks, it is wise to ‘hang on and see what happens’. Yet most gay men recognise that caution must give way to a willingness to gradually intensify the communication. This intensification is typified by HD’s comments.

You try as much as possible to let them [the other person] make the first move. But obviously if everyone did that nothing would ever happen. So depending on how attractive they are to me I will bend that rule by doing lots of things that are ambiguous and could be seen as a come on, but also could be perfectly natural behaviour. Just keep doing them and doing them and doing them until it’s no longer a coincidence that you and this other person … that every time you do one they respond.

The ‘ambiguous’ things that HD (and other respondents) refers to performing include: repeated attempts to make sustained eye contact with other men; pausing between actions; smiling; and standing in close proximity to the other person. Yet the fact remains that someone has to convey an unambiguous sign to enable an encounter to unfold. As RN laughingly remarked:

The Americans say “someone has got to blink” and … it’s a lovely expression … and of course when you “up the ante” you expose yourself, not only in physical terms but in other ways as well.
This ‘other way’ of exposure, according to RN, is exposure to the ‘risk of being hurt, of being rejected’. Thus gay men do not just risk legal scrutiny and disapprobation when expressing desire in public, they also risk being rejected by other men.

The signs conveyed to precipitate a sexual encounter resist neat classification. They can be many things: a beguiling smile; a prolonged glance that is returned with an intensity that speaks of resolve; a tilting of the head that beckons seductively and whispered words. Sometimes these signs are conveyed and received simultaneously. These signs—the decisive droppings of a guarded dispositions—are quixotic moments. They exist both as a moment of pure surrender to the possibility of desire. That gay men approach encounters with a degree of caution does not render their encounters calculated and clinical. A respondent, HS, approached his encounters by, to use his words: ‘letting things kind of unfold … letting it all fall into place’. His comments attest that sexual encounters between males in public are choreographed in a graceful and distinctly non-aggressive manner.

Ironically, the presence of police does not necessarily stifle the pursuit of desire. This is well articulated in an account one interviewee provided of an experience he had whilst on holiday: I was in Madrid … Spartacus said that the beat is in this garden. So I thought, wow, this is such a big park, how am I going to find this beat? And then I saw two police officers on horse back so I just followed them. I knew that they would be going to the beat. So I thought obviously if the police are patrolling I won’t find anyone there, so I went away and I came back and sure enough that was the beat and the police unwittingly led me to it. Such a tactic epitomises De Certeau’s notion of a clever trick or ‘hunter’s cunning’. Gay men adopt clever tricks when pursuing their desires in public spaces. RN speaks of ‘adjusting your procedures and tactics so that you won’t be challenged by the police’. The clever tricks that gay men perform as ruses to render themselves less conspicuous can be quite novel. Consider PB’s tactic:

Walking the dog is a good one. You know, you can tie it up to the tree and take off into the bushes. If you see anything happening you grab the dog and walk away. And then if the police approach you it appears as though you are just two people walking the dog.

De Certeau argues there is ‘a pleasure in getting around the rules of a constraining space’. When gay men occupy a toilet cubicle together their desire is played out in a space designed to accommodate a single body. The pleasure entailed in such a manoeuvre is subverting the difficulties posed by enacting practicing desire in a constraining space. Recalling De Certeau’s
‘ethics of tenacity’, gay men break established social rules by jointly occupying a toilet cubicle. In doing so they refuse to accord the *unwritten* ‘one body only’ rule respect. The ethics of tenacity is expressed in other ways. Many men communicate or make contact by leaning down to exploit the gaps between the floor and the partitions that separate toilet or shower cubicles. HS spoke of his experience of exploiting such a gap:

> I was at this beat in [location suppressed] and I immediately cottoned on to the fact that if I … well that if I crouched down I could easily make contact with the guy in the next cubicle {laughing} and it was just so tempting that I did.

Other gaps are also exploited, including the cracks around the door frame that permit viewing. Sometimes men write solicitous graffiti in the grouted spaces between ceramic tiles.\(^86\) Indeed, Delph has noted that the presence of graffiti is interpreted as a ‘reliable guide’ that the space accommodates erotic practices.\(^87\) ME commented on the value of looking for graffiti:

> I mean … not all public toilets are beats are they, and I find … have found that graffiti … and drawings … are a reliable way of working out if the toilet’s an active beat. I look for stuff [graffiti or drawings] that’s recent …you know … not old dates — fresh ink’s a giveaway. I have hooked up with other guys by noting the days and dates that guys say they will be back there — revisit the beat.\(^88\)

A third type of gap exists in beat spaces that disrupts order and unsettles the law. My attention turns to exploring this gap, that ubiquitous feature found in many beat spaces — the glory hole.\(^89\)

De Certeau states that bridges are ambiguous structures that ‘liberate from enclosure and destroy autonomy’.\(^90\) Furthermore, bridges exemplify ‘a disobedience of the law of the place’.\(^91\) The glory hole is such a bridge. Typically, such holes are bored between adjoining stalls (walls) in toilet or shower blocks. Men who communicate and connect between such gaps bridge forbidden desires. Glory holes permit vision between two ostensibly private, unconnected spaces. The glory hole functions in this instance as a peep or spy hole through which men can view illicit sights. Using glory holes to gaze at other male bodies is disobedient because the act of peering through such holes shatters the illusion of privacy. A second, more controversial use of glory holes sees them used as portals that allow genital contact to be made. Here resistant subjects use glory holes as veritable windows of opportunity to touch each other’s genitals and perform oral sex. Glory holes are often filled in with mortar or covered with metal sheeting to prevent their use.\(^92\) Yet steel covers can be removed, filled holes are gouged through or new holes are bored, enabling the


\(^{87}\) Delph above n 4 at 70.

\(^{88}\) Interview with ME.

\(^{89}\) For accounts of the manner in which glory holes are used by men seeking to communicate desirous intentions see Delph, above n 4 at 82, and Humphreys, above n 4 at 67.

\(^{90}\) De Certeau above n 39 at 128.

\(^{91}\) De Certeau above n 39 at 128.

\(^{92}\) Swivel above n 2, at 246.
space to be reinvested with erotic potential. Such practices attest to Pile’s observation that: ‘administrative rationality continually struggles to impose an order on people’s everyday urban spatial practices, but must always fail’. The very sight of patched walls in beat spaces is troubling, for they mark the traces of subversive sexual practices.

3.2 Resistance: The Tactic of ‘Passing’

A transgressive tactic that many gay men exploit in beat spaces is their ability to pass as ‘straight’. McGhee argues that ‘the tactical ability to pass is facilitated by the unremarkableness (if one chooses) of one’s homosexuality’. Whether passing is accidental or deliberately achieved, the effect is the same. Gay men can insinuate themselves into the public realm and roam about freely. This freedom is articulated in HD’s comments on how he considered installing himself in the view of a plain-clothed police operation with the knowledge that he could pass as a ‘straight’ man:

I probably would have gone [into the toilet] just to … the cheekiness of going to sit right in the middle of their thing and be a gay person and not let them be able to arrest me … not do what they would like me to do [commit an offence] thumb my nose at them.

That gay men can ‘pass’ as heterosexuals accords with McGhee’s conception of ‘passing as a technology of survival and compatibility’ which serves gay men particularly well in contexts like the armed forces. Gay men who choose to pose as heterosexual men divert a considerable degree of police scrutiny away from their physical presence. A particularly revealing example of such a clever trick is evinced in the remarks of LS — a teacher in his fifties — providing an account of a time he encountered a police officer at a beat:

I was “doing the beat”. It was Melbourne Cup day at about 11 o’clock and I was just sitting in the cubicle in this toilet. I heard this car pull up and this bloke came in and he kicked the door in. I didn’t know who it was. I said ‘What the fuck is going on?’ Anyway, nothing happened. I went out and there was a male and a female copper. My car and the police car were the only two cars there. I walked up to the car and I said to the officer “Did you kick the door in?” and he said “Yeah”. And I said ‘Was that absolutely necessary?’ and he said ‘yeah, I thought so’. And I just glared at him and then hopped in my car and drove away. But he didn’t ask me any questions. I acted like an indignant heterosexual male might.

In responding like an angry straight man, LS effectively silenced the agents of the law. This prevented him having to field the typical bout of questions employed to intimidate and harass gay men. LS’s experience reminds us that gay man are adept at rehearsing heterosexual gestures to foreclose on police attempts to problematise their mere presence in beat space.

93 Pile above n 53 at 227.
95 Interview with HD.
96 For a reading of the complexities of passing rituals in military contexts see McGhee, above n 94 at 21.
97 Interview with LS.
During an interview following an arrest at a train station beat, GR described his demeanour in the following terms:

I never at any time gave them anything to confirm that what they believed was correct …that I was gay. I simply fended off everything that they said to me. I wouldn’t allow them to take me down any avenue which was threatening, and I basically stood my ground and was silent. And frankly it screwed up their whole exercise because they just couldn’t pin anything on me. So they let me go after three hours.98

Leaving aside questions of the capacities of individual gay men to pass as ‘straight’ (heterosexual) men, and the ethics of whether such behaviour is desirable in the post-gay liberation era, GR’s tactic was a pose of heterosexuality which he fostered and maintained during the interview. When gay men pass as heterosexual (by concealing or denying their homosexuality), their actions should not be read as shameful denial of gay identity, but rather as a tactic to prevents the police from ascribing a motive for their presence at a beat. By passing as heterosexual men, gay men render their desires invisible through such performances. The tactic of ‘passing’ thus allows men a greater degree of freedom to desire in beat spaces.

### 3.3 Resistance: the Tactic of not ‘Passing’

In contrast to the tactic of gay men ‘passing’ as heterosexual men, an antithetical form of resistance exists whereby gay men assert, rather than deny, their sexual identity.99 This tactic is a form of self-outing. It ensures that those men who adopt such tactics render their sexuality visible. Some gay men are brashly defiant when facing police who question their presence in beat spaces. AT’s account of his encounter is typical:

I was down doing the beat in about 1991. A police divisional van pulled over at the side of the road and tooted its horn. I looked over and I knew they wanted to talk to me. I thought, they can get out of their car and talk to me. So I ignored them. They tooted again and the beckoning got sort of more pronounced. So I beckoned with my hand [gesturing] ‘Come over here’. So they got out of the van, put their hats on, said that they wanted to talk to me, said that they wanted to know my name and address and the like. It was about two o’clock in the afternoon. I asked them ‘why?’ I was just sitting on my towel outside, near a public toilet. They wanted to know why I was there. I was just playing with them. I said ‘I am here to get a suntan and I am laying [sic] in the sun. They said “This is a place that is frequented by homosexuals”. I said “That’s good because I am down here to meet a few”. They wanted to know “who” and I said “Well I haven’t met them yet”.100

98 Interview with GR.


100 Interview with AT.
That AT initially ignored the officers beckoning to him from their police car is significant. Many gay men interviewed for this research spoke of behaving in a defiant manner. Consider PB’s experience of being summoned by the police:

I’ve been called a poofter by police officers directly to my face — “Get over here you poofter”, actually it was “Get over here you fucking poofter”. That sort of request has happened [sic] a couple of times. Generally to that I just ignore them. I walk away from them and let them take it further. If they wish to really push the limit they can get out of their car as far as I am concerned and come and see me. Sure. I won’t answer back to people who are blatantly rude to me sitting in a car, I don’t care that it’s the law.101

In refusing to respond to the police, both men refused to be interpellated as guilty subjects.102 They defied the notion that gay men who are merely present near a beat are guilty of wrongdoing or illegal conduct. It is telling that both men spoke of making the police come to them. Gay men who force their regulators to expend more energy and go to more trouble bring about what De Certeau terms ‘victories of the weak over the strong’.103

A critical attribute of gay resistance is the refusal of many gay men to conceal their identity when confronted by police in beat spaces. For many gay men who have come out of the closet, it is imperative that they do not replicate their past status by hiding their gayness. Indeed some gay men rebel in their defiance. PB frames his capacity to be his gay self in public as, to use his terms: ‘being blasé in the law’s face, it’s sort of like going “go on do something about it”. It’s like you are taunting the law to respond’.104 Many gay men refuse to refute their gay identity when encountering police. Such a tactic marks a refusal to pass as inconspicuous, as just another heterosexual man in the street. Gay liberation paved the way for gay men to be defiantly visible. Being ‘out’ is more than a mere resistant tactic; it is a political gesture through which an individual asserts their visible and tangible presence as a same-sex attracted person in public. Of course it is dangerous to attribute agency to all men in regard to this notion of ‘not passing’. Perhaps some men just want to have sex and resistance does not consciously enter their minds or motivate their behaviour. In any case, the small empirical basis of this study precludes any definitive finding about gay men’s’ choices about ‘passing’/‘not passing’, and in any case, as Johnson has observed, the politics of ‘passing’ in particular contexts are more complex and contradictory than have been previously theorised.105

3.4 Vigilance: The Tactics of Managing Risk

Men who gravitate to beat spaces do so in the knowledge that they are likely to encounter other men. Yet the characteristics of typical beat environments disrupt the neat classification of these

101 Interview with PB.
103 De Certeau above n 39 at xix.
104 Interview with PB.
spaces as ‘public’. For example, the seclusion of scrub and bushes at a coastal beat and the segregated space of a toilet cubicle are two examples of particular beat environments that are not so clearly visible to the gaze of the public. That many beat encounters occur at night further blurs the quest for a neat delineation between the ‘public’ and the ‘private’.

Notwithstanding this point, the fact that men pursue acts of sexual intimacy with other men in these spaces frame them as engaging in risk-taking behaviour. Such men risk exposure to being bashed and or other hostile acts of aggression. The main risk that emerged in this research is how men manage their desire to seek out contact with other men in beats, knowing that agents of the law can suddenly manifest to foil such pursuits. Gay men demonstrate a marked degree of ingenuity in managing these dangerous encounters. For arrest, prosecution and negative public exposure exist as potential outcomes of seeking intimate contact with other men in ‘beat’ public spaces.

A resistant tactic that many gay men make use of is to familiarise themselves with their environment. Going on reconnaissance, many gay men will explore the peculiarities of a newly discovered beat, as two respondents remark:

I only happened to fluke across it [the beat] when I went to use the bathroom a week before when I dropped someone at the train. I did not walk down as far as the showers. I just walked to the urinal trough and looked down and a guy who came out walked from one shower cubicle to another….and that’s what alerted me to the fact that there was something going on there. I didn’t do anything that day. I came back a week later at a time that I thought would be safer.106

My rule is to be absolutely super cautious at a beat that I don’t know and the reality is that I am extraordinarily reluctant to go one of these places. Of the places I do know and use, I try to become really knowledgeable of the dynamics and the culture of that beat. The dynamics are expressed in my mind as the comings and goings. How many cars are likely to be there, how often do people stay and what are the movements like, and what are the times of day that there are people there, that kind of thing. And the culture of the beat I guess, in my mind, is how people behave towards each other. I mean, I have been into beats where people will walk up to the urinal, drop their pants down and stand bare arsed there. Not a very safe thing to do, but it can be part of the culture of a particular beat. So be aware of what the culture is and be very suspicious of any deviation from either the culture or the dynamics of that beat.107

Both men spoke of approaching the beat environment from a cautious perspective — paying attention to the culture of the beat and its idiosyncratic characteristics. The culture of the beat—the ‘comings and goings of men’—include the number of cars parked in the vicinity; and the times of the day that correspond with increased patronage. The irony here is that gay men mimic the role of the detective. Making observations similar to those police make of beats during plain-clothed operations, gay men search out clues to help them manage risk. Whilst offering no

106 Interview with HD.
107 Interview with RN.
guarantee of safety, being aware of a particular beat’s dynamics affords men a chance to pre-empt the potential presence of the police. Such vigilance is attested to by a respondent, PB, who remarked:

I am particularly suspicious of late model Commodore™ or Falcons™ parked near beats as the Australian police tend to use these models as unmarked cars. If I can manage to walk past them I look for telltale signs … you know … police radio, clipboards. This once saved me from almost certain arrest.108

Attending to risk analysis is critically important if gay men are to manage their desire to connect with other men in the regulatory field. The very fact that some gay men break their own rules by frequenting beats that they are unfamiliar with can lead to disaster. A respondent, RN, testified to the dangers of being ignorant of a particular beat’s culture and dynamics:

In the 1980s I had an encounter in [location suppressed] at a beat. It was midday and not the time that I would in the natural course of events go to one of these places, but I had been in the city and I was driving back and I just happened to drive past a beat. And so I broke a couple of rules. One, I went at an odd time of day, and two, I went to a place that I really was not familiar with the dynamics of.109

RN was subsequently arrested at this beat, an occurrence he partly attributed to his inability to heed the warning signs that ‘all was not right’.110 Thus managing risk is an important tactical consideration that men attend to in pursuing desire in beat spaces.

4.0 CONCLUSION: THE ACCOMPLISHMENT OF GAY MALE RESISTANCE

Whilst this research certainly confirms Laud Humphreys’ point that beats (tearooms) are places suffused with risk and danger — a finding that Desroches concurs with in his Canadian study of the late 1980s — these previous studies suffer from being tethered to a criminological discourse known as the sociology of deviance.111 Both studies are couched in terms of ‘homosexual deviance’ and are somewhat clinical in tone. In contrast, this research has allowed themes and tropes from De Certeau’s post-structural text ‘The Practice of Everyday Life’ to guide the analysis. In doing so, gay male resistance has been lauded as a form of resistance that occurs daily as men cruise the streets pursuing desire. In that sense, De Certeau’s seminal text was deliberately chosen because his emphasis on the three themes of “daily resistance”, “the occupation of space” and “walking” has not only been thematically relevant to this study, but has lent the analysis a subversive and mischievous tone. Because my study sought to eschew an apologetic or

108 Interview with PB. Note that Holden’s ‘Commodore™ and Ford’s Falcon™ are commonly adopted for use as police vehicles in Australia.
109 Interview with RN.
110 Interview with RN.
pathological approach to gay public sex and to transcend the criminological legacy of the sociology of deviance, the subversive nature of De Certeau’s notion of tactics and resistance has been invaluable.

Wojnarowicz writes that gay men move ‘into the drift and sway’ of homoerotic encounters.112 Gay men have, and will continue, to walk (‘cruise’) the street, excavating their desires in the realm of beat spaces. De Certeau states that: ‘being is measured by doing.’113 For many same-sex attracted men, their being is bound up in the act of ‘doing’ what it takes to pursue desire in beat spaces. Haver notes that: ‘the erotic is always a turning, a détournement, a perversity, a queering of an itinerary: the erotic is not for such men as go straight to the point’.114 When gay men willingly defy the law by seeking to express their desires in beat spaces, they follow an erotic itinerary that places them at odds with heteronormative conventions of appropriate ways to pursue and enact desire in public. Gay men who seek to express their desires in public personify the figure of the outlaw. This figure figures as the ‘very instability of chaos’.115 Haver elaborates:

[T]his eroticisation of the possibility or edge of violence of which the outlaw is the figure, is always articulated in relation to the Law (the Law here signifying … the discursive regulation of bodies and practices — the “State”).116

This article acknowledges that gay men adopt resistant tactics to pursue desire in beat spaces. To iterate an earlier point, ‘being is measured by doing’. Many gay men desire in public in beat spaces. That is the measure of their defiance and resistance. Because beats are spaces of unconstrained sexuality, their existence is highly antagonistic to both the police and those who believe that gay sex has no legitimate place of overt expression in public space.117

Whilst the combined effects of decriminalisation and the gay liberation movement rendered gay desire tolerable and visible in many public spaces, beats are still places where outlawed desires continue to be enacted. This article acknowledges this vexatious fact, but it does not seek to essentialise a single gay male perspective. For there are many gay men who are disgusted and offended by beat sex, and there are many same-sex attracted men who suffer rejection and humiliation in beat spaces. This ambivalence is perhaps best captured by Hocquenghem characterising homosexual intimate encounters in public spaces as ‘both splendid and accursed’.118 Whilst not wishing to romanticise beat sex as appealing to all gay identifying or same-sex attracted men, I nevertheless wish to assert that beat sex is a form of resistance deserving of avowal in its own right. Of course, this form of resistance has its limitations. For many gay men, the most important acts of resistance can be found in everyday appropriations of normalcy entailed in public expressions of intimacy (e.g. kissing in public) rather than outlaw sex.

113 De Certeau above n 39 at 137.
115 As above at 152.
116 As above at 153.
117 Dalton above 24.
This fact aside, resistance in beat spaces highlights the ingenuity of the male same-sex desiring subject to evade the police and pursue desire in beat spaces.