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Illicit Sex and Risk-taking Behaviours: A Qualitative Study of the Public Sexual Practices of MSM in Newcastle upon Tyne

Katharine Parker

PhD

2019

Illicit Sex and Risk-taking Behaviours: A Qualitative Study of the Public Sexual Practices of MSM in Newcastle upon Tyne

Katharine Parker

A thesis submitted in partial fulfilment of the requirements of the University of Northumbria at Newcastle for the degree of Doctor of Philosophy

Research undertaken in the Faculty of Law

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Abstract

The purpose of this thesis is to examine the impact of the current legal framework in England and Wales governing public sexual practices upon the risk-taking behaviours of men who have sex with men (MSM) in public sex environments in Newcastle upon Tyne. Adopting a feminist methodological approach and drawing upon queer theory and edgework, this thesis critically examines the narratives of sixteen self-identified MSM as they discuss the ways in which they construct, negotiate and manage the socio-legal and physical risks associated with their public sexual activities. In doing so, this thesis makes an original contribution to knowledge by furthering queer understandings of the socio-legal landscape with emphasis placed upon identity, risk, and environment.

Geographically bound within the post-industrial city of Newcastle upon Tyne, this thesis qualitatively explores how the conceptions of risk held by the participants of this study as they contemplate and engage in public sexual practices can be fluid and can change in response to a variety of social relations. Drawing upon Lyng's (1990) concept of edgework which emphasises the lived experiences of risk, this thesis takes a view of risk-taking as not always a pre-cursor to a negative event or experience, but rather as a means for exploring the liminal margins of everyday urban life.

The positioning of MSM within these liminal urban spaces poses significant challenges to law enforcement agencies and local and national service providers alike. As a demographic they are often considered hard to reach by traditional methods of service provision and as such are categorised as 'high-risk'. It is anticipated that the data contained within this thesis could be utilised by local and national service providers as well as law enforcement agents to provide information and inform strategy regarding the service provision and harm reduction needs of MSM in their communities.

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This thesis has been written in loving memory of my Uncle Ronnie who always told me that a good education was the best gift that could ever be received.

In my early twenties my childhood best friend told me that he was gay. I didn't react well. We'd been close all of our lives and a large part of me felt deceived. I'd known him to date women and had spent many an hour talking on the phone with him late at night about girls that he liked. I just didn't understand. Following his revelation he moved to London for work and we lost touch. I never really got the opportunity to apologise to him for my reaction or to support him in the way that I should have done. I can't go back in time and change my reaction but what I can do is learn from my mistakes. This thesis is written now, in my thirties, as a reflection of that learning process and dedicated to my old friend who first showed me the fluid and slippery nature of sexuality and the damage that can be caused by a closed mind.

I would not have been able to write this thesis however, if it were not for the inspiration, support, and guidance of some other important people in my life. I'd like to thank my mother who never missed an opportunity to come and Hoover in whichever room of the house I'd chosen to work in. Not only has our house never looked so clean, but she showed me that no matter how frustrated I was with my work, I was always more frustrated with her. I'd like to extend special thanks to my son Benjamin who, from the moment he was born, inspired me to aim high and never give up. His unwavering belief that he is in fact a Power Ranger despite a lot of evidence to contrary (not least his lack of hand-eye-body coordination) has encouraged me to believe that I could in fact be an academic. This thesis is the first step of the future that I build for him, my precious boy.

I would of course like to thank Changing Lives for taking the time to meet with me and discuss their services as well as those individuals who actively promoted this study amongst their networks; you know who you are. Gratitude is also warmly extended to all participants of this study who shared their experiences with me; this research simply could

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Author's Declaration

I declare that the work contained in this thesis has not been submitted for any other award and that it is all my own work. I also confirm that this work fully acknowledges opinions, ideas and contributions from the work of others. Any ethical clearance for the research presented in this thesis has been approved. Approval has been sought and granted by the Faculty Ethics Committee on 11th March 2015. I declare that the Word Count of this Thesis is 78646

Name: Katharine Parker

Signature:

Date: 07.09.19

1.0 Introduction

1.1 Thesis Overview

Since the publication of the first major academic study of sexual activity in a public place by Laud Humphreys in 1970, the phenomenon of public sex has continued to attract the attention of scholars from across the academy. Disciplines such as law (Ashford 2007, 2012; Johnson 2007), social sciences (Tewksbury 1995; 1996, 2008, 2010; Clatts 1999; Haywood 2017), human geography (Brown 2004, 2008; Bell 2006; Atkins and Laing 2012; McGlotten 2014), media (Hennelly 2010) and psychological and health sciences (Binson et al. 2001; Harding et al. 2001; Somlai et al. 2001) have all sought to explore the public sex environment as a productive site of academic enquiry. Whilst Humphreys' original study was concerned with impersonal sex between men in public lavatories, the interdisciplinary interest in the public sexual landscape has since contributed towards significant shifts in understandings of public sex as not solely concerned with same-sex intimacies. This broader conceptualisation of public sex as encompassing a wide range of gender and sexual identities has provided scholars with fertile ground within which to explore notions of sexual citizenship as well as the socio-legal dualism of public and private (Brickell 2000, p.165).

This thesis contributes to that growing body of academic literature by critically examining, through empirical study, the impact of the current legal framework governing public sex upon the risk-taking behaviours of men who have sex with men (MSM) in public sex environments in Newcastle upon Tyne. Adopting a feminist methodological approach and drawing upon queer theory as well as Lyng's (1990) concept of edgework, this thesis critically examines the narratives of sixteen self-identified MSM as they discuss the ways in which they construct, negotiate, and manage the socio-legal and physical risks associated with their public sexual activities. In using the everyday experiences of this sexual minority group, whose "marginalisation is not only de facto, but also de jure (enshrined in official law)" (Hull 2016, p.563) as a foundation for thinking about the impact

of the law relating to public sex, this thesis by very nature becomes a legal consciousness study.

The “bottom up, rather than top down perspective” of the relationship between law and society which is characteristic of recent legal consciousness studies (Harding 2011, p.21), is not only congruent with the feminist approach of this thesis but also enables this research to make an important and original contribution to queer understandings of the socio-legal landscape. As contemporary legal consciousness literature has focused almost exclusively on issues connected to partnership and parenting in response to unprecedented levels of change in the regulation of lesbian and gay lives (Hull 2016, p.567); this thesis examines the experiences of those who are subject to an ongoing deficit in formal legal equality. In doing so, this research addresses some of the limitations in representation inherent within legal consciousness studies and documents the lived experiences of the regulation of those who lead “queerer lives” (Brown 2009, p.1497).

A study of legal consciousness also allows for a broader conceptualisation of law beyond that which is institutionally confined, to being whatever people recognise and treat through their social practices as law (Tamanaha 2000, p.313). This pluralist approach to understanding legality challenges the notion that state law is the only form of law and highlights the existence of a multitude of “legal or normative systems that can also be considered as law” (Harding 2011, p.29) as they impose rules and values that define the boundaries of acceptable behaviour for different groups and individuals (Jones 1994, p.545). Theorised in this way, it can be argued that there are multiple, overlapping, and coexisting bodies of law that are all making competing claims for authority at any one given time (Tamanaha 2008, p.375). A pluralist understanding of law therefore, enables this study to move beyond solely a consideration of the impact of state law to examine the normative mechanisms of power which also regulate public same-sex intimacies, and which contribute towards the continued socio-legal marginalisation of MSM.

There is also scope for this thesis to have a policy impact in terms of informing local and national policing strategies as well as the policies of local, national, and international

service providers. As a typically 'hard to reach' and high-risk demographic, the inclusion within this study of the narratives of sixteen self-identified MSM has the potential to offer strategy guidance to service providers as to how they may meet the harm reduction needs of MSM in their own localities. Although this is not a specific objective of this thesis; there is a capacity for this research to serve as a useful informant and as such, summarised findings will be disseminated to local service providers who offer their services to spatially and socially marginalised groups across the city. A summary of findings will also be made available to Northumbria Police whose community policing teams cover Newcastle upon Tyne and the immediately surrounding areas.

Whilst this thesis aims to critically examine the impact of the current legal framework governing public sex upon the risk-taking behaviours of MSM in Newcastle, it is not the intention of this study to advocate for tougher or more punitive disciplinary measures to address those engaging in public sex. Indeed, echoing the findings of Atkins and Laing's (2012) study of public sex environments in Manchester, it shall be argued that measures that are put in place to deter public sex from occurring in Newcastle such as increased police patrols, CCTV, and additional lighting do not actually prevent public sexual activities from happening but merely displace them into more marginalised and liminal spaces. Rather, this research offers information via the narratives of a small sample of MSM as to how policing strategies may contribute towards the minimisation of risks that may be faced in and around sites of public sex, both by those engaging in sexual acts, and those simply passing through.

1.2 Public Sex: An Official Legal Framework

The arguably normative notion that sexual activity should only be performed in private is reinforced in England and Wales by the criminal law. Adopting a position that consensual sexual acts between adults that take place in private "should be their own affair and not that of the criminal law" (Home Office 2000, para. 0.7), the current legal framework is one that is concerned with the regulation of sexual activity that encroaches upon public space. This approach, as was originally set out in the Wolfenden Report 1957, was implemented

to "preserve public order and decency" and to "protect the citizen from what is offensive or injurious" (Home Office 1957, paras. 13-14). Creating a notable distinction in the legality of sexual activity in the public and private spheres, the criminal law, as Johnson (2007) argues, is based upon a sense of "public morality" which aims to restrict or prohibit conduct that society as a whole are not prepared to endure as opposed to intervening in the "private morality" of the individual (p.527).

Unfortunately, this simplistic utilitarian positioning becomes somewhat more complex with the existence of variable constructions of public and private (Ashford 2011, p.96). They are arguably not, as the law indicates, a distinct binary in which one may be understood only in opposition to the other, rather the boundaries between public and private in cases of public sex can be indistinct and highly contextually dependent. For instance, it is entirely possible for an act of public sex to take place in privacy, i.e., in an isolated spot or concealed by heavy foliage available in spaces such as public parks or footpaths. Furthermore, the categorisation of a space as public or private does not remain static or fixed but actually changes in response to varying social and environmental conditions. As Ashford (2007) notes, there is a considerable difference between the levels of privacy that can be found within a public lavatory at a coastal resort during the peak summer season than in the early hours of the morning during the frosty winter months (p.511). In this respect the binary division between public and private created by the criminal law presents specific challenges to law enforcement agents who must carefully balance the private rights of the individual with the protection and maintenance of public order.

In response to this lack of clarity relating to the legality of sexual acts that take place in public and those that occur in private, the Home Office had considered resting upon a legal definition of a public place and adding to it the likelihood of being seen. This is evidenced within their report entitled *Setting the Boundaries: Reforming the Law on Sex Offences* which was published in 2000. On reflection however, it was felt that this provision would be too "prescriptive and difficult" (Home Office 2000, p.125, para 8.4.7) given the varying degrees of privacy that could be found within the public sphere at

different times. It was therefore suggested that rather than prohibiting all sexual activity in public places, the law should take the position that the “discreet couple should not be penalised” (Home Office 2000, p.125, para 8.4.6). This, they proposed, was preferable to total prohibition, as it was not the sexual activity per se that was the nuisance, but the alarm and distress that could potentially be caused to others as a consequence. The Home Office did not, however, provide any details as to how a discreet couple were to be defined resulting in an ambiguity that continues to present challenges to the regulation of public sex in England and Wales today.

As Kingston and Thomas (2014) argue, the legal framework tasked with the regulation of sexual practices that venture into the public sphere may be seen to be “ambiguous”, “patchy” and “unclear” (p.46). For example, S.5 of the Public Order Act 1986 may be used by police to stop people engaging in sexual activity in public on the grounds that it is causing ‘alarm or distress’ to others. It is perhaps worth highlighting that sexual behaviour is not specifically mentioned within the 1986 Act and that in applications of S.5 to cases of public sex, ambiguities can arise in terms of whether or not alarm and distress to others could have been reasonably foreseen, and to whom alarm and distress may be caused (see Ashford 2012).

Further statutory provisions applicable to cases of sexual activity in public include offences of exposure and voyeurism found within S.66 and S.67 of the Sexual Offences Act 2003 respectively. An offence of exposure exists when a person exposes their genitals and intends that someone will see them and be caused alarm and distress. In cases of consensual public sex, the exposure of one's genitals is not usually undertaken with an intention of causing alarm and distress to others but is done for the arousal of their sexual partner and the practicality of engaging in sexual acts. Of course, it is entirely possible for alarm and distress to be caused to a third party by the exposure of one's genitals, particularly to those who may simply be passing through the public sex environment unaware of the sexual activity contained within. The difficulty in applying an offence of exposure to such an instance is the requirement to prove that it was the actor's

intent to cause alarm and distress to this aforementioned third party with their exposure. Subsequently the application of this statutory provision to cases of public sex becomes somewhat tenuous.

The offence of voyeurism is arguably less contentious in its application to public sexual activity. An offence of voyeurism exists when, for the purposes of obtaining sexual gratification, a person observes another in a private act in the knowledge that their observation is without consent. For the purposes of S.67, a person is conducting a private act if the person is in a place which, in the circumstances, would reasonably be expected to provide privacy. In cases of voyeurism, it is possible to distinguish between the unsolicited viewing of those who have made a conscious effort to ensure that their (private) act goes unobserved, and those engaging in a (private) act for the viewing pleasure of others as in cases of dogging (see Bell 2006; Ashford 2012; Haywood 2017). This distinction is provided within S.68 in which it is clarified that an offence of voyeurism exists if the private act being observed is a sexual act that is not of a kind ordinarily done in public. Most notably an offence of voyeurism is not intended to regulate public sexual activity, but rather criminalises those who may purposefully view these sexual acts without consent.

Regulation of public sexual practices can also be found within the common law with the provision of the strict liability offence of outraging public decency. This offence requires an act of a lewd, obscene, or disgusting character; which must be of such a character that it outrages minimum standards of public decency as judged by the jury in contemporary society (The Law Commission 2015, p.15). In addition, the act must have occurred in a public place where it was capable of being seen by two or more persons who were actually present, even if they had not actually seen the act (The Law Commission 2010, p.28). As a strict liability offence, this common law offence may be considered a somewhat attractive option for police dealing with public sexual activity and, as a review by the Law Commission in 2015 found, is "most commonly charged where no other offence catches the conduct" (The Law Commission 2015, p.21).

It is perhaps, within S.71 of the Sexual Offences Act 2003 however, that the greatest ambiguities in regulation occur. Despite being written as a gender-neutral offence, S.71 was formulated and enacted upon the basis of concerns about male homosexual sexual activity in public lavatories (colloquially known as '*cottaging*' in the UK) (Johnson 2007, p.521). Specifically, S.71 states that:

A person commits an offence if—

(a) he is in a lavatory to which the public or a section of the public has or is permitted to have access, whether on payment or otherwise,

(b) he intentionally engages in an activity, and,

(c) the activity is sexual.

(2) For the purposes of this section, an activity is sexual if a reasonable person would, in all the circumstances but regardless of any person's purpose, consider it to be sexual.

Those guilty of an offence under this section are liable for a term of imprisonment not exceeding six months or a fine.

The law relating to cottaging sought to reflect the possible moral harm that may be caused to an unwilling observer of sexual acts in a public lavatory. The "ordinary people" and the "decent law-abiding communities" (Baroness Noakes, 13 February 2003) were cited during Parliamentary debate as holding a view that the public convenience was not an appropriate place for sexual activity. Legal protection therefore, was proposed in order to effectively shield this particular section of society from what Baroness Blatch termed as the "offensive public nuisance of homosexuals" (Johnson and Vanderbeck 2014, p.65). The Sexual Offences Bill 2003 had initially contained an offence of 'sexual activity in public' which would have criminalised *any* individual engaging in sexual activity in a public place knowing that it could be witnessed by a non-participating party. However, the offence was ultimately removed from the Bill due to the concern raised by Baroness Noakes that it would fundamentally legitimise cottaging (as sexual activity taking

place within a lavatory cubicle cannot be witnessed by non-participating parties). As such it was the bespoke offence of 'sexual activity in a public lavatory' that was retained indicating an expressed desire of the criminal law to continue to regulate the sexual lives of homosexuals in England and Wales (Johnson and Vanderbeck 2014, p.65).

Based upon the premise that male homosexual sexual behaviours offended public morality, they have continued to be regulated by the criminal law in order to protect a public that (it was argued) regarded them as offensive and indecent despite being decriminalised in private (Johnson 2008, p.155). Justifying the offence in this way, i.e., notions of public morality and decency; may be seen to re-iterate long standing ideas about the homosexual male as a "flaunting" promiscuous deviant (Croce 2015, p.4) in need of specific regulation by the criminal law that the heterosexual is viewed as not requiring. Although, as argued by Croce (2014), the homosexual identity has undergone a political and socio-legal "re-framing" (p.3), other forms of sexuality and identity, such as men whose sexual activities with other men encroach upon public space, as indicated within the 2003 Act, have fallen into the category of the "socially, politically, and crucially, morally unacceptable" (Ashford 2010, p.339).

Consequently, men seeking this particular kind of illicit sex with other men position themselves within increasingly marginalised and liminal spaces in which their sexual encounters may escape the gaze of the state and law whose continued regulation has placed them in the precarious position of the deviant sexual other. Nonetheless, despite the marginalised status of sites of public sex, they are also arguably sites of resistance in that they are spaces within which behaviours and ways of being are enacted that the "imposition and enforcement of the laws and norms seek to eradicate" (Harding 2011, p.46). In such sites MSM are not simply the "passive recipients of an ideology encoded in doctrine" (Sarat 1990, p.346), but rather, they are enabled by the very nature of the space to "respond strategically" and "manoeuvre and resist" (p.346) normative structures of power enforced by the criminal law.

1.3 Thesis Objective

The objective of this thesis is to critically examine the impact of the current legal framework governing public sex in England and Wales upon the risk-taking behaviours of MSM in Newcastle upon Tyne. As such, this thesis asks the following research question:

What impact does the socio-legal marginalisation of men who have sex with men (MSM) in public sex environments have upon the risk-taking behaviours of this group within the city of Newcastle upon Tyne?

This research question was originally devised in response to the disparity in law between the regulation of same-sex and opposite-sex public sexual practices created by S.71 of the Sexual Offences Act 2003. It was then further refined by the limitations identified within the pre-existing literature concerning the public sexual landscape which indicated that Newcastle upon Tyne had benefited from only limited exclusive study in this arena. Although research by Lewis (1994) and Casey (2004, 2007) acknowledged Newcastle's commercial 'gay scene' and sexually diverse population, the focus remained primarily upon the highly visible and heavily commercialised gay village in the city, known locally as the Pink Triangle (Casey 2004, p.445), and neglected to consider other sites in which men wishing to engage in sexual activity with other men may locate themselves. The objective of this thesis therefore is to address this gap in the literature by moving beyond the static commercial gay venues and into the marginalised spaces of this post-industrial city in which opportunities for illicit sexual encounters are created.

Whilst the risk-taking behaviours of MSM have been frequently considered within the literature, analyses have often been limited to sexual health concerns (see French et al. 2000; Somlai et al. 2001; Binson et al. 2001; Newman et al. 2008, Perry et al. 2016). This study concedes that the risks posed to the sexual health of MSM within public sex environments in Newcastle is a worthy area of enquiry; not least given the rise in contemporary studies which focus upon the phenomena of 'barebacking' (Crossley 2002; Halkitis et al. 2003; Wolitski 2005; Mowlabocus 2007; Ashford 2010; Kagan 2015) and 'bug chasing' (Gauthier and Forsyth 1999; Tomso 2004; Grov and Parsons 2006;

Moskowitz and Roloff 2007; Malkowski 2014). Furthermore, as MSM remain disproportionately at risk of HIV infection (National AIDS Trust 2017) a study of MSM's risk-taking behaviours that did not consider sexual health would be somewhat limited.

There is however, a need to extend this understanding of the risks faced by MSM in their pursuit of public sexual practices beyond solely a narrative of sexual health. Acknowledging the complex and fluid nature of the notion of risk, a consideration of sexual health related risks in isolation from the social worlds in which they emerge would arguably be an insufficient approach to the production of knowledge on the risk-taking behaviours of this marginalised group. Consequently, this study recognises that sexual, physical, and social categorisations of risk can, overlap, be inter-linked, and change depending upon the context, space, and place in which the sexual activity occurs. Thus, in drawing upon an edgework perspective of risk (Lyng 1990), which emphasises the lived experience of risk-taking, this thesis can move beyond the constraints of the sexual health narrative to consider a wider range of risks faced by MSM engaging in illicit public sex.

1.4 Methodology

This research adopts a feminist methodological approach to conduct a qualitative exploration of the lived experiences of a small sample of self-identified men who engage in public sex with other men in Newcastle. Drawing upon queer theory and edgework (Lyng 1990) for analysis; this thesis will focus upon the narratives of sixteen male identifying participants who consented to an in-depth interview with the cis female researcher regarding their public same-sex intimacies. The participants for this study were recruited via both formal and informal gatekeepers as well as calls made for participation on social media websites. As a cis female researcher conducting interviews with men on a subject regarded as topically sensitive (see Lee and Renzetti 1993) and socially "taboo" (Seal et al. 2000, p.11), there is an opportunity for this study to positively contribute towards feminist methodology discourses concerning cross-gendered interviews; specifically, when the topic relates to sex and sexuality.

As Lee (1997) noted, although feminist scholars have often reflected upon women's experiences of researching other women, she was disheartened that feminist reflections on women interviewing men remained relatively limited (p.553). Although there has now been an extensive contribution towards understanding the dynamics of female scholars researching male subjects (Arendell 1997; Horn 1997; Campbell 2003; Grenz 2005; Pini 2005; Presser 2005; Gailey and Prohaska 2011; Allain 2014; Chiswell and Wheeler 2016), there has still been comparatively little written exclusively regarding the challenges faced by women researchers when the topic relates to sex or sexuality.

With the inclusion of a reflexive account of the interview process undertaken for this research, an additional objective of this thesis is to highlight the absence of dialogue and guidance available to the female researcher entering the field to conduct empirical research into the sexual lives of men. In highlighting such a deficit and reflecting upon the research process for this particular project, this study aims to encourage more reflection from female scholars in this area and facilitate a dialogue from which support and guidance may be gained by those entering the field.

1.5 Thesis Structure

Following this introductory chapter which has detailed the objectives of this thesis and the original contributions to knowledge that are made, the immediately ensuing chapter will be a review of the supporting literature. Beginning with Laud Humphreys' influential study of public same-sex intimacies first published in 1970, the literature review will detail the significant shifts both socially and within the academy that have contributed towards public same-sex sexual practices being no longer solely the focus of those concerned with the study of deviance. In utilising Humphreys' study as a literary spine from which the study of public sex has developed, it will be argued that despite its infamy for being ethically challenged, all studies of public sex have an academic indebtedness to Humphreys and his original research (Schacht 2004, p.5).

Whilst this thesis has a feminist methodological underpinning, the work of Humphreys, and those who followed, has played a significant role in highlighting the importance of drawing upon a queer perspective when exploring the phenomenon of same-sex public sexual practices. The queer perspective allows for the recognition of identities as not static, but fluid and changeable in response to varying social relations. The queer perspective also actively enables the consideration of sexual behaviours as variables that are independent from notions of identity. This behavioural focus, free from the constraints of identity politics forms the foundations of the MSM demographic (Young and Meyer 2005). For this reason, the literature review will also detail the birth and growth of queer theory within and outside of the academy as well as demonstrate how it may be utilised to gain greater insight into the public same-sex intimacies that form the basis of this study.

Additionally, as a reflection of the legal framework which places particular emphasis upon notions of public and private, the literature review will also discuss the conceptualisation of space and place. Acknowledging the creation of moral geographies in which people and actions can be viewed as being in or out of place depending upon their coherence to heteronormative frameworks, this chapter will detail the socio-legal emergence of an arguably exclusionary homonormative identity (Duggan 2002). As homonormativity becomes more centralised within the formation of cosmopolitan cities, the literature review for this study will conclude that men who engage in public sex with other men are further socially and spatially marginalised which can lead to increasing risk-taking behaviours.

Following a review of the supporting literature, the method adopted for this empirical study will then be outlined. Informed by feminist methodology discourses concerning researcher/researched power relations and reflecting upon my own positionality, the methods chapter of this thesis details the challenges and barriers faced in both the planning and execution of this research given the sensitive nature of the area of enquiry. Offering a reflexive account of the research process, the methodology chapter highlights a complex intersection between the gender and identity of the researcher and the research

that they are able to conduct and consequently the knowledge that they are able to generate.

The analysis of this thesis is divided into two respective chapters as a reflection of the dominating themes that emerged from the collected data. Analysis chapter one entitled *The Regulation of Public Sex: Safety and Risk Management* will examine the policing of same-sex public sexual practices in Newcastle from the perspectives of those subject to regulation. Through the medium of legal consciousness, this chapter will demonstrate that a continued lack of clarity in the law governing public sexual activities is reflected in front-line policing practices with participants of this study reporting large inconsistencies in approach by law enforcement agents. In the absence of parity in police response, analysis chapter one will argue that MSM in Newcastle are taking increasing risks to avoid the gaze of regulatory bodies in their pursuit of public same-sex intimacies.

Analysis chapter two entitled *Identity, Risk and Environment: Illicit Sex in a Geordie Terrain* acknowledges that state law is not the only mechanism of disciplinary power governing the public same-sex sexual practices of MSM in Newcastle. Reflecting upon the city's machismo character resulting from its industrial past (Chatterton and Hollands 2001; Hollands and Chatterton 2002; Nayak 2003), analysis chapter two will critically explore how risk is negotiated and understood by MSM in an environment which, as Lewis noted in his 1994 study, was "replete with contempt ... for them puffs" (p.87). Although Lewis' study is now over twenty years old, and as Casey (2004) reported, the "*he is a puff mentality*" is now very much in demise (p.452), analysis chapter two explores Newcastle's cultural norms of hegemonic masculinity and heteronormativity which contribute towards the spatial and social marginalisation of MSM and thus, an increase in risk as they pursue illicit sex.

This thesis will conclude that in order to understand the risk-taking behaviours of MSM who use public sex environments in Newcastle, it is important to move beyond a conceptualisation of regulation as strictly state-based in origin. By considering normative

structures of power such as hegemonic masculinity and hetero/homonormativity, risk-taking may in effect be reconceptualised as acts of resistance. However, rather than these resistive acts being conducted with a view to gaining social or legal change, this thesis will conclude that in some cases MSM engage in these acts of resistance for the pleasure of the transgression. Consequently, this thesis ends with a call for a shift in legal discourse concerning the public sexual landscape and suggests that a focus upon harm reduction may be more beneficial than the current emphasis upon regulation, as it is only through regulation that many of these resistive acts come into being and thus risk-taking behaviours are increased.

2.0 Literature Review

2.1 Tearoom Trade: Impersonal Sex in Public Places

Laud Humphreys' *Tearoom Trade: Impersonal Sex in Public Places* (hereafter referred to as *Tearoom Trade*), was the first academic study concentrating on the phenomenon of public sex. First published in 1970, *Tearoom Trade* was specifically concerned with male homosexual sexual encounters in public restrooms in the USA. Providing social scientists with the most comprehensive insight into male same-sex public sexual practices available at the time (Polley and Tewksbury 2010, p.456), Humphreys' research revealed a hidden world of processes, signals, and roles which challenged existing beliefs regarding the deviant homosexual identity. Despite Humphreys' research being most commonly presented as an infamous example of "covert and deceptive" research that endangered subjects without their consent or knowledge (Lenza 2004, p.20), *Tearoom Trade* has still "served for more than two decades as the unchallenged master reference on the subject of sexual activity among men in public" (Bapst 2001, p.89).

Tearoom Trade, an empirical study completed by Humphreys for his PhD, detailed his observations of approximately one hundred men engaging in sexual acts in public restrooms whilst he adopted a "watchqueen" role (a voyeur and lookout) (Neuman 1997, p.447). As a 'watchqueen', Humphreys was to alert those engaging in sexual activity within the restroom as to the approaches of those who may disrupt it, such as police, caretakers/security guards, children etc. In performing this observational role, he was able to not only study the sexual encounters that occurred within the restroom but was also able to record additional details such as the car model and licence plates of the men that he had witnessed as they arrived and left. With the assistance of a contact within the local police force, Humphreys used the car licence plate details that he had recorded to obtain the names and addresses of the restroom occupants. A year later, he contacted those he had observed and arranged to interview them in their homes under the guise that they had been randomly selected to participate in a general health survey.

Anxious not to be recognised by those that he interviewed, Humphreys changed his style of dress, haircut, and car and claimed that none of his participants showed any indication that they had remembered him from the days when he had passed as “deviant” (Humphreys 1970, p.42). However, Humphreys’ firm assertion that his research participants were unable to connect him with the sexual activities that occurred within the tearoom has since been vehemently challenged. This is reflected within the work of Warwick (1973) who, very shortly after the publication of *Tearoom Trade* was questioning this very point. It is entirely possible, he argued, that the subjects of Humphreys’ research were much more adept at concealing their emotions than the researcher was in detecting them (p.29). Further doubt regarding the claims made by Humphreys that participants were unable to recognise him is evident within Babbie’s (2004) article entitled *Laud Humphreys and Research Ethics*. Babbie expresses his great unease at Humphreys’ tactics to conceal his identity and states that “it is painful to imagine the experiences subjects would have gone through when they recognised the ‘watchqueen’ standing on their doorstep...” (p.16).

Conducting the surveys within the participant’s homes enabled Humphreys to collate information about their home-life that he could then compare with his observations of their roles in sexual activities within the restroom (Hollister 2004, p.74). It is within this approach of interviewing participants in their own homes that Humphreys himself acknowledged raised substantial ethical concerns “I already knew that many of my respondents were married and that all were in a highly discreditable position and fearful of discovery. How could I approach these covert deviants for interviews?” (1970, p.15). The solution, for Humphreys, was to be found within another position that he held developing a questionnaire for a general health survey on men in the community (1970, p.41). With permission from the survey’s directors, he added his own sample of participants to those randomly selected to participate in the health survey. In this sense, the health survey would serve to “legitimise” (1970, p.42) his contact with his participants whilst enabling him to question them on sensitive topics without revealing his underlying agenda.

2.2 Sexual Lives: Social Worlds

As Warwick (1973) documents, from the outset Humphreys felt it imperative to go beyond simply observing and detailing the minutiae of male homosexuality in public conveniences, he also wanted to explore the social backgrounds and current circumstances of his [un-informed] participants (p.28). Strongly influenced by prominent interactionists such as Howard Becker (1963), Humphreys felt it extremely important to interview his participants within their home environments. The opportunity to view the participants' homes and to meet their wives and families assisted him to put a very ordinary face upon the men who pursued sexual pleasure in public places. This presentation by Humphreys of tearoom occupants as not the deviant homosexual that they were assumed to be, but rather faces of mundanity, arguably destabilised conventional assumptions regarding the static and singular nature of sexual identities and behaviours (Irvine 2003, p.443).

Humphreys' findings indicated that sexually deviant behaviour could be segregated from what was, at that time, deemed to be everyday non-deviant behaviour (i.e. the heterosexual married man residing with his wife). However, contrary to traditional notions of homosexuality, Humphreys was not suggesting a complete or total separation between those who enacted deviant sexualities and those who did not. For Humphreys, the two could actually coexist on a continuum of behaviours in which deviant and non-deviant sexual actions were not necessarily indicative of sexual orientation or identity. Challenging dominant discourses concerned with the 'condition' of homosexuality (see McIntosh 1968), Humphreys' research suggested that same-sex sexual practices could not be understood in isolation from the social worlds in which they occurred. Indeed Humphreys' findings, whilst controversial, alluded to the necessity of a much wider reading of the complex interactions between the 'deviant homosexual' and his social surroundings than had been previously undertaken.

Although not always credited as such, Humphreys' *Tearoom Trade* laid the foundations for what is now several generations of researchers investigating impersonal sex in public

spaces (Tewksbury 2004, p.32). To varying degrees, yet not always overtly acknowledged or recognised all research in this area has an intellectual indebtedness to Humphreys' landmark study (Schacht 2004, p.5). Yet, in line with the most publicised objection to Humphreys' research presented by Von Hoffman (1970), *Tearoom Trade* remains most widely discussed in terms of the extreme violation of the privacy of the research subjects rather than the vast contribution that the study made to understandings of sexuality and public male same-sex intimacies. The centrality of this ethical concern regarding Humphreys' research is evidenced within Warwick's (1973) work, in which he argued that the end simply cannot justify the means. To this end he stated; "...even if we grant that this research will ultimately help homosexuals, should every social scientist who feels he has a laudable cause have the right to deceive respondents?" (p.37).

This moral outrage at Humphreys' covert methodology was also highlighted within the writings of Davidson and Layder (1994) who pointed to Humphreys' deception of a relatively powerless group and the potentially damaging consequences that could result from the wide distribution of such sensitive research (p.57). However, the covert nature of Humphreys' study and its potential implications for participants was not, Babbie (2004) argued, the root cause of the moral outrage surrounding Humphreys' research. For Babbie, it was doubtful that the same moral outrage at Humphreys' methodological approach would have occurred had the subject matter of his research not been illicit public homosexual sex. After all, he noted, "in this time and place, homosexuality is a big deal" (p.14).

Homosexuality was, at this time, viewed as a social problem (see McIntosh 1968), a sexual orientation that would develop in spite of contrary social expectations and broad cultural condemnation (Kiefer Hammersmith and Weinberg 1973, p.58). Within such a hostile social climate, Humphreys' work became an academic scandal (Nardi 1999). His thesis was opposed and there was even an attempt made to revoke his PhD. Due to his interest in the homosexual, Humphreys was heavily stigmatised like many other scholars

studying sexual deviancy, as a voyeur in search of titillation or at the very least considered to be just an “odd duck” (Warren 2003, p.505).

Nevertheless, the emergence of the human immunodeficiency virus (HIV) in the 1980's signalled the beginning of a new relevance for Humphreys' original research. The advent of HIV/AIDS stimulated unprecedented interest in the nature of human sexuality and sexual behaviour, the forms that it takes and the ways in which it is understood by individuals, communities, and societies (Aggleton 1996). However, one of the key problems facing all of the sectors concerned with responding to the epidemic was the general lack of immediately available information and understanding concerning sexuality. As the epidemic took a “devastating toll”, particularly on MSM (Wolitski et al. 2001), and the casualties were no longer just the ‘outcasts’ (Shilts 1987), prevention campaigns turned their attentions to public restrooms, gay baths, and saunas which had been highlighted by research - such as that conducted by Humphreys - as sites in which gay and heterosexual identifying men sexually interacted. Seen to facilitate exactly the kind of sexual behaviour that was most suitable to widespread transmission of HIV i.e., unprotected anal intercourse with a high volume of sexual partners (see Woods and Binson 2003), such spaces were considered to provide an ideal opportunity to reach those who had been missed by the safer sex campaigns which had primarily targeted the gay community.

Today's academic studies of sex between men in public places occur within a social and cultural climate that differs dramatically from that which greeted the publication of *Tearoom Trade* (Leap 1999, p.13). For example, sexualities research is increasingly gaining prominence within, and outside, of academia (Browne 2008a) and public sexual practices are receiving growing attention from the mass media and can be seen in various representations across popular culture such as TV and film (see Hennelly 2010). Additionally, there is a rapidly expanding public sexual culture as evidenced perhaps most saliently by the growing popularity and presence of Pride/Mardi Gras events that now take place in a multitude of city spaces (Johnston 1997, 2007; Markwell 2002; Markwell and

Waitt 2009; Johnston and Waitt 2015; Ammaturo 2016). However, the sociology of sexualities to which Laud Humphreys' contributed in 1970 was largely the domain of scholars concerned with the investigation of 'deviance' of one sort or another (Gamson and Moon 2004, p.47). Studies of gender, sexual identity, and sexuality, and the inter-relationships of these categories only gained prevalence from the 1970s onwards, in part, as a response to the social movements of women's and gay rights.

Despite a significant change in the years prior to the publication of Humphreys' research in prevailing attitudes and conceptions of deviant behaviour as biologically produced, to an increasing acknowledgement of the role of social responses in the creation of a deviant act; the homosexual identity/acts remained congruent with traditional notions of deviancy. This is reflected within the work of Gibbs (1966) who, in an article entitled *Conceptions of Deviant Behaviour: The Old and the New*, questions the validity of the new models of deviancy identification via societal responses when a societal response to homosexuality may be mild. "Are we to conclude because of the mildness of the reaction" he asks, "that homosexuals are not deviants after all?" (p.13). Utilising his sample of socially stratified participants, Humphreys argued that traditional models of deviancy held very little relevance for tearoom occupants as they overly emphasised behaviour and rarely investigated the role of social structures. For Humphreys, deviance was not an ambiguous "blob" or "thing" but a carefully filtered and self-selective process (Goodwin et al. 1991, p.141). Whilst perhaps not his intent, the research findings and thinking that Humphreys introduced in *Tearoom Trade*, have been a significant contribution to contemporary sociological theorising (Tewksbury 2004, p.32).

2.3 Social Worlds: Sexual Lives

As Molotch (2010) states, "men do not simply have sex "in" restrooms; the facility and the erotic acts are intrinsic to one another" (p.11). Thus, physically being in that space at that time forms a diverse set of relationships with the surrounding objects (Brown 2008, p.926). Within these spaces, the public nature of the location and the on-site possibilities intensify the power and pleasure of the erotic moment (Leap 1999) providing the

heightened emotional experiences that enable cognitive escape and the formation of sexual identities and relationships (Nemeroff et al. 2008). Humphreys' research demonstrated that these identities and relationships are not necessarily fixed in time, or in place, but instead may be viewed as fluid, flexible, and interchangeable. "Like other next door neighbours" Humphreys stated, "the participants in tearoom sex are of no one type" (1970, p.129). They were not solely of a homosexual identity as might have been expected but were instead comprised of others who identified as heterosexual and those whose identity did not seem to fit into a hetero/homo sexual binary. In other words, those engaging in same-sex intimacies within public restrooms, according to Humphreys, could in fact be your next door neighbour.

This blurring of lines between the sexual deviant and the everyday (hetero)normative character of a next door neighbour created a notable challenge to traditional assumptions of deviant characteristics (for example see Shoemaker et al.'s (1973) study of the facial stereotypes of deviants in which they concluded that whilst there were no images in people's minds as to what a homosexual's face looked like, there were clearly images of what a homosexual *did not* look like). It also emphasised the centrality of performance in the formulation of identity, i.e., the identity that is performed by the next door neighbour as he mows his lawn, puts out his bins, and washes his car, may not necessarily correspond to his identity within the public restroom where he engages in sex with other men.

This notion of performance was reinforced within the foreword of *Tearoom Trade* written by English Criminologist D. J. West who acknowledged that the participants in tearoom sex may not necessarily be just 'deviant homosexuals' but may also include others who ordinarily perform a heterosexual identity. West therefore, suggests that Humphreys' study "is a useful corrective for criminologists and others who imagine that all offenders resemble the few who are caught and examined". Furthermore, he states that "one might have expected that men indulging in anonymous sexual exchanges in lavatories would prove to be lonely, socially alienated, unmarried, and possibly ageing homosexuals. In

fact it appears that the majority were married and predominantly heterosexual” (1970, p.vii).

Humphreys’ own claim that his study was “not a study of homosexuals but of participants in homosexual acts” (1970, p.18) served to undermine assumptions about fixed sexual identities. His empirical study displayed how sexuality is produced and constrained by structuring categories and depicted versatile sexual actors who were shaped by social structures while also actively engaged in inventing the sexual (Irvine 2003, p.444). Whilst formal recognition of queer theory did not come for about two decades after the appearance of *Tearoom Trade*, Humphreys’ disruption of normative understandings of the issues of sexuality and sexual identity may be seen and understood as the very cornerstone of the queer perspective (Tewksbury 2004).

2.4 Queer Theory

Queer theory is not a singular or systematic conceptual or methodological framework, but rather it is a collection of intellectual engagements with the relations between sex, gender, and sexual desire (Spargo 1999, p.9). Emerging in the late 1980s against a complex backdrop of critical theory and action, queer theory became a “rallying cry for new ways of thinking and theorising” (Stein and Plummer 1994, p.181) from sociology scholars frustrated by the limitations of sexological reductionism that was seen to reinforce the hetero/homosexual divide (Green 2002, p.521). Queer theorists advocated a need to move beyond simply substituting one limiting classification with another and offered an alternative conception where sexuality and gender may be viewed as fluid and unstable. This fluidity and instability, they argued, allowed for a complex and changing identity where people could locate themselves in different places at different times in response to varying social relations (Peters 2005, p.102).

The term Queer theory was originally coined by Teresa de Lauretis to serve as the title of a conference paper in which she aimed to challenge what she viewed as the “complacency of lesbian and gay studies” (Halperin 2003, p.340). De Lauretis’ conjunction

of 'queer' and 'theory' effectively re-opened the question of the relations between sexuality and gender, both as analytical categories and as lived experiences. As Gamson (1995) notes, queer theory, in its most distinctive form shakes the foundations on which gay and lesbian politics has been built, taking apart the ideas of a "sexual minority" and a "gay community," indeed of "gay" and "lesbian" and even "man" and "woman" and builds on central difficulties of identity-based organising (p.589). Thus, rather than studying the homosexual or heterosexual individual, the queer theorist studies the webs of power and discourse that create and uphold the idea that such individuals exist, and that defining individuals by a perceived gender or sexual object choice is somehow natural (Callis 2009, p.215).

Whilst queer theory did not begin to significantly impact upon academic studies of sexuality until the mid-1990s (Gamson and Moon 2004, p.48), its provision of a new fertile ground, in which to reimagine traditional sociological assumptions of sex, gender, and sexuality as being separate variables with discrete attributes, represented a critical intervention in gender and sexuality studies. This is not to imply however, that prior to queer theory's inception into the academy that scholars had not already begun to reconceptualise and reimagine traditional notions of identity. As far back as 1968, Mary McIntosh in her highly influential article *The Homosexual Role* challenged dominating ideas regarding the 'condition' of homosexuality. For McIntosh, rather than viewing homosexuality through a medical or psychiatric lens; she proposed that it was more beneficial to recognise homosexuals as a distinct "social category" (p.192).

Attracting vigorous academic debate (see Whitam 1977 and Omark 1978), McIntosh's work can be seen as a kind of theoretical launch pad from which more general questions were created addressing deviant behaviour and deviant identities in relation to societal norms. Yet, as Weeks (1998a) highlights, the importance of the contributions of early commentators in gender and sexuality such as Mary McIntosh are often overlooked in favour of discussing the scholarly offerings of more contemporary theorists such as Eve Sedgwick (1985, 1990) and Judith Butler (1990, 1993). Weeks vents his frustrations at the

reception that Butler and Sedgwick in particular have received given that, in his mind, they “are not saying anything fundamentally different from what some of us have been trying to say for 25 years or so” (1998a, p.132).

Queer theory, nonetheless, was not embraced by everyone and has faced numerous critiques and challenges, most notably for the neglect of the importance of some gay and lesbian scholarship (Callis 2009, p.216) and the depiction of all previous work in lesbian and gay studies as significantly “under-theorized” (Halperin 2003 p.341). Additionally, whilst queer theory was also seen to allow for the possibility of keeping open to question and context the element of race – or class, age or anything else – and its often complicated, unpredictable relationship to sexuality (Turner 2000, p.133), in practice work done under the auspices of ‘queer’ has not fully delivered upon this promise. Indeed, as Barnard (1999) highlights, the queer movement within the academy has tended to deploy mono-faceted categorisations that erase the localised presence of queers of colour, establish an imperialistic teleology for queer politics, and white-wash queer theory (p.203).

Although, as Goldman (1996) argues, the calls for contributions to queer theorising from those other than white lesbian and gay individuals leaves the burden of dealing with difference upon the people who are themselves different while simultaneously allowing white academics to continue to construct a discourse of silence around race and ‘other’ queer perspectives (p.173). What is ultimately created then, is a position where those writing from ‘other’ queer perspectives, by very nature, must somewhat paradoxically, set up in opposition to disrupt the hegemonic norms within queer theory itself. In this respect, Barnard (1999) suggests that queer theory might not be as different from the epistemologies and methodologies that it so frequently claims – whether explicitly or implicitly – to contest.

2.5 The Re-Appropriation of Queer

Whilst the term queer had been (and in some contexts and settings still is) used to disparage those identifying as gay or lesbian and other individuals who were seen as

operating outside of heterosexual gender norms; the 1980s and early 1990s witnessed a re-appropriation of the term in order to legitimise those very individuals and to reclaim a space of visibility in the realm of culture. The re-appropriation of queer from a derogatory slur to a broad-brush or 'umbrella term' under which all non-heteronormative individuals could reside was seen to provide a "pithy shorthand" for those concerned with inclusivity rather than rolling out the 'alphabet soup' of l(esbian), g(ay), b(isexual), t(ranssexual), t(ransgender), i(ntersex), a(sexual) (Callis 2009, p.214).

Queer was seen to say it all and as Berube and Escoffier (1991) state, was adopted in order to avoid the awkward, narrow, and perhaps compromised identity labels which as argued by Butler (1991) tend to be instruments of regulatory regimes. However, as Seidman (1993) highlights, the grouping together of all non-heteronormative identities into an undifferentiated oppositional mass denies the recognition of difference for which the queer position was originally intended. Where it calls for inclusiveness, it forgets a long history of terms that were meant to embrace and ends up overshadowing and subsuming those categories that it meant to remember. This is illustrated perhaps most saliently by Sheila Jeffreys (2003) as she discusses queer theory's exclusion of lesbians. She states that it has long been the experience of lesbians that generic words for male and female homosexuality very quickly come to mean men only and despite a long struggle against historical erasure, lesbians have been once "again buried under queer" (p.36).

Furthermore, as Medhurst and Munt (1997) express, despite the original inclusive political agenda of queer, it soon became associated with elitism (p.xi), as producers of queer theory were integrated much more quickly and completely into academia than previous scholars of lesbian and gay studies (Seidman 1995, p.123). Indeed, for many critics, queer theory represents "ivory tower, high theorising characterised by white, male, upper-class prancing and squatting on the academic stage" (Berlant and Warner 1995, p.348) which in practice is capable of perpetuating the very inequalities it identifies and silencing the very voices it seeks to empower (Warner 1993, p.xvii). To this end, Breen (2000) argues that queer theory may be seen to suffer a "political suffocation" through its

institutionalisation. Additionally, as Khayatt (2002) contends, queer may be seen to be further diluted by the inclusion within the term of all those deemed different from the norm which could in effect include heterosexual people whose only claim to deviance is blue hair (p.499).

Queer itself can have neither a “fundamental logic, nor a consistent set of characteristics” (Jagose 1996, p.96) but rather by definition is whatever is at odds with the normal, the legitimate, and the dominant (Halperin 1995, p.62). However, Jagose (1996) also concedes that queer has in recent years increasingly become an identity within its own right (p.128) adopted by those taking an anti-label stance in order to challenge hegemonic assumptions of “each person having only one sex, one sexuality, and one gender which are congruent and fixed for life” (Lorber 1996, p.143). In this context the term queer has been reclaimed in order to cover the spectrum of genders and sexualities that were not, and could not, be accommodated by naming the many variations of the marginalised (Khayatt 2002, p.497).

Nevertheless, it is also worth noting the tension which arises when refusing an identity that is considered to confine whilst also harbouring a preoccupation with getting queer performance ‘right’. Whilst performing the ‘other’ disrupts the assumption that everyone is heterosexual, it does not disrupt the ‘otherness’ of those with non-normative sexualities who, in order to be recognised as such, must engage in queer performance to be distinguished (Peters 2005, p.105). Thus, unless visible signs of a fluid sexuality and gender identity are displayed, heterosexuality is still presumed with the onus falling upon the individual to prove otherwise.

2.6 Queer Theory, Performativity and Hegemonic Heterosexuality

This concept of performance may be further understood through the much-cited work of Judith Butler whose notion of performativity, developed through *Gender Trouble* (1990) and *Bodies that Matter* (1993), argues that it is only through the repeated performance of certain signifiers of gender and sexuality that the subject comes into being. Identities,

according to Butler, do not pre-exist their performance but rather are produced by repetitive acts and “citational doubling” (Derrida 1991, p.103) which serve to create that which they name (Butler 1993, p.107).

Operating through what Butler called a ‘heterosexual matrix’ (1990, p.151) (later a heterosexual hegemony in order to open the possibility of re-articulation and imply a more malleable structure than the metaphor of matrix expressed) sex, gender, and sexuality are conflated by performative actions leading to the normalisation of heterosexuality. Self-sustaining and self-replicating the heterosexual matrix is reified and reinforced even as attempts are made to subvert, unsettle, or deconstruct it (Atkinson and DePalma 2009, p.17). In this respect rather than simply describing and managing identities; systems of power/knowledge constitute and regulate the sexual field, producing specific identities in order to serve particular ends, most notably, reproductive heterosexuality (Sullivan 2003, p.85).

Often regarded as providing a founding contribution to queer theory, Butler’s work involves a radical critique of identity categories in which not only gender, but also sex, sexuality, and the body are conceived as cultural products (Jagger 2008). Drawing upon the work of Michel Foucault *The History of Sexuality* (1978) - which despite being written more than a decade before queer theory was initially articulated is often, like the work of Judith Butler, considered to form the foundational works of the discipline (Callis 2009, p.220) – Butler was concerned with notions of power and in particular the ways in which systems of power not only form the subject but also provide the very condition of its existence (Butler 1997). For example, heteronormativity as a structure of power provides a set of social norms that enable heterosexuality to appear natural or right whilst at the same time organising homosexuality as its binary opposite (Valocchi 2005, p.756). Indeed such is the naturalisation of heterosexuality, that it has been rarely acknowledged as a sexuality at all and until relatively recently remained an invisible, unexamined and taken-for-granted norm with discourses of sexuality confined to the sexual ‘other’ (Renold 2006, p.492).

Adrienne Rich (1980) in her study of *Compulsory Heterosexuality and Lesbian Existence* is often cited as one of the first to challenge this hegemonic positioning of heterosexuality. In her highly influential work Rich argued that efforts devoted to 'explaining' homosexuality were largely misplaced and instead advocated that it was heterosexuality that required some further scrutiny. Rich claimed that heterosexuality constituted a 'compulsory fiction' which perpetuated essentialist ideas concerning gender and sexuality, a fiction maintained, she proposed, through state practices which rewarded heterosexuals while rendering sexual 'others' invisible (Hubbard 2012, p.25). It is this notion of heterosexuality as a system of power that is utilised by Butler and other queer theorists in order to encourage a re-conceptualisation of the relationships between bodies, sexualities, and gendered performance. That is not to assume that heteronormativity asserts an organising and disciplinary power *only* over those who sit outside of its margins, as Jackson (2006) suggests, "heteronormativity regulates those kept within its boundaries as well as marginalising and sanctioning those outside of them" (p.105).

Building on Foucault's concept of power as not a 'thing' owned or exercised by a dominant majority, but rather a matter of relationships and interactions among individuals (Watson 2005, p.70); Butler sought to destabilise assumptions of identity as self-evident and fixed and traced the processes by which identity is constructed within language and discourse. Placing emphasis on the dynamic and citational nature of identity which is actualised through (and thus an effect of) a series of repetitive performances that constitute the illusion of a 'proper', 'natural', or 'fixed' identity; Butler refuted the concept of a natural or core self. She instead focused upon the way in which "the individual is a truth-effect of systems of power/knowledge that are culturally and historically specific rather than being something that exists in an essential sense" (Sullivan 2003, p.81). In contrast to gay and lesbian studies or the study of gender which took the existence of 'the subject' as given; Butler was keen to deconstruct these identity categories and indeed the notion of a 'subject' in order to affirm the indeterminacy and instability of all sexed and gendered identities (Salih 2002, p.9). In other words, for Butler, no one body pre-exists its cultural

inscription, but rather the foundational categories of identity – the binary of sex, gender, and the body – can be shown as productions that create the *effect* of the natural, the original, and the inevitable (Butler 1990).

Disrupting any notion of an “ontological subject that prefigures action” (Nayak and Kehily 2006, p.460); Butler asserts that the ‘subject’ is only made intelligible *through* actions which when repeated and reiterated calcify making them seem ‘natural’ or biologically produced. Heterosexuality is therefore, ‘queered’ through this branch of thought as it loses its status as the original or default sexuality and becomes rather one half of a binary in which each side is intelligible only in relation to the other (Stein and Plummer 1996). Consequently, in line with the work of Rich (1980), gendered or sexed identities may be viewed as cultural fictions, not the naturally occurring self-identity of the individual but repeated bodily gestures, movements, and clothing which serve to create and constrain the individual within a gender and sexual binary. This in turn protects heterosexuality’s dominance whilst disavowing the sexual other. Butler’s work aimed to reveal that this binary system is, as Rich had previously suggested, compulsory yet at the same time highly unstable. It is this instability that arguably opens up the space for change (Jagger 2008, p.32).

The notion that identity is performative (not to be understood as performance) lends itself to claims about doing identity differently (Cream 1995). As Butler’s work demonstrates, precisely because discourse is citational constituting the identity it is purported to be, precisely because its productivity is iterative, there are possibilities for disruption (Gregson and Rose 2000, p.437). However, as Davies (1989) illustrates in her discussion of agency, power, and the rigidity of the male/female binary, doing ‘gender’ and ‘sexuality’ in non-normative ways is not simply a matter of choice, but involves grappling with both subjective constraints and the constraints of accepted discursive practices (p.235). If identity is then to be understood as preceding the performative actions of the actor, and not as Bell et al. (1994) suggest as being radically free i.e. one can perform whatever identity one chooses in whatever way one chooses to (p.32), then it is clear that a fork in

the road is reached in terms of Butler's ideas of subversion. Whilst she acknowledges that the performative nature of identity creates *opportunity* for discontinuities or slippages in gender or sexual norms she is careful to note that transgressive acts do not necessarily result in the subversion of these norms, but can actually serve to reinforce them, depending upon the social context and the audience.

This point is demonstrated further within the work of Rosie Harding (2011) where, in her discussion of power and resistance, she acknowledges the transgression of gender and sexual norms as a means of stabilising power. In other words, it is only as the individual, however fleetingly, steps outside modes of living that are considered normative, that power becomes relational. If resistance or transgression to gender and sexual norms did not occur then there would be no need for the "disciplinary mechanisms that draw people towards the norm" thus reinforcing the heteronormative ideal (2011, p.46).

2.7 Queer Theory and the Geography of Sexuality

The impact of Butler's work is far reaching and can be seen reverberating throughout the academic disciplines, but it is perhaps within the field of geography that Butler may arguably be seen as most influential; particularly in relation to contemporary understandings of same-sex intimacies in public space. Whilst geographical studies of the spatial expressions and experiences of sexual 'others' began to surface in the late 1970s (see for example see Seamon 1979), it was not until the mid-1990s that such areas of enquiry were revamped by the first contributions to what is now known as queer geography most notably evident within the writings of David Bell, Jon Binnie, and Gill Valentine (Oswin 2008, p.90).

Drawing upon Butler's argument that gender is the repeated stylization of the body, a set of repeated acts within a highly rigid regulatory framework that congeal over time to produce the appearance of substance, of a natural sort of being (Butler 1990, p.33). Geographers have argued that, in the same way, space too can be thought of as brought into being through performances and as a performative articulation of power (Gregson

and Rose 2000, p.434). Studies in this vein illustrate how space is taken for granted as heterosexual simply because heterosexual practices are performed within it. The repetition of these heterosexual performances (re)creates the illusion of space as pre-existing and as 'naturally' heterosexual, making invisible the sexualised power relations which make it such (Browne 2007, p.1000).

Once an assumed natural order is constructed, opportunities then are created for disruption or transgression. Because spaces do not pre-exist their performance but rather are iterative, there are always possibilities that disruptions or slippages may occur in their production. In this respect "the heterosexuality of everyday space is always partial, in the process of becoming, and unstable" (Valentine 2002, p.155). As Binnie (1997) contends, space is not naturally authentically 'straight' but rather is actively produced and heterosexualised (p.223). Indeed, scholars such as Chauncey (2014) have argued that space has no natural character at all and no inherent meaning, but rather is the product of the intricacies and complexities of relations on a variety of social scales. And precisely because it is the product of social relations, space is always in a process of becoming. It is always being made (Massey 1999). Or, in other words, "space is not just a passive backdrop to human behaviour and social action, but is constantly produced and remade within complex relations of culture, power, and difference" (Hubbard 2001 p.51).

2.8 Space and Place

Like any social relationship, sexuality is inherently spatial - it depends on particular spaces for its construction and in turn produces and reproduces the places in which sexuality can be, and was, forged (Crouch 2000, p.175). Yet given the different ways that concepts of space and place have been "operationalised", they remain relatively diffuse, ill-defined, and inchoate concepts (Hubbard and Kitchin 2011, p.7). This is somewhat saliently illustrated by David Harvey (1993) in his chapter entitled *From Space to Place and Back again: Reflections on the Condition of Postmodernity* in which he suggests that the notion of place has an extraordinary range of metaphorical and cultural meanings. This he proposes makes the concept of place one of the most multi-layered and multiple purpose

words within our language. Consequently, he states, the multitude of meanings which are inherently attached to notions of place make any theoretical concept of it immediately suspect. However, he argues that the ambiguity and generality inherent within the notion of place is, in this sense, advantageous to scholars as it is indicative of some underlying unity which, if approached correctly, will reveal a great deal about social, political, and spatial practices in interrelation with each other.

Until relatively recently, place was theorised purely in absolute terms defined by Duncan (2000) as merely a portion of geographic space (p.582). Nevertheless, a resurgence in interest across the disciplines has led to discussions of place as representing “a distinctive (and more-or-less bounded) type of space which is defined by (and constructed in terms of) the lived experiences of people” (Hubbard and Kitchin 2011, p.6). In this sense, scholars have often imagined places nestling inside of spaces, conceptualising place as that endowed with significant meanings by and for individuals and groups, often for the making of identity (Skeggs et al. 2004). Physically a ‘place’ is a ‘space’ which is invested with understandings of behavioural appropriateness, cultural expectations, and so forth. We are located in *space*, but we act in *place* (Harrison and Dourish 1996, p.69). Indeed the notion that ‘everything has its place’ and that things (for example, people, actions, and processes) can be ‘in-place’ or ‘out-of-place’ is deeply engrained in the way that we think and act (Cresswell 1997, p.334).

Take for example the phrase, ‘this is neither the time nor the place’ which indicates a social order for actions, speech, and expressions from which transgressions are viewed dimly. Or the notion of being ‘put in one’s place’, which suggests a social hierarchy in which behaviour or expressions may be regulated or controlled by others. As Cresswell (1997) notes, place is one of the primary factors in the creation and maintenance of ideological values (what is good, just, and appropriate) and accordingly in the definition of appropriate and inappropriate actions and practices. This in turn creates ‘moral geographies’ designed to symbolically order and sort actions, practices, and indeed people into their ‘appropriate’ space.

2.9 Moral Geographies and the Public/Private Divide

Essentially, 'moral geographies' are based around notions of visibility. What should be visible and what should not, who should occupy the space and who should not (Zukin 1990). Moral geographies reflect the normative expectations of the use and misuse of particular environments, and as such can form the basis of inclusion and exclusion as the transgression of normal ways of being in a place are policed in order to ensure the maintenance of the common good (McAuliffe 2012, p.191). It is hard to tell what is considered normal or good without the example of something abnormal or bad. Transgression and the reaction to it, underlines those values that are considered correct and appropriate (Creswell 1996), moral codes, therefore, are revealed as and when their limits are transgressed (Matless 2000).

However, such moral codes are dynamic and can, and do, change. For example, certain sexualities once deemed immoral now find legal and social acceptance and have been normalised as the case for equality and rights is fought, and in some cases, won (Weeks, 2007). Nonetheless, normalisation does not necessarily signal victory for sexual minorities, but, as suggested by Seidman (2001), is simply a new organising principle by which people and actions may be symbolically placed. This is a model of citizenship based upon a politics of tolerance and assimilation. Sexual others are granted the right to be tolerated as long as they stay within the boundaries of that tolerance, whose borders are maintained through a heterosexist public/private divide (Richardson 2000, p.77).

The distinction between spatial publicity and privacy stands out as one of the grand dichotomies of Western thought (Weintraub and Kumar 1997, p.xi). Traditionally public space was conceived as a space of freedom and accessibility, in which people were, in theory, entitled to move around at will (so long as their actions did not violate conduct regulations set forth within the criminal law). Private space on the other hand suggested a space of seclusion and shelter (Weeks 1998b) proffering a personal kind of freedom and a wide ambit of choice in regards to not only one's own behaviour but also the behaviour of others who enter the private space of another (von Hirsch and Shearing 2001). Recently,

this dichotomous vision of the public/private divide has become outdated. It no longer accurately describes the ways in which public and private operate in contemporary social life; where the two spheres were once separate; there is now significant overlap and interaction (Ford 2011, p.550). As Gal (2002) argues “public and private do not simply describe the social world in any direct way, they are rather tools for arguments about and in that world” (p.3). This is demonstrated perhaps most strikingly in relation to sexuality as the distinction between public and private, guided by the criminal law, serves to influence access to and behaviours within public space on the basis of a social construction of morality.

A prominent example of this being the Sexual Offences Act 1967 which decriminalised consensual sexual acts between men over the age of twenty-one in ‘private’. As a direct response to the Wolfenden Report (1957) the 1967 Act sought to reflect a growing recognition that it was not the role of the criminal law to interfere in the private lives of citizens but rather to protect and maintain public order. Thus homosexual acts were legalised within the private realm on the understanding that they did not encroach upon public space on the grounds that homosexual acts in the public sphere may cause offence to others; a limitation that did not apply to heterosexuals whose sexual expressions are not subject to specific legislation.

By implication then, the legal definition of the public sphere becomes entwined and embedded within notions of heteronormativity (Richardson 2000). In other words actions and expressions are only welcome within public space as long as they conform to heteronormative ideals which serve to privilege those in monogamous, procreative, opposite-sex relationships. This is further evidenced by Harding (2011) who argues that disciplinary mechanisms of power have moulded and pushed sexual minority groups towards and into heteronormative ways of living. Rather than completely embracing non-heterosexual lifestyles and allowing for the growth of non-heteronormative ways of living and being; legislation such as the Marriage (same sex couples) Act 2013 she argues,

significantly limits the claims of sexual minorities to parts of life which are understandable within the framework of heteronormativity.

2.10 Queer Legal Theory

Recent legal reform in English law has dramatically impacted upon the legal status of the homosexual (Ashford 2011, p.77). Beginning with the implementation of the Sexual Offences Act 1967 to the more recent Equality Act 2006 and the Marriage (same sex couples) Act 2013, there has arguably been a seismic shift in the sexual legal landscape with particular reference to gay and lesbian lives (Harding 2011). The extent of these socio-legal changes were summarised by Weeks (2007) who expressed that:

“What seemed unthinkable thirty years ago, impossible twenty years ago, improbable (at least in famously slow-moving Britain) ten years ago, is now up and running with only the rumblings of the evangelical religious and the occasional jokes about who does the dishes and wears the trousers to remind us of an earlier time when heterosexual marriage was the only access to sanctioned sexuality and respectability, and when homosexuals were ‘the most evil men in Britain’ (pp.2-3).

However, as Brown (2012) contends while social tolerance and legal equality have undoubtedly improved the lives of many lesbians and gay men; these benefits are not universal and come with substantial costs attached (p.1065). Although not contesting that these changes have made a positive impact upon the “quotidian lives of many lesbians and gay men”; Brown articulates his concern that the consequences of the changes in legal framework concerning queer identities are that the lives of privileged, white gay men are centralised, and those who “lead queerer lives are further marginalised” (Brown 2009, p.1497). This is a concern shared by a range of scholars who question whether the end of the homosexual is being witnessed (Archer 1999; Sullivan 2005; Altman 2013) as a result of a socio-legal landscape which normatively reinforces domesticity (Gorman-Murray 2017).

In this vein, a surge of recent studies have focused upon the concept of legal consciousness in LGBT communities as a means for gaining insight into the complex

intersections of identity and law (see for example Connolly 2002; Richman 2006; Nicol and Smith 2008; Harding 2011; Knauer 2012; Hull 2003, 2016). Not by any means a new concept in legal scholarship (Hull 2016, p.551), legal consciousness research seeks to understand people's routine experiences and perceptions of law in everyday life (Cowan 2004, p.929). This decentralisation of law and focus upon the subjective experiences of the individual has meant that in recent years legal consciousness has been embraced by scholars concerned with exploring the lived experiences of socio-legal marginalisation.

The decentralisation of the law in legal consciousness studies is, however, a contemporary development as researchers of law and society have shifted in focus from "tracking the causal and instrumental relationship between law and society toward tracing the presence of law *in* society" (Ewick and Silbey 1998, p.35). In moving beyond a focus on the institutional structures of law inherent within early legal consciousness studies (for example see Sarat 1977) to "narratives of legality", more recent studies have been enabled to explore the variations in legal consciousness both within and between individuals (Harding 2006, p.513). What has resulted then is a new conceptualisation of legal consciousness as a varied and subjective phenomenon which is informed and influenced by individual experiences of the law and comprised of a range of views on what the law actually is.

This new bottom-up approach has allowed for a more nuanced understanding of the efficacy of law in everyday life. If the law is viewed as comprising of more than simply institutional structures of power then there is arguably scope for a pluralist understanding of law as also incorporating cultural norms. As Moore (1986) states, "not all the phenomena related to law and not all that are law-like have their source in the government" (p.15). Consequently, legal pluralists have sought to explore the tremendous power exerted over individual and group actions by normative frameworks beyond official state-based systems (Berman 2009, p.227). This approach is particularly useful for legal consciousness scholars when researching the experiences of those who are socio-legally

marginalised, as a pluralist view of law supports an analysis of the complex interplay between law and society.

As a reflection of varying legal consciousness between individuals and social groups; Ewick and Silbey (1998) proposed a three-type framework of legal consciousness which they call; “conformity *before* the law, engagement *with* the law, and resistance *against* the law” (p.45). Those with a “before the law” consciousness view law with reverence, as an autonomous rational sphere that stands apart from the rest of the social world (Hull 2016, p.552). A “with the law” consciousness understands law to be like a game to be utilised instrumentally when it favours them (Nielsen 2000, p. 1060). Finally an “against the law” consciousness views legality as “something to be avoided” and that which is “dangerous to invoke” (Ewick and Silbey 1998, p.192). Although seemingly distinct in nature the three schemas proposed are not mutually exclusive and it is possible for just one narrative to contain conceptualisations of all three (Harding 2011, p.21). In this respect, Ewick and Silbey’s work is not usefully viewed as a prescriptive framework of typologies but rather as a representation of the way in which legality is socially constructed in response to varying power relations. For example, taking heteronormativity as a structure of power, academics of law and society have been able to demonstrate the ways in which legal changes which appear to grant equal rights in law to sexual minorities have actually reinforced the dominance of heterosexuality by structuring alternative sexualities into normative ways of being (Harding 2011).

The rights based legal discourse of recent years which has witnessed the transformation of lesbians and gay men from the sexual other into economically participating citizens whose difference is played down in an effort to integrate, has attracted much academic debate (Halberstam 2003; Richardson 2004; Harding and Peel 2006; Harding 2008, 2011; Garwood 2016). As highlighted within the work of Browne (2011), much of this debate is focused upon the legal regulation of same-sex relationships and whether legislation such as the Civil Partnership Act 2005 and the Marriage (same sex couples) Act 2013 are a progressive and desirable step for social change or are in fact detrimental to the overall

interests of the wider LGBT community (Daum 2017, p.360). The answer is by no means clear, and as Browne concluded empirical studies have found a “messiness that is not easily reducible” (2011, p.103). For scholars such as Harding (2011), who personally reflects within the concluding chapter of her monograph upon the shifts in legal frameworks which have enabled her to become a civil partner and envisage a future where she may become a parent; there is arguably an “extension of heteronormative privilege” (Vitilli, 2010, p.156) which offers a new formal legal identity for gay men and lesbians. This identity, for many, is the positive outcome of activism and campaigns which sought equality in law for sexual minorities; for others this new legal identity “represents an insidious political sedative” (Santos 2013, p.58).

Lisa Duggan (2002) further explores this issue within her influential work entitled *The New Homonormativity: The Sexual Politics in Neoliberalism*. For Duggan, the assimilation of queer lives into mainstream, heteronormative society serves to depoliticise and desexualise the homosexual identity creating homonormative discourses which can be understood as a reinforcement of heteronormative structures of power. In this context, the homosexual is granted equality in law providing that they frame their concerns and needs around monogamous, committed, and potentially child-rearing relationships and distance themselves from the “subversive model of the promiscuous, flaunting, militant queer” (Croce 2015, p.4). For many sceptics of the homonormative discourse, this extension of privilege to only those individuals whose same-sex relations can be understood within a heteronormative framework, reinforces heterosexuality as the idealised sexuality whilst further fractioning the LGBT community (Warner 1999; Puar 2007; Brown 2009, 2012; Ashford 2011).

The ideal citizen then is constructed as heterosexual “with certain rights of self-determination and sexual autonomy being denied to those whose sexualities fall outside the heterosexual ideal” (Hubbard 2013, p.225). This notion is further illustrated within the work of Gayle Rubin (1984) who proposed the model of a ‘charmed circle’ of appropriate sexual desire and expression, which relies upon implicit normative assumptions of

heterosexuality (Albury 2018). Rubin suggested that those who fall *inside* of the charmed circle of sexual normalcy are perceived as moral and deserving citizens. Those with lifestyles and sexual inclinations that fall *outside* of the charmed circle are cast out as social pariahs underserving of the rights of citizenship which include, but are not limited to, the right of visibility within public space (Schippers 2016).

2.11 Counter-Publics and Queer Space

Despite the hegemonic nature of heterosexuality, a substantial body of work has demonstrated how alternative kinds of resistive or counter-normative spaces have evolved, cutting across the heteronormative regimes embedded in public space (Nash and Bain 2007, p.50). Nancy Fraser in her 1992 article *Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy* is often cited as the first to explore the notion of a 'counter-public', despite the concept appearing within the work of Rita Felski in 1989. Fraser's article contended that members of subordinated social groups have repeatedly found it advantageous to constitute alternative publics. She argued that when public discourse was understood only as a single comprehensive, overarching public; parallel discursive arenas were created where members of subordinated social groups invented and circulated counter discourses to formulate oppositional interpretations of their identities, interests, and needs (p.123).

These 'counter-publics', Felski suggested, have a dual character: "on the one hand, they function as spaces of withdrawal and re-groupment; on the other hand, they function as bases and training grounds for agitational activities directed toward wider publics" (1989, p.124). As Warner (2002) notes, a counter-public maintains at some level, conscious or not, an awareness of its subordinate status. The cultural horizon against which it marks itself off is not just a general or wider public, but a dominant one. Whilst it thus becomes clear how notions of counter-publics may be applied in terms of the spatial resistance against heterosexual hegemony by sexual 'others', demonstrated for example, by the emergence of highly visible gay villages and commercial venues within city spaces. It is

worth noting here that “critiques of identity politics undermine efforts to identify any particular group as a counter-public, insofar as the identification necessarily arises from the common identity of the participants” (Asen 2000, p.432).

To assume that all members of subordinated groups share the same interests and as such are in agreement as to how best to promote those interests is, as Young (1997) suggests, a particularly essentialist view which denies conceptions of difference within and across groups and is indicative of a rigid notion of performance by autonomous actors, contrary to Butler’s notion of performativity. This is not, Asen (2000) argues, to imply that notions of identity are irrelevant to counter-publics. Indeed “social inequality is pervasive and adversely affects the lives of citizens simply because others perceive them as belonging to a particular group” (p.432). It is perhaps more useful therefore, to not think of a counter-public as any particular one group, especially when taking a queer perspective as this would seemingly run counter to the very definition of queer, but to instead focus upon notions of the ‘queer body’ and the active roles of queer bodies in the production of queer space.

Queer space is a space of difference (Betsky 1995), where the hegemony of heterosexuality is disrupted and queer identities are, perhaps just fleetingly, made visible. For this reason a variety of queer spaces (or rather spaces used by queers or put to queer use, given that space has no inherent character prior to the actions that are performed within it) has attracted much academic interest (Rushbrook 2002; Valentine 2002; Bell and Binnie 2004; Oswin 2008). However in a distinct shift from traditional understandings of spaces of sexual transgression as being transitory in nature (see; Humphreys 1970, Turner 2003, Brown 2008, Jeyasingham 2010), many researchers have turned their attentions to the emergence and proliferation of highly visible and, most significantly, static gay villages in their explorations of queer space.

During the 1970s and the early 1980s, geographers and social scientists began to observe that gay men and lesbians were creating distinct social, political, and cultural

landscapes, then dubbed 'gay ghettos' (see Levine, 1979), now more commonly referred to as 'gay villages', in a number of major western cities (Warren, 1974; Castells, 1983; Bailey, 1999). Although scholars have documented that such spaces have been fiercely contested in terms of their visibility and disruption of heteronormative ideals (Aldrich 2004; Tucker 2009); the development of gay villages within urban landscapes have arguably played a pivotal role within the construction of cosmopolitan cities.

'Cosmopolitanism' is most commonly conceived or represented as a particular attitude towards difference (Binnie and Skeggs 2004, p.223). Although, the term can be perceived in a number of ways (Young et al. 2006), and indeed, Szerszynski and Urry (2002) argue that there is no one form or ideal of cosmopolitanism (p.469). Sandercock (2003) states that the cosmopolitan city can be thought of as a city in which there is a "genuine acceptance of, connection with, and respect and space for the cultural other" (p.2). Often constituted through consumption; discussions of cosmopolitanism have tended to focus upon the appropriation of cultural difference. Within this context, the cosmopolitan city can be seen, in part, as produced via the consumption of sexual dissidence, 'gay villages' acting as a challenge to heteronormativity are commodified as a city spectacle and can be bought into as part of the urban experience.

The rebranding of 'gay villages' as cosmopolitan forms part of a political strategy to make these spaces appear less threatening for a wider, straight community. The more threatening, less easily assimilated aspects of urban sexual dissidence are rendered invisible – and most specifically the sexual side of gay men's urban cultures are downplayed, with only certain aspects of gay male culture promoted (Binnie and Skeggs 2004, p.135). As highlighted by Bell and Binnie (2004), as cities across the world have weaved these commodified gay spaces into their promotional campaigns, what has subsequently been produced is a repertoire of themed 'gay villages' that are all too alarmingly similar and in which 'sexual citizenship' and visibility may only be granted where there is no significant threat to heteronormative societal norms. Indeed Brennan (1997) proposes that cosmopolitanism is simply a means for reproducing the dominant

order rather than offering an alternative to it. In this context cosmopolitanism serves as a vehicle for the reproduction of inequalities granting citizenship only to those who conform and socially and spatially excluding and marginalising those who do not.

Although the emergence of highly visible 'gay villages' within urban spaces has been, as Hubbard (2012) highlights, regarded as a victory on the road to full citizenship rights for sexual minorities; this view proves to be extremely limited as the social acceptance of such sites is highly dependent upon the stereotypical and exclusionary view of gay men as being hyper-mobile, affluent, and privileged consumers (Binnie and Skeggs 2004, p.44) or 'the safe gay'. As gay men have claimed their leisure and lifestyle market, the market claimed them as it colonised and exploited the gay identity. Indeed since the early 1990s there has been a rapid increase in the visibility of the gay market as a new consumer niche (Sender 2012, p.89). Gay consumers were considered a sufficiently large and profitable group to warrant marketers' ardent attention and as such were able to acquire portions of city space in which a very specific formation (for example, the non-sexual element) of the gay identity may be displayed, performed, and most significantly sold.

However, as Doan and Higgins (2011) argue, despite the gay village acting as a signifier of the cosmopolitan city, neighbourhood planners often seek to displace such establishments in order to make areas more aesthetically appealing to heterosexual families (p.9). Furthermore, such sites have to be continually re-inscribed with a gay visibility and identity, if not, they risk being reclaimed by heterosexual bodies and the continual normalisation of space as naturally heterosexual (Valentine 2002). In this sense, Hubbard (2001) asserts that the problem for sexual minorities "is not a lack of publicity but a lack of privacy" (p.64). For this he draws upon the work of Kilian (1998) who defined publicity and privacy as the power to access and importantly, the power to exclude (p.124). Hubbard suggested that whilst sexual minorities were now able to access and be visible in a variety of public spaces; they lacked the ability to exercise control over those spaces by not being able to exclude others from them. This notion is illustrated within the work of Casey (2004) whose research documents the increasing encroachment on

commercial gay spaces by the heterosexual identity. This encroachment Casey contends subsequently serves to dilute these queer spaces and ultimately transforms them from sites of resistance to sites of consumption.

2.12 Queer Space, Public Sex

As some gay men and lesbians have become 'acceptably visible' within the public realm (Richardson 2005, p.524), others have become further marginalised (Puar 2007). Claims to citizenship and thus the right to be visible within public space may in this sense be seen to rely upon a complex system of identity politics in which the importance of performing 'queer' in the right way, can, for some, lead to the public realm remaining beyond their reach. In this respect it is perhaps more beneficial, in line with scholars such as Browne (2006) and Nash and Bain (2007) to discursively position queer spaces as distinct from gay and lesbian spaces.

Whilst Browne notes the interrelation between queer geographies and geographies of sexualities and argues that they should not displace or overtake each other, she highlights the contention of identity politics when queer geographies are subsumed into geographies of sexualities (2006, p.891). As suggested by Bech (1997) the urban landscape is not merely a stage on which pre-existing, pre-constructed sexuality is displayed and acted out, but rather it is a space where sexuality is generated and shaped by a rich combination of social processes and environment. This is illustrated most prominently within the academic offerings of scholars focusing upon public sex environments (PSEs) as formations of queer space. Whilst caution should be exercised not to romanticise such spaces as somehow authentic alternatives to the more commodified aspects of gay culture (Bell and Binnie 2004, p.182), the freedom afforded to those cruising for sex within PSEs not to have to subscribe to any identity or community, marks these particular spaces as opportunities for queer men to experience life differently (Brown 2004).

PSEs are locations where men surreptitiously meet for, and frequently engage in impersonal sex with other men (see Tewksbury 2010). Created through a deeply

embodied practice of 'cruising', sites of public sex emerge as a result of a subversion of an environment that was originally designed for very different purposes (Brown 2008). Such environments are often open access public locations with some form of physical structure such as the individual stalls of a public lavatory or the heavy foliage of a public park providing boundaries and a degree of privacy to inhibit observation/detection (Tewksbury 2010, p.1012). As Ashford (2007) notes, although the sexual activity may take place in a public location, it may also be characterised as private to a certain degree as sexual encounters rarely take place in open public view (p.509). Indeed, public intimacies between men are inherently spatially contingent and depend upon the ability of those cruising for sex to blend more or less seamlessly into the natural landscape (Lorway et al. 2011).

The physical features of a PSE can vary extensively from site to site and as Brown (2004) argues can vary too much to make an easy generalisation about them. Nonetheless, Frankis and Flowers (2005) contend that a critical aspect for most PSEs is the provision of an alternative reason for being in that space at that time. Veiled by the 'legitimate' nature of the space, cruisers are enabled to assess the sexual availability and interest of others whilst remaining inconspicuous to those not seeking sexual encounter in a series of ritualistic or "chess-like" moves (Ashford 2007 p.508). Most commonly, messages are sent to other cruisers within PSEs through coded non-verbal communication "a process of walking, gazing, and engaging another (or others)" (Turner 2003, p.60). If communication is established through one of these techniques, cues between potential sex partners will usually escalate in intensity and directness until a sexual encounter transpires (Tewksbury 2002, p.83). Whilst cruising practices within PSEs have attracted a range of scholarly interest (van Lieshout 1995; Hollister 1999; Brown 2006; Brown 2008; Atkins and Laing 2012), Turner (2003) notes the challenges that academics face of adequately capturing the experience of cruising in words. Due to its ephemeral and fleeting nature, Turner highlights that the process of cruising is not one that is intended to be captured as it passes quickly and is over in the time it takes to shift one's eyes (p.10).

Doran (2007) suggests that those engaging in illicit public sexual practices within PSEs are placed within a similar group of 'urban nomads' as sex workers, street vendors, and the homeless in that they are often subject to repeated attempts by local authorities to 'design out' the practice of public sex and 'sanitise' the space (Andersson 2012, p.1081). The public convenience as a site for cottaging has been the subject of many such attempts to design out the practice. To this end, Houlbrook (2005) details that many were ultimately closed down or demolished and those that were redesigned were given larger spaces, white tiling, and deeper stalls in what were considered to be effective measures in preventing cottaging. However, the extent to which these are truly effective measures is contested by Brown (2008) who states that they simply enhance the cottaging experience.

Public parks have also been subject to widespread attempts to desexualise and sanitise space. As the face of the public sphere and the "lungs of the city", urban parks are representative spaces that demonstrate a consensus about who the city is (Bachin 2003). The meanings ascribed to urban parks are therefore integral to residents' identification with the city and their sense of belonging in it. In the same respect, the construction of urban parks has the power to exclude and marginalise, reproducing and perpetuating social inequalities and tensions surrounding citizenship. Restricting access by installing locking gates, cutting back foliage, and the strategic placement of picnic tables and children's play areas all serve to reinforce heteronormative ideals regarding appropriate use of space and subsequently, the identities that are welcome within the space and those that are not.

The introduction of gates and railings and the removal of planting in order to create clear lines of visibility and rationalise the layout also reflects a contemporary ideology of crime prevention in the tradition of Oscar Newman's *Defensible Space: People and Design in the Violent City* (1972). Newman's notion of 'defensible space', which emphasises 'natural' forms of surveillance, has been described as "the application of the disciplinary mechanism that Foucault termed 'panopticism' to state controlled urban surveillance" (Deutsche 1996 p.28). This ideal of urban space, in which the bodies of strangers are

often associated with danger (Moran and Skeggs 2004), is clearly incompatible with cruising where the bodies of strangers are viewed as a source of potential pleasure. Subsequently, as areas of heavy trees and foliage are cut away, men seeking sexual encounters with other men become visible to those considered 'legitimate' users of the space. It is this visibility of those engaging in/or looking for public sex that proves discordant with the new order of gentrified space, as such, these actions are therefore considered unwanted and/or criminal and are subject to disciplinary sanction (Casey 2007).

Whilst Hubbard et al. (2006) warn that gentrifiers may exploit divisions between those engaging in public sex and other residents in order to create space for redevelopment; Andersson (2012) highlights that often attempts to 'design out' public sex are presented as being historical restorations or urban regenerations that will benefit the wider community and economy. This approach is deemed preferable rather than drawing attention to the agenda of minimising opportunities for sexually deviant behaviour. Nevertheless, research by Atkins and Laing (2012) indicated that despite significant modifications to sites of public sex by local authorities in their attempts to cleanse spaces of 'undesirable' sexual practices, success has been limited to only the displacement of sexual activity into increasingly marginalised spaces. The implementation of street lighting, CCTV, or restrictions to access, do not prevent public sexual activity from occurring. Where such measures cannot be overcome such as restrictions to access, the sexual activity simply moves to a place where there are no such measures in place until such a time that the new PSE becomes a target for modification. Indeed, as Atkins and Laing note, the new location can be as little as metres away from the old one serving to directly challenge 'designing out' practices as futile and ineffective (p.630).

The anonymity and concealment that cruising grounds and PSEs may offer, enables those excluded or marginalised from the commercial gay scenes to create their own spaces for sexual expression. However, arguably those distancing themselves from the highly visible, highly regulated urban gay scenes are also distancing themselves from the

measures and controls designed to ensure safety such as door staff, CCTV, and police patrols potentially increasing the risk to personal safety. Arguably men engaging in public sexual practices with other men are exposed to a number of risks on a variety of scales. Indeed within the research of Flowers et al. (1999), which explored notions of risk and safety within PSEs, respondents described a constellation of differing understandings relating to safety and risk management. Unlike the assumptions of traditional health psychology which position risk of disease at the forefront of all sexual decision making; Flowers et al. found that conceptions of risk for MSM are often more complex and intricate and frequently concern the social as well as the physical and health risks involved.

2.13 Risk

Traditionally the concepts of risk and risk-taking behaviours were largely neglected by social theorists with the problem of explaining why people choose to engage in risky behaviour confined to psychologists and economists (Lyng 2005). As noted by Lewens (2007) the field of psychology in particular has benefitted from an abundance of rich research focusing upon how humans perceive, interpret and react to risk and uncertainty. Over the last two decades, however, the idea of risk has had a marked impact in the social sciences as well as at the level of popular culture, politics, and policy making (Mythen 2014).

Much of this interest resulted from the publication of German Sociologist Ulrich Beck's *Risk Society: Towards a New Modernity* (1992) which was originally published in German in 1986; and to a lesser extent the work of English Sociologist Anthony Giddens with his publication of *Modernity and Self-Identity* (1991). Beck argued that whilst all societies in human history have been challenged by threats and dangers, these have largely been the outcome of the natural world. The difference in this late modern era is that human responsibility is now attached to risk (Lupton 2006). For Beck, what defines the 'risk society' is a range of new risks – for example environmental problems – which are unintended side effects of technological advances (Arnoldi 2009). Beck suggested that the

unrelenting churn of capitalist development was leading to the reproduction of these unmanageable and incalculable 'side effects' that threatened the future stability of the social system. Beck presented a modern world in a state of crisis as he talked of 'apocalyptic threat' 'irreversible harm' and 'atomic fallout'. In the Risk Society, he stated, one is no longer concerned with attaining something 'good' but rather with preventing the worst as the success in the production of wealth has effectively been overtaken by the mass production of risk.

These ideas presented by Beck were taken up by Giddens (1991) in relation to what he called 'manufactured uncertainty', where one of the overriding themes of contemporary life is the inability to predict what is going to happen next in society. He points to the paradox that whilst we are more and more dependent on expert systems, those same systems cannot adequately predict the future as they cannot take into account the impulsive nature of human action. Giddens argues that one of the main implications of Beck's conceptualisation of the risk society is that it renders risk impossible to calculate (Higgs 1998).

Although the work of Beck has generated a small industry into risk research (Jarvis 2007), it has been heavily criticised and contested in terms of exaggeration and Beck's own perceptions of risk have been challenged. As Turner (1994) contends, risk has not changed so profoundly and significantly over the last three centuries. Turner instead argues that a much broader view of the notion of risk must be taken as Beck's original criteria of risk does not stand up to historical scrutiny. To support this, Turner utilises the example of epidemics of syphilis and bubonic plague in earlier periods and draws parallels with the modern environmental issues to which Beck has highlighted within his work in terms of their unobservable and impersonal nature.

Furthermore, Jarvis (2007) argues that it may in fact be the timing of the publication of Beck's work that contributed towards its success as it coincided with the explosion of the nuclear power plant at Chernobyl in the Ukraine which allowed deadly radiation to escape

into the atmosphere and resulted in mass fatalities. Such a disaster of this scale, seemingly reinforcing Beck's concerns about the limits of science and technology and the ability of human beings to control the consequences. Nevertheless, Beck's work continues to be one of the most extensively discussed frameworks on the notion of risk but as noted by Matten (2004) it may in fact be more helpful to think of Beck's ideas in more of a provocative and conceptual nature rather than minute empirical proof of certain social changes.

In contrast to risk society scholars such as Beck and Giddens, the writing of Michel Foucault (1978; 1980; 1991) and his subsequent followers, has been less interested in the detrimental environmental impacts of risk and more concerned to document the ways in which discourses of risk are constructed, normalised and reproduced through everyday social practices (Mythen 2014). Central to the work of Foucault is the connection between 'governing' and 'mentality' which is united in the term 'governmentality'. It indicates his broad view regarding issues of power and domination, which are reduced neither to direct external impact on the subject, nor to the governmental practices of the state. It rather includes the construction of realities through practice and sense-making, encompassing the multitude of societal organisations and institutions producing social reality (Zinn and Taylor-Gooby 2006). Although Foucault did not specifically refer to the concept of risk within his work, much of what he had to say on governmentality and modernity have been considered relevant by a number of scholars who have applied some of his ideas to the analysis of risk as a sociocultural phenomenon (Lupton 1999). Arguably, it is in the hands of these theorists of 'governmentality' that the greatest efforts are made to bring questions of power and politics to the fore within the analysis of risk (Wilkinson 2010).

As Lupton (1999) argues, governmentality incorporates an analysis of the coercive and non-coercive strategies which the state and other institutions urge on individuals for their own benefit. It is crucially reliant upon systems of expert knowledge which constitute and define the objects of their knowledge, mediate between individuals and authority, measure progress and set up markers of compliance. This is not to argue that governmentality is

essentially a form of domination, rather it is a way of *directing* 'free will' (Higgs 1998). Dean (1994) notes, governmentality concerns strategies for the direction of conduct of *free* individuals and by emphasising this aspect of free will, the concept has been used to underpin the view that social policies conducted by the liberal state are benign rather than essentially coercive – in this way connecting with Foucault's view of power as enabling (Barry et al. 1996). Risk, therefore, exists not as some external reality but as a 'calculative rationality' of governance, through which particular groups or individuals may be identified as 'at risk' or 'high risk', and thereby observed, managed, disciplined.

As Douglas (1966) states, notions of risk have traditionally been used to reinforce normative values and this is nowhere more obvious than in the response to those identified as at risk or posing a risk. Neo-liberal governmentality, in particular, privileges the norm of self-regulation above all. The individual is invested with moral responsibility, guided by experts to make rational choices over lifestyle, body and mind. Where targeted as a member of a 'risky' group, individuals are considered to be in need of extra support to self-regulate. Where they fail to meet normative standards, more coercive disciplinary techniques will come into play (Sharland 2006). Whilst this line of thought has its detractors, not least on the grounds of its tendency to downplay both the potential for independent agency and the reality of palpable dangers (Strydom 2002); the emphasis of preoccupations with normativity and risk is helpful here as risk from the Foucauldian perspective is viewed as a 'moral technology'.

Because risks are predicted upon information, 'to be informed' becomes a moral obligation. The nature of this moral obligation can be externally imposed (e.g. as in law or social norms) but also subjectively internalised (e.g. between associations between risk and blame), and often through a combination of both. Data gathering, processing and evaluation are thus part of a moral technological enterprise that binds subjectivities to systems of governance. In the same way that notions of space and place are constructed in terms of normative notions of morality; what is good just and appropriate, discourses on risk are directed at the regulation of the body: how it moves in space, how it interacts with

other bodies and things. Codes of conduct are prescribed on the basis of normative social and moral values and as such risk is viewed as largely negative.

Risk carries a menacing tone when it enters public debate (Douglas 1992) and more often risk is understood as synonymous to hazard, loss, damage, or threat (Zinn 2009). This pessimistic view of risk is reflected in Lupton and Tulloch's (2002) empirical study of risk perception in which they found the emotions that their participants most associated with risk were that of fear and dread. Nevertheless, many individuals are adopting riskier lifestyles in their choices of occupational careers and leisure activities and subsequently the voluntary pursuit of activities that involve a high potential for death, serious physical injury or psychic harm, otherwise termed as 'edgework', has acquired special cultural significance in the contemporary western world (Lyng 2008).

Edgework serves to put the actor in touch with emotions, sensations and skills that are normally absent in the overly rationalised routines of modern life. Ironically the experiences that have been pushed to the margins of modern times (e.g. emotions, feelings, reflections), are now the very items craved. Edgework pulls all of these experiences together in one phenomenologically heated moment (Holyfield et al. 2005) in which the actor may experience freedom, excitement and pleasure. Outside of 'edgework' there is often no place in modern society for this construction of the self (Arnoldi 2009) as such actions, as highlighted by Miller (1958), often coincide with normative notions of deviance and delinquency. However, as argued by Foucault (1963) the process of crossing over, of transgressing limits, is the very condition of becoming oneself in the complex process of self-creation.

In approaching risk as a form of voluntary boundary exploration or 'edgework' in which thrill or excitement may be gained by a pushing of the limits of personal experience by those seeking to escape from, or resist, mundane modern rationality (O' Malley and Mugford 1994), a move beyond the negative connotations of risk is enabled. An 'edgework' perspective of risk explores risk-taking as a vehicle of escape. In this context

risk may be viewed as not only a by-product of sexual expression but also as a means for escaping social conditions that offer few opportunities for personal transformation and character development (Lyng 2005, p.6).

2.14 Conclusion

In summary, this literature review has examined the history of the academic study of public sexual practices. Beginning with Laud Humphreys' original study which was seen to disrupt traditional notions of identity, this chapter has detailed a significant shift in understandings of public sex as not solely a homosexual concern. Additionally this chapter has discussed the rise of queer theory within the academy and has argued that whilst it provides a critical lens for the study of same-sex intimacies in terms of identity, it is also a useful corrective when thinking about public and private spaces.

Furthermore, in light of a legal framework which arguably structures the lives of sexual minorities into normative ways of living, this chapter has examined the formation of counter-publics and the contestation over space in the public sphere. As cities move increasingly towards a cosmopolitan ideology, this chapter has explored the marginalisation of the sexual other as heteronormative mechanisms of power seek to design them out of the urban landscape. Finally this chapter has detailed the creation of public sex environments as spaces of queer expression but also as sites in which risk is encountered. Developing conceptions of risk beyond that which is solely negative to an understanding of risk as a sense of experience when pushing the boundary between safety and danger; this chapter has concluded that the 'edgework' perspective is a valuable lens when exploring the margins of contemporary life.

3.0 Methodology

3.1 Researching Sex and Sexuality

Sexual behaviours and lifestyles are now arguably well-established areas of study within a plethora of academic disciplines (di Leonardo and Lancaster 1997, p.4). Topics such as the commercial sex industry (Weitzer 2000, 2005, 2007, 2009, 2010; Agustin 2005; Sanders 2005, 2006, 2008; Maginn and Steinmetz 2015); male sex work (Aggleton 1999; Minichiello et al. 2000; Scott et al. 2005; Whowell 2010; Logan 2017); public sex (Humphreys 1970; Troiden 1974; Tewksbury 1995, 1996, 2008, 2010; Bapst 2001; Brown 2004, 2008; Bell 2006; Atkins and Laing 2012; Haywood 2017); and pornography (Allen et al. 1995; Juffer 1998; Boyle 2000, 2010; Lane 2001; Attwood 2005; Ley 2016) to name but a few, have all in recent years, witnessed a surge of academic inquiry and indeed have promoted an increasingly interdisciplinary approach to the study of sex and sexualities.

More recently, research concerning online sex environments (McFarlane et al. 2000; Elford et al. 2001; Ashford 2009; Frederick and Perrone 2014); cybersex (Cooper et al. 2000; Daneback et al. 2005; Attwood 2009; Chaney 2012; Giodano and Cashwell 2017); and online dating and geosocial networking applications (Weiss and Samenow 2010; Rice et al. 2012; Winetrobe et al. 2014; Jaspal 2017) have become more prominent on research agendas. This is reflected culturally with the emergence and vast distribution of new technologies offering an abundance of opportunities for sexual encounters, relative freedom to choose from a range of partners, and as noted by Anderson (2012) the ability to order up sex on demand. Yet despite the continuing development of research concerning the sexual landscape, researching sex still remains particularly problematic no matter what topic is under investigation (Hammond 2010, p.59).

The categorisation of sex and sexuality research as inherently "sensitive" (Frith 2000, p.286) or topically "touchy" (Walby 2010, p.639) presents the researcher with a unique set of challenges not generally found within other areas of endeavour (Fisher 1989, p.144).

As Williams et al. (2015) highlight, each person's sexuality is unique and multifaceted (p.7) and involves a diverse array of aspects and factors that contribute to, and help provide, unique sexual narratives (see Plummer 1995). This alone creates significant challenges for a researcher, as multiple narratives can increase risk of over generalisation or assumption and thus voices and stories may be neglected or overlooked, especially when they deviate from the research agenda or appear to contradict the voices of others.

The challenges that are faced by researchers conducting sex and sexuality research are well documented across the disciplines (Hammond and Kingston 2014, p.329). Such complexities can have significant methodological implications as researchers must carefully negotiate ethical approval, locate and engage with hidden participants, and sensitively disseminate their findings. The purpose of this chapter therefore, in addition to detailing the methodological approach taken for this project, is to also reflect upon the challenges that were faced in the planning and execution of this research. Additionally, following a reflexive practice discourse, this chapter considers researcher positionality in relation to the research topic and participant sample.

Reflexivity assumes that a researcher's social, cultural, and subject positions affect the questions that they ask and how they frame them, their relations with those they research, and interpretations that they place on empirical evidence as well as access to data and the likelihood that they will be listened to and heard (Gregory et al. 2009, p.556). Subsequently, a reflexive approach is not only desirable but necessary and is a vital component not just within the written methodology of this thesis, but at all stages of this project.

3.2 Aims and Objectives: A Qualitative Approach

It is pertinent at this point, to return to the aims and objectives of this project as these have formed the foundations of the methodological considerations and eventual approach for this research. The overall aim of this thesis is to examine the impact of the current legal framework governing public sex in England and Wales upon the risk-taking

behaviours of men who have sex with men (MSM) in public sex environments in Newcastle upon Tyne. As such, this thesis asks the following research question:

What impact does the socio-legal marginalisation of men who have sex with men in public sex environments have upon the risk-taking behaviours of this group within the city of Newcastle upon Tyne?

The rationale for this focus on the impact of this particular legal framework upon the everyday lives of MSM, or in other words a study of their legal consciousness, is in order to make an original contribution to queer understandings of the socio-legal landscape. To this end, given the disparity in law between the regulation of opposite and same-sex public sexual practices, particular emphasis has been placed upon notions of identity, risk, and environment. This thesis similarly aims to contribute towards feminist methodology discourse by way of offering a reflexive account of the research setting from the perspective of a cis female researcher conducting interviews with men on a topic relating to sex and sexuality.

Due to the complexities inherent in sex and sexuality research and the particular aims and objectives of this project, the methodological approach will be qualitative by nature. The reason such an approach is deemed suitable is multifaceted, as noted by Cleary et al. (2014) when planning research, the research questions, methodology and method must be congruent. Viable research begins with a research question which has to be interrogated, discussed and honed to unequivocal clarity. Quite simply, a clear research question determines the method (p.711). For this study which endeavours to examine MSM's subjective experiences of the legal framework governing public sex, qualitative methods are arguably more suited than quantitative due to their ability to pick up on the complexity of meanings for individuals and groups and the importance of context in the construction of these meanings (Attwood 2005, p.68). Capturing legal consciousness in participant's own words, allowing them to speak, is in this respect essential to exploring the nuances inherent in ordinary people's understanding of law and the constraints that are imposed upon them by systems of power (Hoffmann 2003, p.700).

Although qualitative methods have been heavily criticised as merely an assembly of anecdotes and personal impressions strongly subject to researcher bias and lacking reproducibility (for discussion see Mays and Pope 1995); it should also be considered that even quantitative methods of data collection are vulnerable to misinterpretation and researcher bias. Furthermore, quantitative methods arguably work best when there are few dependent variables which are all under the control of the researcher and when the subjects are both homogenous and passive (Lakshman et al. 2000, p.372). These conditions are not characteristic of this particular project which draws upon a queer perspective rendering the option of quantitative methods arguably impracticable.

Additionally, the aim of this thesis to positively contribute towards feminist methodology discourse would seem to dictate that this research took a qualitative approach. Although, it is perhaps worth noting that Walsh (2011) disputes that theoretical perspective informs methodological approach and claims that the notion of slotting succinctly within one faction or the other is to some degree a false dichotomy (p.10). Nevertheless, the dominant theme within feminist research concerned with the issue of knowledges aligns quite concisely with a qualitative approach and indeed denotes that such an approach be reflexive by nature.

3.3 Interviewing Men

As argued by DiCicco-Bloom and Crabtree (2006) interviews are among the most familiar methods for collecting qualitative data (p.314), providing a useful way for researchers to learn about the world and lived experiences of others. Consequently, as a cis female conducting research on the risk-taking behaviours of MSM in public sex environments in Newcastle upon Tyne, the selection of the interview as the method for data collection was considered most appropriate. Cross gendered interviews, particularly those with a female interviewer and male participant, have long attracted substantial scholarly focus (McKee and O'Brien 1983; Gurney 1985; Padfield and Procter 1996; Arendell 1997; Horn 1997; Lee 1997; Campbell 2003; Pini 2005; Gailey and Prohaska 2011; Sallee and Harris 2011).

A review of this expanding body of largely feminist literature, however, indicated that female researchers interviewing male subjects faced significant challenges and barriers in their research endeavours.

Methodological reflections made by Green et al. (1993) warned of the potential for sexual hustling and attack in the cross gendered interview setting. Further challenges were reported by Horn (1997) who detailed the way in which her professional integrity was overtly challenged by way of senior police officers insisting that she refer to them as 'uncle'. Horn also reported feeling consistently patronised by some male interviewees who insisted on advising her on how she should have approached her interview and what questions she should, or could, have asked. Similarly, Pini (2005) described the aggressive performances of masculinity that can be displayed by men when being interviewed by women and advised that appropriate gender roles must be carefully negotiated.

In preparing to enter the field, having engaged with this feminist literature which had advised that within the cross gendered interview certain performances of masculinity predominated, the lack of advice available for female researchers was somewhat perturbing. The scholarly contributions that did address this issue seemed discordant with the feminist approach of this study, despite their deep rooting within feminist literature. For example, female researchers interviewing men were advised to make conscious decisions about makeup and clothing (McKee and O'Brien 1983, p.158), plan in advance how they might politely decline a sexual advance (Gurney 1985, p.44) and, to ask a colleague to call half way through an interview to ensure safety (Sharp and Kremer 2006, p.322).

Whilst such methods were presented, as Lee (1997) contends, as ways in which women may feel empowered within the interview setting, it was considered, for the purposes of this study that strategies that emphasised a woman's own responsibility to protect herself from the male gaze were highly problematic at best and appeared to reinforce out-dated ideas concerning victim blaming and the oppression of women. If it truly was a woman's

personal responsibility to make a conscious effort with her appearance and mannerisms so as to deflect a sexual advance, then the occurrence of a sexual advance may be seen to cast a shadow of deviancy over the female researcher. A shadow which, is arguably emphasised when their topic of interview relates to sex and sexuality. Such demarcations of deviancy attached to the female researcher can have significant consequences in terms of creating barriers to reporting, or reflecting upon, negative incidents.

In 2011 Gailey and Prohaska stated that whilst there had been an increase in studies focusing upon the female researcher conducting interviews with male subjects, few had focused specifically upon the cross gendered interview process when the topic related to sex and sexuality (p.366). This, they proposed, was indicative that sex and sexuality related interviews with men, for female researchers, were out of bounds (p.365). Reflecting upon this statement, it is evident that the female researcher studying the sexuality and sexual practices of male subjects faces the inscription of deviancy as she pursues that which is beyond her reach or out of bounds. The challenge of such a positioning is that it may discourage female scholars from reflecting upon their experiences in the field as they feel elements of embarrassment or shame in the recognition that their gender has overshadowed their research endeavours (Gurney 1985).

This inscription of deviancy may even manifest and extend beyond the interview setting and into other areas of the researcher's personal and professional lives. For example, as the methodology of this thesis was discussed within an academic presentation at an International conference, a (male) member of the audience verbally challenged the appropriateness of my (female) positionality for conducting this research. Following my presentation they asked why, when the gendered performances of participants were creating challenges to the research process, I had not yet received the message that perhaps I should just not be doing this research at all. The implication was that I was engaging in something that I was not supposed to be doing, my persistence with this research in spite of the challenges faced as a result of my gender had, at least for that

particular audience member, positioned me as deviant. A response was given to the audience member's enquiry, but for just a moment, I felt chastised and as if I had been caught with my hand in the proverbial cookie jar by trying to access something that was beyond my means. Of course, just because a task is challenging does not make it unworthy of endeavour but the challenges in themselves are worthy of further critique.

Drawing upon Goffman's (1968) theory regarding spoiled identities and stigma, feminist scholars conducting research into sex and sexuality have often reflected upon the ways in which they have experienced an inscription of deviancy or stigma similar to those that they research (Fisher 1989; Mattley 1997; Poole et al. 2004; Hammond and Kingston 2014; Irvine 2014; Fahs et al. 2017). Indeed, Attwood (2010) warns of the danger to one's professional reputation when researching sex and sexuality (p.178) which is arguably emphasised when the researcher is female and the subjects are male. Speaking of sex, she suggests, can be viewed as crude and encourage suspicion as to researcher motivation which must be carefully negotiated by female researchers as they enter the field.

As there remains limited scholarly focus upon cross gendered interviews when the topic relates to sex and sexuality, the methodological considerations for this study took a new dimension. Whilst it was important to contribute towards feminist methodology discourse, relating to gender performances by engaging in interviews as the chosen method of data collection. It also had to be considered that an absence of a significant number of similar previous studies carries with it its own challenges, rendering preparation difficult and placing an increased emphasis upon the importance of a pilot study.

3.4 The Reflexive Researcher

The recognition that the self is intimately connected with the research outcomes; is to acknowledge the somewhat active role that variables such as gender, age, ethnicity, religion, and education play in influencing the perceptions of not only the researcher but also participants. In addition to this, Moser (2008) has suggested that variables such

as personality and emotional intelligence can also impact upon research outcomes. As Coffey (1999) states, researchers do not come to a setting without an identity constructed and shaped by complex social processes (p.158). Consequently, to ignore the implications of identity and positionality upon the research process and outcomes would be highly problematic.

Although Coffey (1999) argues that the reflexive trend has given rise to the place and necessity of the personal narrative as a reliable mode of expressing findings from the field, and despite a growing trend of reflexivity in feminist and queer inquiry, the concept has been heavily criticised as being largely "inward looking" and extremely "self-indulgent" (Bondi 2009, p.328). Nevertheless, revealing the social structure and position from which one writes, it is argued, can actually lead to more insightful analysis (Harding 1987). Furthermore, such revelations can act as enabling factors for academics in terms of highlighting research opportunities in which they may be granted access or privilege or an 'insider/outsider status (Moser 2008, p.385).

It was appropriate therefore, before entering the field, to first locate myself within this research. As my positionality serves to not only inform the methodological design but also my professional and personal practices and conduct before I made contact with the research setting, during the data collection and in the time taken to unravel the theoretical importance of this research after the empirical work was complete (Roberts and Sanders 2005, p.294). In reflecting upon my own positionality, I find that I position myself and I am positioned in various contexts. For example, gender, ethnicity, and race have now become essential components within social positioning as well as sexuality and education. It must, however, also be acknowledged that every time I actively assert who I am using these traditional labels and classifications, I am also clearly asserting who I am not. Whilst aligning ourselves with those who share common identity aspects fulfils the human desire for solidarity, rapport, safety or psychological comfort, it is through this construction of social identity that difference or *otherness* is generated (Duzak 2002, p.1).

It is through the emphasis of difference that places or positions in social order are constructed, that either privileges or indignities are legitimised depending on whether one is on the margin of society (e.g., people of colour, women, poor) or at the core (e.g., white, male, middle and upper class) (Harley et al. 2002, p.216). In this instance, as I differentiated my own identity from that of my participants, it remained paramount that I maintained awareness that any signifiers of difference may in fact reinforce the marginalisation that they face. For this reason, I chose not to disclose my heterosexual identity to my participants unless they specifically enquired. I felt that essentialising my sexuality in the form of a disclosure may, as McDonald (2013) highlights; mask any similarities that I might share with my participants (p.138). Although I had no reason to believe that participants would only feel able to engage with a researcher who did not identify as heterosexual, a disclosure of sexuality, I felt, risked reinforcing dominant societal norms regarding hetero/homosexual binaries.

It is important to state that despite my non-disclosure, many participants made assumptions about my sexuality as the research process commenced. Indeed, this even extended to one of my informal gatekeepers who volunteered his services for participant recruitment on the basis that he thought I looked “*too straight*” for my recruitment efforts to be very successful. I was asked by one participant what my husband thought of the subject matter of my study and was frequently told by participants that they “*didn’t expect*” me “*to understand*”. Such experiences are, as Hayfield and Huxley (2015) argue, common place when conducting outsider research. The outsider is assumed to be unable to fully understand the perspective of the subjects, most significantly when researching those who are ‘othered’, oppressed or socially marginalised (p.92).

In addition, the culturally ‘sticky’ nature of sex means that, often complicated meanings attach to sex and sexuality scholars rendering them vulnerable to those who would question their motivations or discredit their research (Irvine 2014, p.41). This was arguably displayed within the comments of the participant who wished to know what my husband thought of my study. I am not actually married, nor was I even asked if I was, but

validation for my research was still sought by this participant from the man that he perceived me to be married to. Whilst such questions could have been a ploy to find out if I was single, or to entice me to disclose my sexual orientation, it is interesting to think about the implications of my response. To reaffirm, as I did, that my partner was supportive of my research endeavours, may as I suspect, have granted my research an element of validity in the eyes of this participant in light of my partner's insider status, i.e. his shared gender with my research demographic. To express that my partner was unhappy or uncomfortable with my research endeavours on the other hand, may have assigned me a deviant status which in turn has potential to significantly impact upon the researcher/researched relationship.

As a cis female conducting research concerning the illicit sexual behaviours of MSM in public sex environments in Newcastle upon Tyne, I must acknowledge my outsider status. I have no shared gender with the subjects of this research and my own sexual history has not included public sex environments or impersonal sex with a same-sex partner. However, there may be elements of my identity that have impacted upon my positionality, and thus, the data that I was able to collect, in ways that I was unable to record. For example, the fact that I originate from the geographical location of this study, may have granted me a partial insider status with some participants as we shared a local dialect and cultural history. For others, the very point that I am local to the North East of England may have acted as a barrier to engagement amid fears that this may compromise their confidentiality or anonymity.

Additionally, I must also recognise that where I was perhaps granted a partial insider status due to originating from the North East of England, that assumptions relating to my understanding may have been made by participants. If they have assumed that, as I am 'local', I will share their meaning, they may have withheld descriptive information as they have assumed that I would have known what they meant (Finch 1984). For instance one participant stated "*you know what it's like up that end, you leave your car for a few minutes and you'll lose your wheels*". In fact, I didn't know what it was like in the area that

he referred to at all, having never been there before. When this was disclosed to the participant he responded with surprise and stated “*God I thought everyone ‘round here would know where that was*”.

Furthermore, as there are numerous variations of a Northern dialect, and local histories can differ quite dramatically, the assumption cannot be made that both researcher and respondent will be able to effectively interpret meaning solely on the basis of a shared geography. Subsequently, it was more appropriate to assume the outsider status created by my gender in order to prompt respondents to carefully consider the language that they used and to take the time to clarify their meanings. In light of my outsider status, consideration was given, prior to entering the field, as to the ways in which I may address the social and psychological distance that would potentially be present between the participants and researcher. This was an important step to take in order to not only facilitate my access to the participants, but also to ensure that the research was representative of the participants who engaged with the project (Hayfield and Huxley 2015, p.93).

Inspired by the participant-centred approaches of feminist scholars (see Maguire 1987; Rubin and Rubin 1995; Wahab 2003; Pini 2005; Ritchie and Barker 2005; Riach 2009), it was established that a course of action that could be taken would be to ensure that this research was mutually beneficial. Such an approach renders participants as colleagues in the research process and subsequently places them into positions of equal control (Merriam and Simpson 2000). This, in contrast to the traditional notion of the research relationship as exploitative by nature, in which researchers simply use their participants as a means to an end and the needs of those participating are fundamentally ignored. Unless of course those needs align with the overall agenda which is set by the researcher.

3.5 Men who have Sex with Men: A Gap in Service Provision

Initial inquiry indicated that within Newcastle upon Tyne, there was no specific service provision available for men who have sex with men. Whilst Changing Lives, a local

charity, have a Male Action Project (MAP) which, at the time of writing, offers sexual health, housing, and drug and alcohol advice and support, this service is tailored towards male sex workers only and there is no specific support available for those not selling sex. Before distributing my calls for participants, I decided to formally meet with the staff and management of MAP in order to learn more about the services that they offered. This decision was initially informed by there being an element of shared space between the MAP's service users and MSM in the public sex environments.

In 2013 under their old moniker; The Cyrenians, the MAP conducted a program of empirical research which identified a small-scale red-light district operating within male cruising sites in Newcastle. Focusing specifically on public sex environments the MAP's study, undertaken in the form of an outreach service, sought to engage with street-based sex workers in order to ascertain their service needs. Whilst the MAP's research summary report pointed to the presence of others within the cruising sites who were not selling sex (Cyrenians 2013), the restrictions of their study meant that the narratives of these groups were not included in their research findings.

Due to the MAP having experience of entering and conducting research within public sex environments in Newcastle, ethical approval was gained for their inclusion within this particular research project and the staff that were present at the meeting formally consented for their views to be recorded. It was during my meeting with the staff at the MAP that I was able to determine the way in which this research may be mutually beneficial to both the aims and objectives of this project and the participants themselves.

The MAP staff informed me that from its initial development the project had shrunk significantly in size as funding had become much more competitive and difficult to obtain. Indeed, within Newcastle City Council's budget proposals for the financial year 2018/19 which are contained within a report entitled *Newcastle 2020: Investing in a Fairer Future – One Year on*; sexual health services are among those services detailed as having recently undergone a "recommissioning" in the interests of cost efficiency (NCC 2018 p.35).

“We are here for now, but we never really know for how long. We are always hopeful that our funding will be renewed but we know in our hearts that one day the plug will be pulled. Every new budget released we get allocated less and less money to work with. Our service is already stripped right back, we are down to three workers and the volunteers and our money just does not seem to stretch to cover half the things it used to.” (MAP worker)

Although the MAP was developed with a view to offering advice and support to male sex workers, this service had also in the past been informally extended to others present within the cruising sites who may not be selling sex; for example, those buying sex or those engaging in sex where no financial arrangement existed. The rationale for this being that it was considered important to also offer a basic sexual health service to those who the MAP’s main client group sexually interacted with as a holistic approach to sexual wellbeing. However, as the MAP was increasingly restricted by funding, workers admitted that they no longer had the scope within the project to be able to offer support to those who did not directly sell sex;

“The levels of support that male sex workers need can be quite intense, sometimes I can only really work with one client at a time depending on what their needs are. We used to take anybody that came forward because we had the staff and volunteers to work with them, plus the way people tend to dip in and out of the service means you can manage that way. We’ve had to really change the way we work as we’ve lost more and more funding, we’ve had to be really strict with our client criteria, if they aren’t selling sex then we have to signpost them.” (MAP worker)

Whilst the MAP workers acknowledged that where their service criteria was not met they had little choice but to signpost to other services, they also expressed concern that other organisations in which advice or support may be sought, such as sexual health clinics or housing providers, do not generally offer a holistic approach to service provision. For example, whilst a sexual health facility may be able to offer advice on sexual health issues, they would have to signpost to alternative services for assistance with housing or addiction issues. Working on the premise that with each signpost to a new service the opportunity for clients to disengage increases, as well as the often interlinked nature of

support needs, the MAP workers conveyed their unease at the local deficit of more holistic services available for those outside of their service's remit;

“Every time a client gets passed to another service, you risk losing them altogether. They’ve been used to working with one worker and have built a relationship with them, they don’t want to go and have to tell their tale to someone new and start again because the worker they have already can’t help them with housing or whatever. Similarly with Doctors, clients don’t generally want to go and see their Doctors and have to explain everything to them, some aren’t even registered with a GP but those presenting with more than one support need are often just referred to see their GP. Sometimes you have no choice as there just isn’t another service to meet their needs and you have to signpost them somewhere, there should be something more really.” (MAP worker)

Such a heavy reliance on General Practice (GP) referrals for those who sit outside of the MAP's criteria is arguably concerning given that there can often be a number of barriers for MSM to GP engagement. This was reflected within a study conducted by Hinchliff et al. (2005) regarding the management and care of sexual health needs in General Practice surgery. Their findings indicated that when patients were non-heterosexual this could form barriers to discussing sexual health during consultations and was related to GP awareness and attitudes towards same-sex relations. Furthermore, the importance of there being a holistic approach to service provision for MSM specifically was demonstrated within the research of Rose et al. (2006) who implemented the Late Night Breakfast Buffet (LNBB) in San Francisco in order to establish the feasibility of one service operating as a harm reduction service for MSM. The concept involved the establishment of a late-night service which would offer a 'buffet' of harm reduction services within, such as counselling, needle exchange, sexual health advice and screening as well as offering refreshments and nutritional snacks to those MSM in need.

Their results indicated that their methodology of operating as a mobile outreach project late at night was an effective means of reaching a population deemed high risk and hard to reach. However, they did acknowledge that they would need to spend much longer in the field to build up their credibility amongst service users. Additionally, they argued that

the LNBB was a more cost-efficient means of distributing harm reduction services due to their ability to offer a wider variety of services within one place and less requirement for external referral, potentially reducing some of the strain on mainstream services. The potential, therefore, for this thesis to benefit MSM in Newcastle upon Tyne arguably, becomes clear. Providing a working exemplar of a harm-reduction service targeting MSM, the research of Rose et al. indicates that for marginalised groups deemed to be at high risk, a holistic approach to service provision is beneficial. A holistic approach to service provision, however, may only be achieved where there is an understanding of the risks that MSM face within specific geographically bound locations. As it is the aim of this thesis to qualitatively explore the risk-taking behaviours of MSM in Newcastle, there is potential for projects such as the MAP to utilise the information contained within this thesis in order to inform a tailored service provision specifically for MSM.

3.6 Participant Sampling

Although making significant contributions to empirical and theoretical understandings of sexuality in society, qualitative research on members of sexual minority groups encounters significant problems in participant recruitment and sampling (McCormack 2014). Indeed, Umberson et al. (2015) notes that sex and sexuality researchers face unique challenges in their endeavours to recruit participants due to past discrimination. Arguably discrimination is not just a historical issue for members of sexual minority groups, but is inherent for some, within their everyday lives. Nevertheless, such discrimination has potential to influence a lack of trust in the researcher to not only present research findings in a fair and accurate way but to also keep their findings confidential and anonymous as such impacting upon the successful recruitment of, and engagement with, participants. Subsequently, Savin-Williams (2001) notes that such difficulties in recruiting sexual minority populations make attaining a representative sample a particularly difficult task.

To adopt Sudman's (1976) definition of a sample as being a subset from a larger population, it becomes clear that essentially before commencing research, the researcher must possess a clear definition of the population that they wish to study and those to be excluded. However, this often proves particularly problematic for sex and sexuality researchers as often for sexual minority groups, a population definition is somewhat elusive (Meyer and Wilson 2009). Furthermore, a researcher's own population definition may not be synonymous with the self-identifications of those within the group. This is further complicated by assumptions of a relationship between behaviour and identity which presupposes the existence of a singular, authentic sexuality or orientation and neglects notions of sexuality as fluid and flexible over time and across varying sexual and social relationships.

Recognising the unreliability and exclusionary nature of orientation/identity-based sample populations, there has arguably been a notable shift towards behaviour-based populations, as evidenced by the adoption of the term 'men who have sex with men' (Boellstorff 2011; Carrillo and Hoffman 2016). Whilst Altman (2013) describes the term as being a rather clumsy phrase adopted to overcome the confusion of identity with behaviour, the ability of the term to encompass a much broader sample population has prompted a significant rise in contemporary research focusing primarily upon this demographic (see Grov 2004; Bolding et al. 2007; Preston et al. 2007; Reisen et al. 2010; Hoff et al. 2012; Young et al. 2013).

However, it must also be acknowledged that even within such a broad behaviour focused category, there exists, sub categories and hierarchies of behaviour, an example of which being those who affiliate with particular sexual identities or orientations, and those who do not, or those who engage in particular sexual practices, and those who do not. Thus, the generalisability of research with a MSM target sample population proves somewhat problematic. Nevertheless, in line with the current shift towards a more behaviour focused paradigm of sexual minority population sampling, MSM was deemed most appropriate for this particular project as behaviour can directly affect exposure to risks regardless of

personal identity (Meyer and Wilson 2009). As the concept and construction of risk remains central to the objectives of this project, it seems more pertinent to recruit participants defined by behavioural factors and traits than to use a much more narrow focus of identity.

As this project draws upon a queer perspective for analysis, a conscious decision was made not to disclose participant's self-identified sexual identities within the findings unless the identity that they disclosed during interview was specifically relevant to their risk-taking behaviours. For example, one particular participant disclosed a heterosexual identity and discussed at length his conception of risk as being related to his female partner discovering his sexual activities with other men. The designation of a sexual identity label to participant's narratives was otherwise felt to be too prescriptive and did not accurately reflect the fluid nature of the sexualities conveyed within this research. That said, in the interests of representation, it is important to define the sample that was obtained for this research in so far as to indicate the boundaries of recruitment.

In total sixteen self-identified MSM were interviewed for this study. All but one participant, who identified as South Asian, were Caucasian and ranged in ages between eighteen and forty. Although the oldest participant was aged forty, the nearest other participant in age was thirty-one, meaning that the majority of the sample was towards the younger end of the age spectrum. This may have been for a number of reasons; for instance, as a result of the sampling methods adopted or as reflection of an increase in young men using public sex environments in Newcastle. In the absence of a larger sample and longitudinal study, this is not possible to determine.

The participants of this study were connected to and experienced the city of Newcastle in a variety of ways. Some had been born and raised in the city or surrounding areas and identified with Nayak's (2003) conceptualisation of a 'real Geordie', whilst others had moved to the city or surrounding areas for University, work, or relationships. Acknowledging the somewhat transient population of MSM and the speed in which the

urban landscape can shift and change, all participants were required to have used a public sex environment within the city of Newcastle within eighteen months prior to interviews commencing in order to be eligible for participation. Whilst all participants disclosed a sexual identity during interview, the sexual practices which were disclosed indicated that amongst this particular sample of MSM there was only a limited shared culture. This was, however, unsurprising as the term MSM often implies an absence of community networks and relationships extending beyond merely sexual behaviour (Young and Meyer 2005, p.1144).

A limited shared culture or identity within a target population group renders participant recruitment particularly challenging. Traditionally, such research on these hidden populations has been highly dependent upon outreach projects who offer a basic service provision to those spatially and/or socially marginalised (Whowell 2010). Within Newcastle upon Tyne, this was evidenced within the research of the Male Action Project (MAP) who undertook an outreach role in order to access potential participants for their male sex work research (Cyrenians 2013). Although the definition and limitations of outreach work will vary from project to project, more generally, outreach work is utilised by researchers as a targeted method of sampling in which 'the field' is comprised of a pre-selected location known to attract a pre-selected demographic.

Often working in conjunction with localised agencies and charities researchers are enabled to ethically enter the field and often carry out a dual role of both service provision and data collection. Whilst outreach work is criticised as inherently biased in the selection of participants in that not all members of the studied population have the same chances of being selected as others, outreach work has, nevertheless, proved to be an increasingly popular method of data collection on hard to reach populations. As previously mentioned, Newcastle upon Tyne's MAP operate an outreach project offering advice and support to male sex workers in the city. Although funding restraints have meant that the MAP has had to scale back their physical presence 'in the field' they do still operate a small street-based service on an infrequent basis;

“We go out as often as we can. The staff really enjoy it. It makes a nice change you know, to just do something a bit different. It used to be more often to be honest but it’s a case of numbers really for safety. We just haven’t got the staff anymore to do it and we seem to go through spells with volunteers where we have enough trained to go out and do some street based work, then people drop out or move on and we’re back to square one, but I mean we’d like to do it more, it’s just as and when we can at the minute”. (MAP worker)

It was suggested by staff members during my meeting with the MAP that I may like to accompany them on their next outreach event or volunteer for a longer term with the service in order to learn more about the practice of outreach and potentially make initial contact with those who may wish to take part in this research. Acknowledging my role as an outsider researcher this proposition warranted further consideration. Whilst I was aware that the MAP primarily targeted their services towards male sex workers, I was also intrinsically aware that there was an element of shared space and indeed, for some, a shared identity between those selling sex and MSM, potentially, presenting opportunities for access. My reluctance and eventual rejection of the method of undertaking outreach work as a form of participant recruitment however, was embedded within the notion of outreach work initiating social change processes for the target group. Making contact is never an end in itself; it is always the first step in a process aiming at the improvement of life conditions and social situations for people in need. Basically, outreach workers have two ways to go: either they connect people to accessible help resources and support systems, or they may organise and carry through the effort themselves (Andersson 2013).

Fundamentally, I felt that this support role, given the often intense support needs of the service users was beyond what I was able to offer in my capacity as a full time researcher. Additionally, I was also concerned that to undertake outreach work as part of the MAP compromised my neutrality as a researcher and may impact upon the data that I was able to collect. For example, should I be observed within the field offering advice and support to those selling sex, I may inadvertently alienate the very target population that I wish as a researcher to engage with. Subsequently, I felt it more appropriate for the MAP to adopt a Gatekeeping role for this project within the remits of their service provision.

Gatekeepers are defined as those who provide, directly or indirectly, access to key resources needed to do research, be those resources logistical, human, institutional, or informational (Campbell et al. 2006). They do not provide the technical expertise to carry out research, or indeed the financial means to do so. Similarly, they are not 'researched' in themselves. Instead, they support the research process by providing an efficient and expedient conduit for access between researchers and participants (Clark 2010). Although acknowledging their highly significant and sometimes central role within research design and practices, social research literature has devoted relatively little attention to gatekeepers despite there being some recognition that a gap persists between gatekeepers 'in the books' and gatekeepers 'in action' (Crowhurst and Kennedy-Macfoy 2013). Consequently, I felt it was appropriate to not only meet with the MAP prior to commencing this research to learn more about their service, but to also ensure that this contact was maintained during and after my fieldwork so that I may safeguard my positive relationship with them.

In addition to the gatekeeping role that the MAP undertook for the purposes of participant access for this project, I was also able to identify an additional three informal gatekeepers to assist in overcoming the challenges associated with obtaining access to sexual minority populations. Informal gatekeepers may be key members of a support group or an informal network of individuals who are supportive of the research endeavours and as such have potential to not only enhance accessibility but also to influence participation and engagement (Weaver Moore and Miller 1999). As noted by Cattell (2004), socially and/or spatially marginalised individuals and groups are often deeply embedded in dense networks of people with whom they identify and have limited networks beyond the boundaries of these groups. The enlistment, therefore, of a small number of informal gatekeepers was considered appropriate in order to facilitate the recruitment of a potentially more diverse sample of participants than may be possible when relying on the MAP alone.

Initially when designing the research project, I had identified one informal gatekeeper, a personal acquaintance and self-identified MSM who had agreed to not only participate in an interview regarding his public sexual practices but to also promote engagement in the project amongst other MSM within his networks. The additional informal gatekeepers were identified at later stages within the research project. Both self-identified members of the LGBT community, these informal gatekeepers approached me following informal discussions with them regarding the research with ways in which they felt they could help promote the study within their own personal networks.

Whilst I was aware that I could not rely solely upon these informal gatekeepers in the interests of obtaining a diverse sample of participants, I was also anticipating that by utilising a method of snowball sampling that I would be able to obtain access to others beyond the boundaries of the immediate networks of the informal gatekeepers. By definition, a snowball sample is created through a series of referrals that are made within a circle of people who know each other. Contact is initially established with a population either via one or more group members, access is then obtained to others within the group by means of recommendations and referrals encouraged by the initial contact/s. Snowball sampling is arguably the most widely employed method of sampling in qualitative research. It is sometimes used as the main vehicle through which informants are accessed, or as an auxiliary means, which assists researchers in enriching sampling clusters, and accessing new participants and social groups when other contact avenues have dried up (Noy 2008).

In addition to both the formal and informal gatekeepers as means of gaining access to research participants, the utilisation of social media to promote participation was also deemed suitable. Social Media Websites (SMWs) have in recent years presented many new opportunities to researchers and are increasingly emerging as highly valuable research tools as the researcher is enabled to enter the field without the necessity to leave their own office or home. Indeed, SMW's have enabled researchers to enter the field, make contact with participants and collect data, all without the necessity of changing

out of their pyjamas. Populations categorised as hard to reach by traditional research methods may be innovatively accessed with a notable absence of the high financial and time costs typically associated with empirical field work (Moreno et al. 2013) and with a much smaller proportion of risk. Calls for participants were, as such, placed upon my own personal Facebook and Twitter accounts with an explicit encouragement to others to share amongst their networks.

3.7 The Visual Researcher

Previously, researchers who studied sex in public places remained distanced from not only the erotic activities they were studying but also described their findings in equally distanced terms (Leap 1999, p.12). Whilst the work of Humphreys (1970) began to bridge the gap between researcher and researched populations, his study came under immense scrutiny and is still to this day used as an exemplar of ethically problematic research (Nardi 1999). Although Humphreys' work made significant sociological contributions towards the understanding of public sexual behaviour, the unethical manner in which the study was produced overshadowed his research. As such, maintaining ethical awareness as well as practices throughout the research process is of paramount importance, yet often poses the greatest challenges.

Shaver (2005) suggests that the main ethical hurdles for sex and sexuality researchers to consider before, during and after they enter the field are, firstly, when researching marginalised groups, as this project does, the boundaries of the population are unknown making obtaining a representative sample extremely difficult. Secondly, because membership in hidden populations often involves stigmatised or illegal behaviour, concerns regarding privacy and confidentiality are of the utmost importance but often very challenging for the researcher to resolve. As I recognise that this research is limited to reflecting only the views and experiences of those who have engaged with me during interview, and indeed such data is vulnerable to my own interpretation of meaning, I cannot claim that this project is representative of all MSM in Newcastle. However, by

adopting a participant centred approach, such as the use of visual methods during the interview process, I aimed to enable research subjects to participate in the creation of their own meanings which in turn has allowed me produce a reflection of truths within their sexual narratives.

Informed by feminist methodology discourses concerned with researcher/researched power relations, visual methods were incorporated into the research design. This methodological step was taken in order to empower participation and dialogue and also to ensure that the participant remained central to the research process. Whilst visual methods have developed within particular disciplines such as cultural studies, education, and geography, they have rarely been used in the study of sexuality or sexual practices (for exception see Allen 2009) and as such tend to be confined to specialist journals devoted to visual anthropology or visual sociology – preaching to the converted as it were (Banks 2001). Although visual methods are often used in contrast with more familiar research techniques such as interview or focus groups which are considered problematic in terms of the researcher's voice or agenda predominating; the intention of this project was to utilise visual research methods in order to facilitate the interview process and allow participants to have an increased level of ownership of the data that was collected (Didkowsky et al. 2010, p.14).

The incorporation of visual methods in this manner served multiple purposes. The esoteric nature of sex and sexuality makes it potentially challenging to explore using conventional research methods and as such the introduction of a visual tool can make an account explicit, and vividly manifest the material context in which people's lifeworlds are constructed (Spencer 2011). The use of interviews as a means for data collection is heavily reliant on language as the privileged medium for the creation and communication of knowledge. However, our daily experience is made of a multiplicity of dimensions, which include the visual and the sensory, and which are worthy of investigation but cannot always be easily expressed in words. As such, the inclusion of a non-linguistic dimension to the interview process with the implementation of a visual tool enabled access to

different levels of experience. Furthermore, as noted by Epstein et al. (2006) visual tools have the potential within a research setting to act as an 'ice breaker' which in turn can contribute towards a more comfortable space for discussion. The introduction of an image or images into the dialogue between researcher and researched, particularly when produced or provided by the latter, can also serve to anchor an interview, prioritising the engagement of the sociological imagination of the participant above the researcher's own agenda (Knowles and Sweetman 2004).

There has been a significant body of research advocating the advantages of respondent-based image production and analysis, or 'photovoice' a participatory action research approach that asks interviewees to produce a photograph or image that they feel portrays their daily routines, common events or community life, subsequently talking with the researcher about the significance and meaning of the image (Lapenta 2011). As noted by Pink (2006) such an approach in which participants are empowered to create their own meanings contributes towards a wider body of ethically informed research practices that locates participants at the centre of the research process.

Whilst reflections on ethics inform all areas and methods of social research, these considerations acquire an extra layer of significance when dealing with image-based approaches. For example, images produced by participants may contain identifiable people or having been removed from the original context of the interview setting, images may become vulnerable to misinterpretation. As such, caution must be exercised by researchers and awareness maintained that although they may be knowledgeable regarding ethical and legal issues relating to the production of images, this terrain is quickly changing and participants may not have such awareness (Lapenta 2011).

For the purposes of this project, participants were required to provide a photograph, image or drawing of what Newcastle upon Tyne means to them. The participants were given limited guidance regarding the image so as to avoid undue influence over the production of their image. Being mindful of ethical concerns however, the following

information was provided; participants were reminded to prioritise their own safety when obtaining their image and were advised of their responsibilities towards the privacy and rights of others (Photovoice 2005). As the project is embedded within Newcastle upon Tyne, it seemed appropriate to begin discussions with participants about the geographical area and indeed the image they had produced in order to build up rapport and comfort before progressing onto the more sensitive nature of the interview. The image could then be referred back to in order to facilitate discussion or as a way for participants or me as a researcher to divert the discussion back towards more comfortable ground if the more sensitive issues being discussed became too overwhelming.

The visual offers a range of exciting possibilities for social research but it also brings an array of challenges and ethical difficulties (Mannay 2016). Indeed, visual ethics can now be regarded as a specialist area within visual methodologies. Much mainstream engagement with the ethics of visual methodologies focuses upon issues of anonymity and the management of conflict between employing visual data because the visual image is able to reveal more about phenomena than text alone, and the pressure faced to uphold the principle of anonymisation (Wiles et al. 2012). For the purposes of this project, it was paramount that a fine balance was able to be created between the rooting of the project within Newcastle upon Tyne and the protection of the particular public sex environments in which the participants discuss as well as the identities of the participants themselves. As Ryen (2007) notes, the smaller and more specialised the group, community, or organisation under investigation, the more difficult it becomes to keep the identity of participants protected.

As argued by Sweetman (2009) in visual research anonymity and confidentiality are almost impossible to guarantee and as participants were requested to provide an image of what Newcastle means to them it was therefore highly plausible to assume that the images provided would in fact reveal identifiable people or places or provide others with enough information to be able to successfully deduce the participant's identity. Subsequently, due to the sensitive nature of the topic of study the images produced by

participants will remain as an interview tool only and will not physically feature within the research findings. I feel this is most appropriate for a variety of reasons; even if I did manage to successfully anonymise the images provided, actions undertaken to disguise images can be seen as tantamount to silencing the voices of participants (Mannay 2016) and would serve to contradict the participant centred approach that my visual methodology aimed to achieve.

Furthermore, once a visual image is created it becomes very difficult to control its use or remove it from the public arena if the participants decide that they no longer wish to be represented by that particular image. Obscuring or blurring images also raises questions about the impact on the integrity of the data and whether the result of changing visual data results in 'sanitised' findings (Wiles et al. 2008). Confining visual data to the interview setting alone therefore meant that it could be utilised as a tool for supporting dialogue without compromising anonymity or informed consent. I do, however, acknowledge that by not including the visual images within my findings that I am potentially sacrificing data that may have enabled a more in-depth analysis of the interviews that I conducted. However, due to the sensitive nature of the topic of study I feel that the inclusion of the images, even subject to anonymization processes such as blurring or pixelating, would compromise the anonymity of the participants significantly. Therefore, it is more appropriate that they do not physically feature within the findings of this research.

3.8 Informed Consent and Anonymity

Although the need to protect and safeguard the welfare of research participants remains a critical component of stringent ethical practice across all disciplines (Lune and Berg 2017), the sensitive nature of this research centralised the importance of gaining the informed consent of all respondents prior to their participation. Whilst in recent years a somewhat convoluted picture of what informed consent actually means has emerged (Sin 2005, p.279), for the purposes of this research, informed consent was understood as the provision of clear information regarding what participation in the project would involve

(Wiles, 2013, p.25). This information, which formed the basis of a consent form, was intended to capture and convey what was regarded as the appropriate relationship between researcher and research participant (Miller and Boulton 2007) and included details as to the nature of the research, the limits of participation and a description of how data would be protectively stored and then anonymised (see Appendix for consent form).

The production of the consent form - which participants were required to sign prior to their participation - and adherence to the guidelines contained within, was considered to be a positive step towards satisfying the obligation increasingly placed upon social researchers to “ensure that the physical, social and psychological well-being of research participants is not adversely affected by the research” (Sin 2005, p.279). However, it must also be noted that the formality and bureaucracy associated with this ethical practice may in fact alienate some groups and individuals whose trust and relationship with the individual researcher may be threatened by the requirement to obtain formal consent (Miller and Bell 2012). Indeed, as Murphy and Dingwall (2001) highlight, the requirement for participants to sign a consent form may actually jeopardise the confidentiality of those who sign by making them identifiable and thus can serve as an effective barrier to participation, particularly in studies focusing upon less visible aspects of the social world. Further, they note, that the acquisition of informed consent does not guarantee that the rights of participants will be respected by the researcher and that often consent forms are formulated in such a way as to offer more protection to the researcher than to those being studied (p.342).

Even more problematic than obtaining written consent from participants prior to their engagement with the research process is the notion that this consent must be ‘informed’ (Miller and Bell 2012). As Mason (2018) argues, there are limits as to the extent to which participants can be informed given the dynamic and often unpredictable nature of social research (p.95). Specifically, she notes that as data collection and analysis have not yet occurred when participants are asked to sign the consent form, the researcher may not be in a position to provide accurate details regarding how the data that is collected will be used. Nevertheless, in line with traditional definitions of informed consent which place

emphasis upon respect for autonomy and the individual's right to self-determination (Miller and Boulton 2007, p.2199), the use of a consent form was considered an effective means for communicating the objectives of the research and providing participants with an unpressurised choice as to whether or not they participated. However, given that this research seeks to engage with a hidden population and explores practices of illicit public sex it is acknowledged that this approach may discourage participation from those who do not wish to have their signature or personal details recorded. Unfortunately, there is no practical way of recording instances where this occurs which renders reflection on the process somewhat difficult.

That is not to say that reflection on issues relating to consent should be restricted only to evaluating participant engagement. Indeed, as Sin (2005) states, a signature on a consent form is alone insufficient to ensure good ethical practice (p.281) as it does not prevent data from being mishandled or misused. Reflection on issues of consent therefore, should form an ongoing and active part of the research process (Miller and Bell 2012) and take into account the complexities of the topic under investigation as well as the safety and well-being of participants. In this respect, whilst a consent form was utilised in order to obtain the initial agreement to participation in this research, issues of informed consent were frequently revisited and reviewed with particular emphasis placed upon data storage, anonymity, and the formulation of the research findings. Whilst Mason (2018) contends that in practice informed consent may actually be impossible for a researcher to receive, she explains that it is important for researchers to acknowledge this given that it places them in an extremely powerful position (p.96). In order to address this power imbalance Murphy and Dingwall (2007) discuss the need for research with human participants to be conducted as overtly as possible whilst avoiding disruption or distress to those that are studied, and it is in this sense, that the notion of informed consent becomes intricately bound with the concept of anonymity.

Given the sensitive nature of this particular study, upholding participants' rights to privacy was deemed to be an essential methodological component as, it is argued, that the single

most likely source of harm in social enquiry is the disclosure of private knowledge considered damaging by research subjects (Reiss 1979, p.73). Yet, despite the centrality of harm prevention at all stages of the research process, one of the main problems with the harm-to-participants principle is that it is not always possible for the researcher to identify in all circumstances whether harm is likely (Bryman 2001, p.480). Confidentiality should therefore be assured as the primary safeguard against unwanted exposure. To this end, all personal data should be secured or concealed and made public only behind a shield of anonymity (Christians 2011, p.66).

An arguably well-established means for protecting the anonymity of research participants is the use of pseudonyms, in which participants, and those that they may refer to during the course of data collection, are allocated aliases (Allen and Wiles 2016). The use of pseudonyms however, must be carefully managed by researchers and it should not be assumed that just because an alternative name has been used, that effective protection is in place against those who know the participant well from being able to identify them (Damianakis & Woodford 2012). The use of pseudonyms also raises important questions regarding the legitimacy of participant voice when their ability to speak out in their own name is essentially silenced by the researcher (Berkhout 2013). Nevertheless, pseudonyms remain an integral part of qualitative research despite the complexities inherent within their implementation and subsequently, will be adopted within this project as a conscious effort to protect the identities of the participants whilst also recognising the limitations of relying on the use of pseudonyms alone.

Extending the notion of anonymity to also incorporate the protection of the individual sites of public sex that are discussed by research participants the decision was made when planning this research not to explicitly name these sites within the research findings. Whilst keen to portray the essence and vibrant culture of the city of Newcastle upon Tyne and the way in which public sex environments are embedded and intertwine with city life, maintaining the anonymity of these spaces was considered a key ethical concern as their existence as a site of public sex is largely dependent upon those who use them feeling

both physically and socially safe from the threat of exposure (Tewksbury 2008, p.2). It is arguably common practice for researchers studying the public sexual landscape to adopt such an approach so that sites of public sex may remain ambiguous to those who are not already aware of their existence. This approach is reflected within the work of a myriad of scholars researching sexual activities in the public sphere (Humphreys 1970; Troiden 1974; Keogh and Holland 1999; Brown 2004, 2008, Hollister 2004; Douglas and Tewksbury 2007; Tewksbury and Polley 2008; Atkins and Laing 2012) and has informed the overall approach to the anonymization of space adopted for the purposes of this research.

Concealing the names of locations, whether neighbourhoods or entire cities, is a frequently used form of anonymization, yet the power of naming, or not naming as the case may be, is often obscured in reports from the field. Few authors explain their decisions about naming, and if they mention whether or not they are using pseudonyms, discussions of such use are most often limited to a single phrase or sentence, commonly tucked in a footnote (Guenther 2009, p.413). The decision not to name specific locations for the purposes of this study; lies inherently within a commitment to reduce the potential harm to participants and spaces that this research may cause. Initially using pseudonyms for not only the participants themselves but also the individual public sex environments that are referred to during interview was considered. This method was demonstrated within the research of Keogh and Holland (1999) in their ethnographic study of cottages and cruising areas in London.

Much like Keogh and Holland's approach, it was initially anticipated that by allocating alternative site names within the findings, this study would be able to effectively anonymise the public sex environments' exact locations and therefore render the sites unidentifiable to those unfamiliar with their existence. Research by Scheper-Hughes (2000), however, highlighted that the use of pseudonyms in the description of place may encourage researcher recklessness in the form of excessive candour. In allocating an alternative place name, the researcher is lulled into a false sense of security that they can

report information and details that they may have otherwise omitted from their findings on the basis of a belief that no one knows where they are talking about.

In the case of Scheper-Hughes' research, curious outsiders easily deduced which village had served as the basis for her discussion of madness in rural Ireland despite the fact that she had allocated the village an alternative name. This led to the identification of places, institutions, and people, and brought shame and embarrassment to the town and its people (Guenther 2009). Subsequently, although the city of Newcastle upon Tyne as the focus of this study has been explicitly named, the colloquial names and locations of the individual public sex environments will not feature. Accordingly, where individual site names are directly referred to by participants, they shall appear within the text as simply Site A, B, C and so on so as to obscure the possibility of identification. It is felt Newcastle upon Tyne is a city of sufficient size, consisting of both city centre, suburban, and more rural locations, to be able to discuss the public sex environments in the appropriate detail required without actually disclosing where in particular they are located.

An awareness is maintained, however, of the problematic nature of anonymising places and settings, that, as argued by Nespor (2000) decouples events from historically and geographically specific locations. Although it is concurred that the specific sites discussed within this study as sites of public sex do indeed have a historic and cultural relevance that it is disappointing to omit; Nespor's claim that there is no evidence to suggest that naming places brings harm to participants, is, as per the research of Scheper-Hughes (2000) fundamentally inaccurate and as such the position not to name the sites directly is maintained.

In light of the limitations that have so far been detailed regarding the sole reliance on pseudonyms as a means for protecting the privacy of participants, for the purposes of this research, the concept of anonymity was also understood as inclusive of the ways in which data was collected and stored. Governed, first by the Data Protection Act 1998, and then by the General Data Protection Regulation (GDPR) which came into effect in May 2018, a

legal obligation was created to ensure that participants' data remained protected and was not misused or shared without consent. This legal obligation, alongside a commitment to ethical rigour, meant that any data that was collected had to be stored securely before being transcribed and anonymised as soon as was practically possible. Until such a time, audio recordings and hand-written notes of the interviews were uploaded and stored on a password protected computer and saved in a password protected file (Henn et al. 2009). Once all identifying information had been removed and pseudonyms had been allocated, interview transcripts were then labelled using a coded system, known only to me, so that they could be easily located in the instance of a participant wishing to withdraw.

Although, it is the responsibility of the researcher to ensure that all research materials that are collected which include identifying information or personal details of participants remain protected, this responsibility is not confined only to the handling of data upon leaving the field, but is also present at the point at which data is actually collected. For this reason careful consideration was also given to the interview venue to ensure, that whilst occurring in a public place to ensure safety, an element of privacy could additionally be obtained so that the conversation between the interviewer and interviewee could not be overheard by third parties.

Consequently, venues such as public libraries, community centres, and University Campus buildings were all identified as places in which the maintenance of confidentiality could effectively be facilitated given the availability of spaces such as meeting rooms that could be booked in advance (Walls et al. 2010). Furthermore, these locations were favoured due to wider community access being granted without access being restricted solely to service users or members. That said, the venues that were identified by the researcher were by no means prescriptive but rather formed the initial stages of dialogue between the researcher and the researched. Selecting an interview venue was, in this sense, conceptualised as a shared process which granted the participant a level of autonomy over where and when they were interviewed. In addition, participants were also given a choice as to how their data would be recorded recognising that, for some, the use

of digital audio recording equipment may be off-putting (Bryman 2001). The option for hand-written notes to be taken by the researcher was therefore, presented as an alternative means for data collection and was considered conducive to gaining the trust of participants to protect their data.

3.9 Data Analysis

Whilst all participants in this research gave their consent for their interview to be digitally recorded, the resulting research transcripts were also accompanied by hand-written notes and entries from a reflexive research diary that was kept by the researcher during the research process. The rationale behind the production of these supplementary notes was in order to enhance data analysis given that non-verbal signals, such as body language or facial expression, are often difficult to determine or interpret from an interview transcript alone (Oliver et al. 2005). As McGovern (2016) argues, actions can sometimes speak louder than words and as such, she stresses the importance of recording these actions and non-verbal cues in order to increase “inclusivity” in the process of “knowledge-building” (p.1). Subsequently, when paired with interview transcripts, the hand-written notes of the researcher can arguably serve to create a more dynamic picture of the interview setting and were utilised within this research to provide contextual information to the verbatim recording of participants recounting their experiences.

Nonetheless, the inclusion of the non-verbal, whilst useful in understanding participant narratives, did add an additional level of complexity to the already challenging and multifaceted process of qualitative data analysis (Creswell 1998). In determining an approach to analysis therefore, that would allow for the layered nature of participant storytelling to be unravelled and understood (Andrews et al. 2004), a narrative approach to analysis was considered most appropriate. The fundamental premise of narrative analysis is arguably contained within the belief that personal descriptions of life experiences can contribute towards the creation of knowledge about neglected, but significant areas, of the human realm (Polkinghorne 2007, p.472). However, organising, analysing, and

discovering theoretical meanings from ‘storied’ data can be challenging due to the very nature of narrative because, like qualitative inquiry itself, it is iterative and evolutionary (Mello 2002, p.233).

Indeed, as Esin et al. (2014) highlight, narrative analysis rarely provides strict guidelines for researchers that tell them where to look for stories or what aspects of them should be investigated and consequently, they note, that no single method of implementation currently exists with researchers often drawing upon multiple analysis tools in their endeavours to elicit meaning from participant stories (p.206). Thus, narrative analysis of qualitative data frequently faces critique regarding its validity (Polkinghorne 2007). This critique often centralised upon notions of rigour and representation however, seemingly overlooks the aim of narrative research not to find one generalisable truth, but rather to “sing up” many truths from a multitude of participant narratives (Byrne-Armstrong 2001, p.112).

With this in mind, the approach to narrative analysis that was adopted for the purposes of this research drew upon Lieblich et al.’s (1998) concept of holistic-content analysis. The aim within this form of analysis is to essentially “re-story” a story from the original raw data through a process of reading and coding the transcripts and examining the social context in which stories were situated and re-told. This will, in essence, include not only a reflection upon the interview setting and the power relations contained within, but also an acknowledgement of the systems and processes of power which created the experience being recounted (Clandinin and Connelly 2000). The story is then re-told, in full or in part, as a contribution towards understanding a broader social issue.

Whilst Mello (2002) problematizes the division of narrative data into smaller fragments and points to the risk of misinterpreting meanings when only sections of a story appear in isolation, Beal (2013) contends that it is only through a process of assigning codes to the data that linkages or differences between narratives may be effectively identified. An inductive coding framework was therefore devised for this research which took into

account traditional notions of storytelling, i.e. the recalling of temporally linked, events, actions, and feelings, and their somewhat natural and unpredictable emergence within everyday language and experience. Basing initial allocation of codes upon the composition of a story (e.g. event, action, feeling) in this way meant that data was able to be coded free from the analytical preconceptions of the researcher (Nowell et al. 2017).

Once this initial coding stage was complete, a deductive process of coding could then be undertaken in which data was further sub-divided in response to emergent analytical themes. For example, data that had initially been coded to reflect the occurrence of an event could then be further coded to reflect whether this event was real or perceived, and then again to reflect whether this event involved risk. Where risk was identified this was then further sub-divided into categorisations of risk which included social, physical and sexual. In utilising both inductive and deductive coding frameworks the ability to 're-story' the narratives of participants was supported whilst arguably maintaining a sensitivity and respect for the story originally told.

3.10 Legal Consciousness

In conclusion, I was able to conduct sixteen in-depth qualitative interviews with self-identified MSM. Their words, stories and experiences are reflected within the subsequent chapters of this thesis. Utilising a narrative approach to analysis which encourages a plurality of truths to become known and assists in moving beyond a strict problem focus to a more general exploration of social phenomena (Fraser 2004); the risk taking behaviours of MSM in public sex environments in Newcastle upon Tyne will be explored through the medium of legal consciousness.

Legal consciousness developed as a theoretical concept in law and society studies in the 1980s and 1990s in order to address the issue of legal hegemony (Silbey 2005, p.323). For law and society scholars the growing gap between the "law on the books and the law in action" (Sarat 1985, p.23) required further scrutiny in order to determine how and why such gaps appeared. Research in this vein took an instrumentalist approach to law in

which law was viewed as completely autonomous from social life (Nielsen 2000, p.1058). More recent legal consciousness studies have moved away from this instrumentalist approach towards a more constitutive approach to law and society in general (Harding 2011, p.18). Rather than looking specifically at institutions of law and legal processes; contemporary legal consciousness studies seek to explore the ways in which ordinary citizens understand and experience legality in their everyday lives.

In 1998 Ewick and Silbey developed what is now seen as the dominant framework of legal consciousness studies (Harding 2011, p.19) in which they proposed three schemas of legal consciousness; 'before the law', 'with the law', and 'against the law'. Their approach was seen to allow for a conceptualisation of legal consciousness as a cultural practice in which legality could be viewed "as both an interpretive framework and a set of resources with which and through which the social world (including that part known as law) was constituted" (Ewick and Silbey 1998, p.23). Nonetheless, Ewick and Silbey's construction of legal consciousness has faced a number of criticisms. Specifically, Harding (2011) points to limitations in Ewick and Silbey's understandings of power relations and in particular the way in which this is experienced in everyday life (p.53). Harding also notes in her earlier work that in the production of their legal consciousness framework, Ewick and Silbey seemingly position the description of legal consciousness as an end point instead of as a basis for critique of the law and legal processes (2006, p.517). Additionally, Levine and Mellema (2001) argue that inherent within Ewick and Silbey's typologies of legal consciousness, is a re-insertion of law into everyday life rather than the decentralisation of law that was originally intended. For the marginalised, they suggest the law has much less salience.

It is important therefore, before commencing with the presentation and analysis of data collected for the purposes of this study with a marginalised group, to first outline how legal consciousness has been defined within this research and the steps that have been taken to address the problematics that have been raised above. Within this thesis, legal consciousness is understood at its broadest as "the ways people understand and use law"

(Merry 1990, p.5). This definition by very nature aligns succinctly with the concerns raised by Levine and Mellema regarding the re-insertion of law into everyday life. Whilst it is conceded that in adopting this definition, the decentralisation of law is not wholly achieved; an argument can be made that complete decentralisation of the law in legal consciousness studies is perhaps unachievable. In seeking to explore the presence of law in the everyday lives of study participants is to inadvertently acknowledge the law's reverence and power in society which can ultimately result in other structural forces becoming overshadowed or subsumed. However, although scepticism is maintained as to the ability of legal consciousness studies to completely decentralise the law; a number of steps were taken in the production of this thesis in order to bring the narratives of legality to the fore.

The first step that was taken was to implement a pluralist approach to the law which would allow for an in-depth consideration of cultural structures of power in addition to those that are institutionalised or state-based. Although appearing as two distinct chapters within the analysis of this thesis, legal pluralism allows for a recognition of the law as a social construct, and consequently, a much broader conceptualisation of power and resistance has been enabled. Additionally, as the emphasis in contemporary legal consciousness studies is placed upon the experiences of the "ordinary" citizen (see for example Nielsen 2000), agents of law enforcement were not interviewed for this research. Whilst certainly an argument could be made as to who, or what constitutes a citizen that is 'ordinary', the inclusion of narratives from within institutionalised power systems when studying marginalised demographics was considered as not only a re-centralisation of the law but also a reinforcement of the social privileges granted to those with power.

A further step taken in the commencement of this research was that the legal focus was not made explicit to participants during interview in order to allow for discussions of law to arise organically (Harding 2006, p.515). Rather, an implicit reference was made to the topic of law with the use of the word 'illicit' in the study's title, to which all participants had access prior to interview. This step, whilst serving dialogue facilitation purposes in the

sense that participants were not placed under any pressure to frame their responses specifically in relation to the law, was also an important ethical precaution to take in order to avoid deceiving participants with a hidden agenda. This particular approach was also supported in the interview setting with the use of participant-produced visual tools which assisted in inserting 'the everyday' into a setting that was arguably outside of the ordinary.

Finally, as this thesis draws upon a queer perspective it was considered appropriate during analysis not to confine the narratives of legality that emerged during interviews to the prescriptive typologies suggested by Ewick and Silbey. The interaction between law and society and indeed law and the individual is fluid in nature and arguably cannot be as easily categorised as Ewick and Silbey contend. Thus, in response to Harding's reservations that the descriptions of legal consciousness, which Ewick and Silbey's framework encourage, lack a critical edge; this thesis moves beyond a focus on categorisation. Instead, participant narratives of legality are utilised in order to raise important questions regarding the continued focus of the criminal law on the sexual lives of MSM and the ways in which this is experienced.

4.0 The Regulation of Public Sex: Safety and Risk Management

4.1 Introducing Newcastle upon Tyne: Erotic Possibilities and State Power

Built on the foggy banks of the River Tyne, the city of Newcastle has a rich diversity of cultures and histories (Wharton and Fenwick 2012, p.8). Having gone through a major structural change in its economy and society from a manufacturing industrial city to a place of retail and leisure with cultural aspirations (Hollands and Chatterton 2002); Newcastle is a city of vibrancy overflowing with historical character and charm (Madanipour 2010). Newcastle is also a city filled with an array of sexual activity, from the flickering neon lights of the commercialised gay village (Lewis 1994; Casey 2004, 2007), to discreetly operating red-light districts (Voices Heard Group 2008; Northern Rock Foundation 2009; Cyrenians 2013), brothels, and gay saunas. This contemporary city, like many others, is a “sexual marketplace where bodies are constantly on display and all is for sale” (Hubbard 2012, p.10).

Articulated in this way, the city of Newcastle upon Tyne may for some, be viewed and experienced as a “sexual utopia” (Browne 2008b, p.25) where “bodies come together, mix and mingle” and where a “rich diversity of sexual pleasures can be pursued or purchased” (Hubbard 2012, p.xiii). Valentine (2008), however, warns of the inclination of scholars to overly romanticise the urban encounter, which in effect reproduces the assumption that contact with others necessarily translates to respect for, and tolerance of, difference (p.325). Cities are after all sites in which, as Hubbard (2012) states, “sexuality is most intensely scrutinized, policed, and disciplined” (p.xiv) and where access is granted with a firm and uncompromising caveat of conformity to gender and sexual norms. Where deviations or disruptions to this deeply-embedded “hierarchy of desire” occur (Califa 1994, p.205), they are swiftly ‘remedied’ by social exclusion and spatial marginalisation orchestrated by those with power.

Power, as Foucault (1978) argues, is everywhere (p.93); it is present within all of our social interactions and relations and is widely “regarded as a pervasive force informing the

totality of social life” (Holligan 1999, p.139). It is in fact so pervasive that Foucault explicitly refuses to offer a general theorisation of it (Foucault 2003, p.13). Instead he suggests that rather than being something definable that can be owned or exercised by individuals or groups, power is an unstable and fluid “strategical situation” which is dependent upon knowledge for its creation and maintenance (1978, p.93). In an existential sense, Foucault claims power does not exist but instead comes into being through normalising actions (1983, p.219). This point will be further explored within the next chapter of this thesis, in which the normalisation of heteronormativity, through repeated performance on the streets of Newcastle, is theorised as a mechanism of power to which men who have sex with men (MSM) are subject.

Rather than concerning his academic work with attempting to definitively define power, Foucault was more interested in examining how power was exercised within different social and cultural contexts and what immediate and long-term effects it had on those who were subject to it. This is demonstrated within Foucault’s social theory of ‘panopticism’ developed within *Discipline and Punish: The Birth of the Prison* (first published in 1975) which acknowledged the impact of the omnipresent regulatory gaze on models of social behaviour. Panopticism, for Foucault, represented a shift in social order in which disciplinary power could be effectively exerted through the medium of surveillance. Basing his theory upon Jeremy Bentham’s vision of the ‘panopticon’ prison, Foucault suggested that institutional power could be reinforced by inducing a state of conscious and permanent visibility which, when internalised by individuals, serves to govern even when discontinuous in its action. Through his theory of panopticism, Foucault argued that modern society could be understood as a disciplinary society. Within such, the power of the few to see the many (Mathiesen 1997, p.217) is embedded within social institutions such as schools, hospitals, and perhaps most significantly law enforcement agencies. These institutions function as central elements in Foucault’s “capillary-like” (Habermas 1986, p.6) system of power and it is towards these mechanisms of societal control that this thesis now turns.

The concern of this chapter is to critically examine the impact of institutional systems of power which regulate the public sexual activities of men who have sex with men (MSM) in Newcastle upon Tyne. Specifically, the focus will be upon MSM's subjective experiences of law enforcement and the impact of state-based regulatory practices upon their risk-taking behaviours as they pursue, and engage, in the illicit public sexual encounter. The importance of this focus upon state-administered regulation is deeply rooted within Foucault's notion of panopticism in which the pervasive gaze of law enforcement agents is viewed as mobilising and refining the exercise of state power (Johnson 2014, p.9). Legitimised by their official role as a utility of justice, the police are enabled to function where other mechanisms of power cannot operate, "disciplining the non-disciplinary spaces" (Foucault 1995, p.215). Agents of law enforcement therefore, play a somewhat active part in the shaping of social order and as such, interactions between this particular power apparatus and the socio-legally marginalised prove a worthy area of enquiry.

Congruent with the feminist methodological approach of this thesis, MSM's experiences of legality and specifically law enforcement within this analysis chapter will be examined through the concept of legal consciousness. Building upon the traditional notions of consciousness-raising within feminist legal scholarship (Bender 1988; Bartlett 1990; Schneider 1993) in which the creation of knowledge emerged from the "tellings of life events" (Bender 1988, p.9), legal consciousness is utilised here to trace the presence and utility of legality in the everyday lives of MSM. The ability of legal consciousness to intricately detail the complex interrelationship between the personal and the political has resonance within this examination of legal impact as it actively exposes and challenges the gaps between legal theory and practice. Thus, contributing to queer understandings of the socio-legal landscape, this chapter will explore the ways in which, despite a sea of legislative and social change in the regulation of same-sex partnerships, those leading "queerer lives" (Brown 2009, p.1497) such as MSM are increasingly subject to the disciplinary practices of legal actors.

Subsequently, the overall aim of this chapter is to demonstrate, by means of participant narrative, that continuing inconsistencies and an absence of clarity in the legal framework governing public sexual practices in England and Wales directly impact upon the ways in which MSM in Newcastle experience and understand legality. Like panopticon subjects, the obscured vision of the regulatory gaze, which is created in part by ambiguities in the law, generates a climate of uncertainty within which MSM are seen but do not see (Foucault 1995, p.200) and are aware but cannot know. These lived experiences of regulation, this chapter will highlight, serve to inform MSM's risk-taking behaviours with the institutional power of the police to observe viewed as both a mechanism for risk management and the source of risk increase.

4.2 Illicit Public Sex: Queer Encounters with Law Enforcement

As Dalton (2012) highlights, sites of same-sex public sex have an extensive and complex history of attracting the attention and hostility of law enforcement agents (p.68). Indeed, Moran (1996) suggests that police officers can be considered to be some of the very first ethnographers of public sex between men due to their extensive use of surveillance techniques, decoys, and site raids which historically range much further than the academic study of public sexual practices (see Jones 2008). Located in "random nooks" (Bech 1997, p.111) and materially marked by sexual litter and the repetitive movements through the shadows of the space (Atkins and Laing 2012 p.623), the public sex environment has, for several decades, been illuminated for law enforcement agents as a regulatory concern. However, caught in a somewhat precarious socio-legal position between being seen to maintain and protect public order and not unduly interfering in the private lives of citizens (Wolfenden Report 1957); public sex environments pose a continuing and complex challenge in contemporary law enforcement.

Although policing strategies in England and Wales have more recently shifted in focus from their traditionally punitive approach to the regulation of public sex, to one that deals more sensitively with a "much-maligned community" (BBC News 2014), the encounters

with agents of law enforcement that were detailed by the MSM participating in this study, reveal a significant and problematic inconsistency in police approach. Specifically, participants described a wide spectrum of individual and collective police responses to their public sexual activities with other men which were both experienced and perceived. The spectrum, which essentially ranged from police officer inaction, or as one participant expressed “*turning a blind eye*”, to a sense of being, as another participant stated, “*over policed*”, speaks broadly to the unclear and fragmented nature of the current legal framework governing public sexual practices and the disparity in approach to policing queer identities.

The inconsistent response of law enforcement agents to the regulation of same-sex public sexual practices in Newcastle, was not only described by participants of this study as occurring between individual police officers but was also presented as an issue that could potentially arise with the same officer on a different day, or even just in a different mood. During one particular interview with a participant named Kyle, a thirty-year-old MSM with a seven year history of engaging in public sex with other men, the disparity in approach to the front-line policing of same-sex public sexual activities in Newcastle was reflected when he stated:

...but sometimes you get a right cunt of a copper who's having a bad day, it's an easy hit for him you see... (Kyle)

This perception held by Kyle, that the police response that his public sexual practices may garner depends heavily upon the personal mood or personality of the individual officer encountering them, was by no means isolated within this study. Participants more generally spoke of the hope that if their public sexual activities were to be disturbed by a police officer, that the officer in question would be in a “*decent enough*” or “*good mood*”. An amenable police officer was considered by participants as much more likely to disrupt and displace the public sexual activity as opposed to opting for the more formal remedy of criminalisation. This notion is supported within the much-cited work of Michael Lipsky (2010) who noted the propensity of “thoughtful officers” to strike a reasonable balance

between an approach that induces compliance and one that evokes rebellion or hostility (p.123). Lipsky does suggest however, that where an element of flexibility is shown by agents of law enforcement, it is often accompanied by exaggerated efforts to appear that they are still in control. Utilising the example of a Judge who will vehemently chastise a defendant in the courtroom and then opt against a sentence of incarceration, Lipsky stresses the importance of regulatory bodies compensating for acts of leniency in order to convey a message to the subordinated individual, and others, that any generosity that they have experienced is the exception rather than the rule (p.125).

An acknowledgement of being verbally warned, in the manner that is described within Lipsky's work on street-level bureaucracy, by a police officer taking a flexible approach to the regulation of same-sex public sex is present within Kyle's later comments below. However, Kyle also goes on to describe a concern that to encounter an officer on an "*off day*" not only results in more punitive action being taken against him, but also renders him vulnerable to an attempt made by the officer dealing with him to connect him with further criminality:

Kyle: *...most of the ones [law enforcement agents] that cross you really don't want to do 'owt. They aren't that arsed about it they'll just shift you along and that's it, you know. Some of them are canny like that, like they wana get the last word in but they don't want all the extra work of hauling you in.*

Researcher: *How do you mean the last word? Like what actually happens?*

Kyle: *Ah they'll just hurl some fucking shite at you like about how they'll definitely take you in the next time they catch you or how they're fucking watching what goes on round there all the time. The thing is though, most of us have been caught by them enough times now to know it's just them mouthing off 'coz they don't want you thinking that they're going soft or 'owt, know what I mean? (pause). Like they've got no fucking intention of hauling you in 'coz they would've done it by now. They don't want to make the extra work for themselves.*

Researcher: *So do you think that they're actually watching what goes on even though they've got no intention of arresting you?*

Kyle: (scoffs) *You're kidding aren't you? When it's pissing down of rain and freezing cold they're all fucking tucked up in the station or they're sitting in their warm cars, not trailing about after us, it's too much fucking hassle for them (pause). They don't want to be bothered with it; they just want to get the last word in 'coz they don't want you thinking you've got off with it is all. ...it's not them ones [officers taking a lenient approach] you've really got to worry about anyway 'coz they're never gonna do 'owt about it in a million years, they can't be arsed. It's when you get one [police officer] having a bit of an off day that you've really got to panic coz they're fucking in one before they even get started with you.*

Researcher: *What do you mean before they get started?*

Kyle: *They just treat you like absolute shit 'coz they cannit be bothered with you and it's like they just take it all out on us you know. Like they're pissed off to start with and coming across us lot [MSM engaging in public sex] just makes them more fucking pissed off coz we're creating more work for them see ... it's shocking like 'coz if they can't get you for that [public sex] they'll have a try for something else, they're not bothered what it is they just want to get you for something.*

Researcher: *How do they do that?*

Kyle: (Long exhale) *Ah I dunno man, like they'll wana see what's in your fucking pockets, your socks, your shoes, the lot. ...If you get one [police officer] like that man you just know you're gonna get hauled in, if not for one thing, they'll definitely get you for something else. ...you haven't got a hope in hell against that, like they'll even have a try on your reg plates to see if they can get you for no insurance or a fucking unpaid fucking parking ticket or something, it really is that fucking petty. There's this one bloke who I knew a few year back right, he got stopped [by police] on his way out of Site A but coz they couldn't pin nowt him on him, they started with the fucking tread on his fucking tyres. I'm telling you man it's that serious they'll try 'owt.*

Kyle's narrative above, in which he discusses the ardent attempts of "pissed off" police officers to connect him with further criminality upon interrupting his public sexual practices with other men, is arguably indicative of a continued wariness and suspicion of the police held by sexual minorities more broadly (see Chakraborti and Garland 2015). As homosexual sexual activities have gradually transitioned from a socio-legal position of deviance to gaining legality in the private realm, there remains an echo in Newcastle, evident within Kyle's comments above, of a fractured and tempestuous relationship

between MSM and agents of law enforcement. Although there is increasing evidence of police engagement in a wide range of trust-building initiatives aimed at sexual minorities across England and Wales (McGhee 2004, p.366); the historic task of law enforcement to regulate homosexuality, alongside a deep-rooted culture of machismo and conservatism (Reiner 2000, p.97), has effectively built homophobia into this institutional power apparatus (Burke 1994). It is this contempt for sexual deviance, inherent within traditional policing cultures and policies, that has arguably contributed towards this lingering strain in trust in which those with queer identities feel “over policed and under-protected” (McGhee 2004, p.366). This general distrust of law enforcement agents to which Kyle refers, was also notably present within several other participant interviews in which the police were referred to as “sly”, “dodgy”, “proper bent”, and “unfair” in the course of their duties.

Kyle’s comments above can also be seen to refer to a sense of innate powerlessness that is experienced by MSM when they are subject to institution-based regulatory practices. The ease in which Kyle feels MSM can be “*hit*” [arrested] or “*hauled in*” at the whim of a police officer in a bad mood is suggestive of a considerable lack of political agency embodied by MSM which results in them being seen to pose very little challenge to an arresting officer. Framed in this way, Kyle points to a hierarchal relationship in which the subordination of the deviant sexual other can be periodically utilised as a mechanism through which to reaffirm the power of institution-based legal actors – when of course their mood arises. Without further empirical investigation directly into policing practices, it is not possible to distinguish if, or the extent to which, MSM are utilised by the police in this way. Nonetheless, the perception expressed by Kyle regarding the ease to which he may be subject to law enforcement’s disciplinary powers, indicates an internalisation of the regulatory gaze (Foucault 1995) and as such, a reinforcement of state-based systems of power.

The feeling alluded to within Kyle’s narrative above of being disproportionately or unfairly targeted by particular police officers, has, thus far, been presented as symptomatic of a developed and deeply embedded culture of mistrust between those who perform a queer

identity and agents of law enforcement. As Bradford et al. (2014) argue those who perceive themselves to be discriminated against are more inclined to view the police force as a whole as operating according to low levels of bureaucratic fairness. Indeed in this vein, as sexual minorities are increasingly subject to models of citizenship based upon a politics of tolerance and assimilation (Richardson 2000, p.77), those whose identity does not necessarily conform to a hetero/homonormative binary, for example MSM, may as Kyle demonstrates, feel that they are unduly subject to the regulatory gaze. In practice however, this culture of mistrust can mean that MSM, such as Kyle, lack the confidence in local policing teams to deal with their public sexual practices in a fair and/or objective manner. This concern regarding the objectivity of police officers when responding to incidences of public sex between men is seemingly supported within the empirical research of Bethan Loftus (2009). Loftus noted, within her ethnographic study of an anonymised British Police Force, that beat officers were routinely targeting local areas that were known to facilitate casual sexual relationships between men. Loftus additionally documented that upon visiting one such site officers were heard to disparagingly nickname the area “anal lane” (p.80).

The lack of confidence in receiving an objective or fair police response inherent within Kyle’s narrative was also shared by another participant, a thirty-one-year-old MSM named Scott, who described feeling “*over policed*” in proportion to the severity of his criminality:

In the grand scheme of things, we’re not hurting no one. It’s just sex. I know it’s still a crime really but you’d think we were doing something much worse the way we get over policed. ...it’s frustrating ‘coz there’s always stuff on the news about how there’s been some kind of incident and it’s taken the police cars way too long to get there and someone’s ended up dead or something and then they bang on about how under-resourced and over-stretched they are. They fucking aren’t they’re just too busy trying to nab us for something trivial ‘coz it’s more easy for them. (Scott)

Similarly to Kyle, Scott, who has frequented public sex environments in Newcastle for “*about three years off and on*”, refers to a notion of ease that the police are perceived to experience when pursuing MSM for the purposes of law enforcement. Scott suggests that

such is the preoccupation with exerting disciplinary power over MSM that he feels it is often prioritised above other aspects of policing in the community. It is arguably here, that the aforementioned gap between legal theory and practice may be prominently seen. Whilst the contemporary policing of public sex is politically framed within a public policy of community based policing that strives to be sensitive to sexual minority groups (McGhee 2004), the levels of autonomy and discretion that are possessed by individual officers means that there is potential for a more disciplinary component of policing to be legitimately enacted (Stuart 2015, p.946). Consequently, the attention of MSM in Newcastle, as highlighted by the comments of the participants above, has been drawn to the vast variations in approach to the regulation of their public sexual activities as individual officers are not, as Herbert (1997) argues, “depersonalized automatons” (p.170), but rather are empowered to treat policies and regulations as flexible resources.

Contained within the above extract from Scott’s interview, is, in addition to his observations regarding the ways in which MSM who engage in public sex are policed, an inference to a positionality that he feels his public sexual activities inhabit on a wider spectrum of criminality. Scott utilises this subjective positioning in order to critique police response and imply that by overly focusing upon the regulation of same-sex public sex, law enforcement agents are largely neglecting other matters that he considers to be of a more serious nature; specifically, incidents that result in harm. Thus, for Scott serving to enable a moral justification for his own criminality on a foundation of it being “*just sex*” and “*not hurting no one*”, or to be put another way, a victimless crime. Whilst the victimless crime discourse has long problematized the very notion, as unless an individual acts in absolute isolation, their activities exponentially impact upon a number of others (Hayes et al. 2012, p.2); the terminology continues to be attached to certain sexual crimes due to the moral underpinning of the offences; particularly S.71 of the Sexual Offences Act 2003 which was formulated on a basis of moral rather than harm-based concerns (Johnson, 2012, p.23). In this respect, Scott’s objections to being “*over policed*” can be understood not as an overt rejection of regulation per se, but rather as a reaction triggered by the

injustice that he perceives himself to experience when policed on a basis of public morality (Johnson and Dalton 2012, p.2).

In “applying the principle of harm” (Home Office 2000, para. 0.7), Scott presents police interference in his consensual public sexual practices with other men as an unwanted and unnecessary intrusion, contrary to the “key guiding principle” of the criminal law not to intrude into the private life of adults (Home Office 2000, para. 0.7). In a “diverse and tolerant society” (Home Office 2000, para. 1.3.3), the law regarding the regulation of public sexual practices was intended, not to completely prohibit sexual activities from entering the public realm, but rather to protect individuals from that which is “offensive or injurious” (Home Office 1957, paras. 13-14). Indeed, by way of clarifying this particular position the Home Office declared that the “discreet couple should not be penalised” (Home Office 2000, p.125, para 8.4.6) as it was recognised that in such cases of consensual public sex, the nuisance was not the act itself but the fact that it could be seen by others and cause alarm and distress. However, inherent within the formulation of S.71 of the Sexual Offences Act 2003 specifically, is the assumption that in order to preserve and protect public morality, same-sex sexual activities that enter into the public sphere must continue to be subject to regulation as even when discreetly contained within a lavatory cubicle, they pose a risk of causing moral harm to a wider (heteronormative) public. Consequently, Scott’s comment above, perhaps inadvertently, speaks to the disparity in regulation between same-sex and opposite-sex public sexual practices and highlights a continued intrusion by regulatory bodies into the sexual lives of MSM.

This notion of intrusion, in turn, has substantial implications for the ways in which Scott views police action against him and experiences legality in general. As Owen et al. (2018) argue, fear of the police, or anti-police attitudes exhibited by sexual minority groups can be exacerbated when the discretion of the police to target that group can be conceptualised as misused or excessive (p.670). In this instance, Scott’s perception of being “*over policed*” in relation to the severity of his crime has influenced a desire to considerably reduce his interactions with the police on a broad scale (Williams and

Robinson 2004, p.215) and subsequently, he locates himself within increasingly marginalised spaces to pursue public sex:

Scott: *They're [police] sly as fuck man; I can't even tell you how many times they've tried to pull me just for doing nowt (pause). You're best off just staying right out their way if you can and then you don't get no aggro or nothing.*

Researcher: *How do you manage to do that?*

Scott: *Not that easily now 'coz loads of places that used to be alright got shut down you know, but there's still a few places left round the doors that they [police] won't go, not if they're just in twos like coz they're shit scared they'll get jumped on. Round where I go (Site B) people just do what they want coz the police only come if they have to (pause) so you know it can get a bit sketchy sometimes. It's not a place that a lass like you would go like, not at night. I mean it's not quite as a bad during the day but definitely not once it's dark. You don't have to actually go down there for what you're doing do you?*

Researcher: *No no it's all just interviews like this.*

Scott: *Ah that's alright then, probably for the best coz it's not the safest of places for lads never mind you lasses.*

Researcher: *Does that worry you? Not being safe?*

Scott: *Erm, sometimes I suppose it does but what else can you do? It's just the nature of the game isn't it and the sort of place and you know thing it is. You know what you're getting yourself in for round there at least. ...when they [police] do show up, it's not normally you that they're looking for, not there anyway, there's too much other shit going on that they're interested in. It's normally the [names local business] complaining about fires getting set and stuff, then they [police] have to come to sort it out.*

Whilst it is arguably evident that within the somewhat lawless confines of Site B, Scott faces increasing risk to his personal safety and acknowledges that at times this does worry him, his attendance there in spite of this danger is positioned as a necessity rather than a choice in order to avoid the intensity of the regulatory gaze (Foucault 1995). Indeed, as he reflects upon the "*nature of the game*", he hypothetically questions what else he can do? Significantly, Scott, having earlier claimed that MSM in Newcastle are "*over policed*", proceeds to position the criminality of others within the public sex

environment as a more pressing regulatory concern for the police and suggests that upon their attendance they would be more “*interested*” in the deviance of others as opposed to his own public sexual practices. This concept of a hierarchy of criminality within the public sex environment was also present within the interview with a twenty-three-year-old MSM named Paul, who utilised this hierarchy as a basis for distancing himself from feelings of risk when seeking illicit public sex:

Researcher: *Do you feel like the way the police deal with public sex has changed since you first started doing it [engaging in public sex]?*

Paul: *Erm I dunno really (pause) to be fair it's rare to even see them [police] down there [Site A]. They're not interested in it, I don't think anyway.*

Researcher: *So you wouldn't say the police actively target public sex?*

Paul: *I've heard about a few raids on Site A. It's drugs mainly that they want. I also heard that they were looking for illegals in there too but dunno if that's true.*

Researcher: *Illegals?*

Paul: *Yeah like people not meant to be in the Country.*

Researcher: *Ah OK, so who told you that?*

Paul: *You hear stuff here and there from different people like just in general conversation really, but there was some stuff online about it as well like telling people to be careful.*

Researcher: *So did that put you off going to Site A?*

Paul: *For a bit it probably did. I was definitely more nervous about going. But then I thought if they've just raided they aren't likely to raid again any time soon so I'm probably safe for a while.*

Whilst Paul accepts that the information that he had received via word of mouth and from his online interactions regarding the police “*raids*” within Site A “*probably*” deterred him from visiting for a period of time, he also then, however, described a chain of thought in which he had decided that the police were unlikely to raid again in short succession, so he then had felt able to return. Like Scott, inherent within Paul’s words, is an underlying belief

that the unlawful behaviour of others, i.e. those who are taking or selling illegal substances or those breaking immigration laws, are in some way crimes of much greater magnitude than his own. As such, if police were to raid the site again, there is evidence of a perception held by Paul that officers would be less concerned with Paul's public sexual activities and more concerned with the criminality of others. Subsequently this perception enabled Paul to swiftly return to Site A with a sense of safety that he would not be disturbed.

As the interview with Paul progressed he stated that, having visited Site A for the purposes of illicit same-sex public sexual practices for a period of "*around two and bit years or so*", he had observed that agents of law enforcement seemed to intensify their regulatory gaze upon public sex environments when other areas of the city did not urgently require their attention:

...you can only really go there [Site A] when it's dark and even then you're risking it coz the police are always in and out, especially on a Friday and Saturday night if the town is quiet 'coz they've got nowt else better to do. (Paul)

Highly contradictory of his earlier comments regarding enforcement action specifically for public sex being irregular and the infrequent police presence within sites of public sex in Newcastle; the above statement arguably reflects the continued lack of clarity held by MSM as to how and when their public sexual practices will be policed. Consequently, this high level of uncertainty contributes towards the risk of being interrupted by police officers whilst engaging in public sex extremely difficult for MSM to calculate. As Adam and Van Loon (2000) state, a vital component of risk is that it implies a calculation. Unlike danger, risk engenders a sense of knowing and thereby calls upon a relationship between information and anticipation. The information that MSM are receiving as to the regulation of their public sexual practices, is that in fact it could occur at any time and they have no real way of knowing when this will be, so essentially, they are aware, but fundamentally, they cannot know (Foucault 1995). Furthermore, should they be interrupted by police, it is unclear as to what action, if any, would be taken against them. As such, as Paul's

comment saliently demonstrates, in terms of encountering law enforcement agents, there exists an ever-present feeling of *“risking it”* for MSM as they pursue the illicit public sexual encounter.

Reminiscent of the earlier extracts from the interviews with Kyle and Scott, there is additionally embedded within Paul's later comment a notion that law enforcement's disciplinary pursuit of MSM is a discretionary choice which can be made at will, i.e. when *“they've got nowt else better to do”*. In the absence of a standardised approach to the policing of public sex, the decision made by officers to pursue disciplinary action against those engaging in same-sex public sexual activities may be interpreted by MSM as a form of personal or group persecution or harassment (Williams and Robinson 2004). This especially could be the case when the same or similar sexual acts, which have previously resulted in no legal action when witnessed or interrupted by police officers, on another occasion, receive a legal response. Evidence of this perception of persecution was intrinsic within all of the participant comments that have so far been discussed, but particularly within the statement made by Scott in which he referred to being *“over policed”*. In its excess it implies choice and the notion of choice poses a direct and distinct challenge to the objective reverence of legality and subsequently, MSM's trust and faith in the law.

Trust in officers to respond in an objective manner to MSM was also found by this study to extend to other areas of policing services, beyond the regulation of their public sexual practices. In discussing how confident he would feel in calling for police assistance should he find himself in danger or harmed within a public sex environment, Joshua, a forty year old MSM with an experience of using public sex environments in Newcastle that extended for *“more years than I could count love”*, articulated a concern that should he require any assistance from police, he would not receive it in a timely manner:

You've just got to hope that nowt happens to you really, I mean we know our place, its right down the bottom of their call response list. My friend I was telling you about, he got a

dreadful response, but I know other people who have been treated well so it's the luck of the draw I reckon. (Joshua)

It remains somewhat unclear as to whether the collective “we” to whom Joshua refers as being placed at the bottom of a call response list is inclusive of MSM in particular or sexual minorities more broadly. The friend that is referred to, had experienced a serious assault with a glass bottle within the confines of Newcastle’s gay scene in what Joshua had described as being a violent homophobic hate crime but details as to the circumstances of the legal interactions of the “*other people*” to whom he refers were not provided. Regardless, Joshua’s comments above require further scrutiny. As Comstock (1989) contends, sexual minority victims of violence often perceive the police force to be inherently homophobic and as a direct consequence, they can fear experiencing secondary victimisation from officers. This fear or concern regarding secondary victimisation is certainly present within Joshua’s sentiments, although it is implied rather than explicitly stated. The notion that should he urgently require assistance, he would be placed at the bottom of a call list to be responded to only after the police have dealt with all other pressing matters can be conceptualised within a complex framework of identity politics and victim-blaming. Here, the police are portrayed as responding to a crime not upon the basis of severity or urgency, but rather upon the idyllic nature of the victim (see Christie 1986) which is determined by their conformity to gender and sexual norms.

Sexual minorities, who are victims of violence, Moran (2015) argues, often experience being “bad victims” (p.269). What this essentially means is that they are viewed as in some way deserving of the act of violence due to their own wrong doing. In such circumstances, for example an incident of hate crime, the individual agency of the perpetrator is transferred to higher authorities in that the perpetrators themselves feel that they are performing a moral service to society and consequently victim and perpetrator symbolically change places (Van Der Meer 2003). Culpability then is in this sense, ascribed to the misfortunes of the sexual other on a moral basis for their deviation from cultural norms and outsider status. Being conceptualised as a ‘bad’ or non-ideal victim has

a number of repercussions for the legal response that is received, particularly for MSM who experience acts of violence within public sex environments who may, as Joshua indicates, find that their access to police assistance is delayed or inconsistent. Not just as a consequence of a perceived sexual minority status but also as a result of their own criminality as they engage in sexual practices in the public sphere.

The concepts of police choice and discretion are again raised by Joshua reinforcing the earlier comments made by other participants regarding relations between MSM and law enforcement and the unpredictability of the ways in which they encounter regulation. The objectivity of institution-based systems of law is overtly challenged by Joshua's words as he speaks of a lottery-style draw as to whether a good police response would be received should he become a victim of a violent offence. However, Joshua's perception of police response has been formed primarily upon the basis of the experiences of others. As Sharp and Atherton (2007) note, adverse orientation towards police and policing practices is not always necessarily constructed on individual experiences alone but can be transmitted as part of a cultural process (p.753). This would certainly seem to be the case for Joshua as when asked if he had personally experienced violence, or had required police assistance within the boundaries of the public sex environments that he uses, he audibly scoffed at the question and responded:

"Nah, I'm too long in the tooth for that, like I said before, you've got to just hope against hope that nowt happens really, or at least nowt too serious. There's scuffles down that end all the time but it usually sorts itself out and folk know me in the places where I go, or they should do by now (pause). I don't tend to get a lot of hassle you know... It's not worth being called a grass (yawn) coz the police won't do 'owt for you anyway, may as well save your breath". (Joshua)

Tewksbury (1995) acknowledges that individual men who use public sex environments often see themselves as unlikely to be victimised and furthermore, believe that they have greater capabilities than most to detect and avoid problematic interactions. Joshua's perception articulated above, that his familiarity with others who use the same spaces for public sex as he does, in some way acts as a protective factor for his personal safety,

serves to compensate for his lack of confidence in law enforcement agents to offer him assistance and enables him to continue in his pursuit of public sex. This familiarity with fellow cruisers also goes some way to dispel traditional myths regarding MSM as a 'silent' demographic with an absence of community (see Delph 1978).

There is also a hint within Joshua's statement of MSM participating in a process of self-regulation. When "*scuffles*" break out, these are able to be resolved without a necessity to involve law enforcement agents, and to do otherwise, would be seen as operating beyond the accepted social norms of the group. Joshua's comment therefore, assists in demonstrating how internalised mechanisms of social control, ordinarily exercised by law enforcement agents, serve as a mode of self-governance within the public sex environment i.e. codes of behaviour are established and are enforced under the watchful gaze of others (Foucault 1995). Where deviations or breaches occur, these are quickly remedied by sanction of violence in the form of "*scuffles*", or social alienation by the allocation of a "*grass*" label. The use of the word "*grass*" to refer to those who seek police involvement for disputes is a deeply entrenched phenomenon, particularly within working-class communities such as Newcastle. The term itself implies a hierarchy of power in which the person seen to be 'grassing' is subordinated for their perceived untrustworthiness (Yates 2006). But, perhaps more significantly, the use of the label "*grass*" to describe those seen to provide the police with information reflects the continued and deep suspicion of the police held by sexual minority groups.

Importantly, not all participants of this research expressed such distrust for the police as has been discussed so far. During an interview with a twenty-five-year-old participant named Steven, he acknowledged the existence of some "*alright police officers*" and noted their consistent presence at annual local pride events:

There's some alright police officers about, I mean they seem to be making an effort, you see them at Pride every year and stuff, but you never really know how much of its just lip service. But I mean whenever I've had issues they've always been alright but to be fair I've only ever needed them for stuff like when I got burgled or when I had my car crash;

I've never needed them for stuff like linked to sex or nothing so I dunno what they'd be like for that. (Steven)

Steven's comments above seem to allude to the success of local community policing initiatives which have aimed to rebrand and reimagine contemporary policing as modern, adaptive, and inclusive (Russell 2016). Indeed, the participation of uniformed police officers in gay pride parades, to which Steven refers, is now very much commonplace, if at times still controversial (Sklansky 2006, p.1223). Nonetheless, his uncertainty as to the response of law enforcement to issues that relate to his public sexual practices suggests that recent policy shifts towards communitarianism in policing strategy are not adequately reaching and engaging with MSM in Newcastle.

Morally charged and heavily based upon reciprocity, community-centred policies such as community policing focus upon the obligations and expectations that one has to those who one lives closest to (Revill 1993). Characterised as a transient demographic, (Turner 2003) the emphasis that is placed upon localism within such strategies can, for MSM prove highly exclusionary. As Crow and Allan (1994) highlight, such policies are often paradoxical as whilst they are seen to represent an attempt to build upon sets of informal relationships occurring 'naturally' in local communities, they also, by nature imply that there is something lacking in the community itself whether it be capacity, confidence, cohesion, or moral integrity (Taylor 2003). Often unaccompanied by an adequate transfer of funds and resources, the presence of community within public policy has become somewhat of a metaphor for the absence or withdrawal of services by the state and furthermore points to a mismatch between the character of much community life and the assumptions upon which these policies are built.

A key concern regarding this persistent turn to community within policing strategies is, as Young (1986) states, the pressure that the term community imposes upon individuals to choose singular facets of their identity and the suppression and marginalisation of those who do not conform. The denial of difference, for Young, positions the community ideal not as the "safe", "warm" and "cosy" place that is described within the work of Zygmunt

Bauman (2001, p.1), but as a site of social and political exclusion particularly for sexual and ethnic minorities (Young 1986, p.7). This was evidenced within the interview conducted with Travis, a twenty year old MSM who questioned the legitimacy of a gay community from which he felt ostracised for his engagement in public sex:

...it's something that I think I've just made my peace with you know, there's always going to be people who don't like what I do but the trick is to just let it slide there's no point getting all worked up about it. The only time I think it really bothers me is when I get a load of grief off other gay guys for it (long pause). You know the whole point of the gay community is that it's supposed to be a place where everyone's welcome, like that's what it should be. That's what it was always meant to be. There's some guys though who'll push you out of the door as soon as they know that you've even been near Site A. It's like they have to knock you down so they'll spread all kinds of rumours about you, you know. So really that's not the sort of gay community that I want to be part of right now. (Travis)

Few would contend that men who have sex with other men, regardless of sexual orientation, have been (and to a large extent, still are) negatively labelled by those who find their sexual preferences or lifestyles to be disreputable (Frederick 2014). However, what Travis' comment above displays is that this negative labelling also extends to those within the stigmatised groups as MSM experience negative responses from members of the gay community. This can be due, as Travis indicates, to their association with illicit public sexual practices or, their lack of affiliation to a particular sexual identity as they instead form their own identities based upon their own surroundings and practices. In line with 'homonormative' (Duggan 2002) discourses concerning the readjustment of same-sex desires and interests in order to render them compatible with a set of traditional values and institutions, or heteronormativity (Croce 2015), men seeking anonymous sex with other men in public sex environments arguably transgress the homonormative ideals of monogamous relationships and responsible disease prevention strategies. This new strain of gay moralism (Duggan 2002), in which promiscuity is attacked and monogamous relationships and marriage are advocated, is arguably in direct contention with the actions of those engaging in anonymous public sex with other men and therefore may be seen as unwelcome within the gay community. Consequently, community policing strategies which

are primarily focused upon developing a sense of cohesion between the gay community and law enforcement can prove highly exclusionary for MSM and create further barriers to their engagement with local policing teams, which in turn places them at increasing risk of harm.

One of the central challenges for community policing in relation to MSM who utilise the public sex environments of Newcastle, is, as demonstrated by Travis, the absence of a community identity that is shared by all MSM. The terminology of MSM in itself, accurately recognises that same-sex sexual behaviours and practices need not have any real reflection or bearing upon an individual's self-identification (Young and Meyer 2005) and as such, in line with the queer perspective, adopts an 'umbrella' or 'broad-brush' approach to inclusion (Callis 2009). Although conceptualised in this way i.e. no shared community; it is important to note that this does not mean that MSM necessarily experience a *lack* of community. To the contrary, the work of Ashford (2006) and Mowlabocus (2008) detail the increasing development of Cyber Cottages which serve as virtual communities within, and through which, MSM can and do connect with each other for a multitude of purposes. As Gudelunas (2012) states, men have always found a means to communicate with other men within a culture that severely restricts talk about sex and specifically polices talk about non-normative sexual practices. To this end, the Internet in particular can be seen as playing an active role in the creation and maintenance of community networks through which MSM can obtain support, share warnings, and sexually connect with each other. Indeed, the conceptualisation of the Internet as a space of new virtual cruising opportunities will be returned to later in this chapter.

As a strictly behavioural demographic (Young and Meyer 2005), MSM can arguably become disenfranchised and excluded by policing strategies which continue to be based around notions of community and identity politics (Moran 2007). For example, following his report to the police of a sexual assault which he experienced whilst within Site A; Angus, a twenty-four-year-old MSM, criticised his referral by law enforcement agents to a specific LGBT Liaison Officer:

...they [police] just assumed I was gay. Soon as they knew where I was and what I'd been up to. I actually watched the silly cow tick the box without even asking me the question. Like she didn't think it was worth the hassle of actually checking coz how could I not be gay right? I mean clearly it's just so obvious (laughs). Thing is though it's not even funny coz then I starts getting all these phone calls from this ah man what did they call it? (pause) It was something like a LGBT something or other, officer or whatever, from the police anyways, and they were spouting all this stuff about support services for what happened. ... It's not right man I could have had her job for that and it's exactly why I took as long to report it in the first place. ...They just make assumptions about who you are. Like I don't really buy into the whole LGBT thing, but they put me down as that anyway coz they just can't understand. It's like you're gay or you're not gay and it's not worth trying to tell them otherwise coz they don't see that there could be other choices coz there's no option for that on their special form (Angus).

As Angus' anecdote saliently demonstrates, engagement with the police can often mean entering a realm where control over one's identity is impossible. The imposition of a fixed and public identity, for instance, as a gay, heterosexual, or bi-sexual man by the police, may for some MSM, be considered an undesirable and intolerable outcome of a police encounter. Resistance or fear of this imposition therefore, can as Angus highlighted in his statement above, serve as a complex barrier to reporting incidents which in turn has the potential to increase the risks that are faced in the pursuit of public sex. This is particularly pertinent when considering reports of hate crime made by sexual minority individuals. The requirement for the victim to self-identify as being a member of a target group can ultimately effect whether or not the offence is reported at all, and if it is reported, how it is categorised (Stanko and Curry 1997). Subsequently, MSM often become a hidden population of hate crime victims due to their lack of affiliation to any identifiable marginal group within society (Jones & Newburn 2001).

4.3 The Power of Labelling

The labelling by police officers of MSM such as Angus with a homosexual identity can be conceptualised as a mechanism through which institutional power is exercised and performed. In this respect, in their action of labelling, law enforcement officers reinforce

the hierarchal relationship with those that they label as individuals and groups are denied or granted access to a range of privileges and rights as a result of the label that they have been given (Plummer 1998, p.84). For example, as Angus was perceived to be a gay man, due to the specific location in which he was sexually assaulted, he was granted access to a specialist LGBT officer who made contact with him a short while later to provide support information. Had Angus not have been labelled as LGBT upon the report of this crime, then this specialised support service would have arguably remained beyond his reach. Whilst the introduction of behavioural categorisations such as MSM were originally implemented in order to avoid awkward assumptions regarding fixed or singular sexual identities (Boellstorff 2011), in practice, Young and Meyer (2005) argue, the term has over time, come to signify a decided lack of sexual minority identity (p.1145) which in turn leads to the very assumptions being made that the term had intended to avoid. Consequently, MSM may find that they are met with a range of administrative barriers to service provision or, as in Angus' case, when accessing services, are labelled with an identity that does not perhaps reflect their own.

Understood not necessarily as he understands himself, and defined only by a singular dimension of his identity (Jones and McEwen 2000, p.412), Angus, in receipt of his imposed label, is symbolically and actually stripped of his autonomy to self-determine his own identity and is instead forcibly issued with a marginal or 'othered' social status. This can have a number of implications for MSM as the freedom and ability to self-present one's own identity can serve as a strategy through which stigma may be effectively avoided or managed (Birnholtz et al. 2014, p.3). As Altman et al. (2012) contend, whilst there have been major shifts in societal and epidemiological understandings regarding the transmission of HIV/AIDS, sexual encounters between men remain "misunderstood, feared and discriminated against" (p.439) and consequently are subject to wide-ranging social stigma. The impact of being forcibly assigned this stigmatised or spoiled identity (Goffman 1968) upon the individual can be, but is not limited to, adverse self-esteem,

hypervigilance and anxiety which can all have long-term psychological effects (Meyer 1995, p.41).

Furthermore, as the imposition of a marginal social status can have ramifications for an individual's sexual citizenship and consequently their right to be visible within public spaces (Schippers 2016), MSM, can when labelled in this way, disappear further into liminality. This is reflected within the work of Jones and Newburn (2001) in which they question the imposition of a 'hard to reach' label upon marginalised groups by those in positions of authority. The suggestion made that these groups are 'hard to reach', they argue, perpetuates the very inequalities that the label was designed to highlight. Instead, they contend that what this label often signifies is a difficulty held by those with power to engage with these groups on a positive level (p.vii). This absence of positive engagement was certainly evident within the actions of the law enforcement agent who issued Angus with a sexual minority label without first asking him how he identified himself. As Angus indicated he had expected this to happen which had prevented him initially from reporting the incident. Whilst expectant of the response that he ultimately received, there was a suggestion within Angus' words that he did not raise his dissatisfaction with the individual officer or another officer at the time. As such, Angus was further asked:

Researcher: When she ticked the box without asking you, did you tell her that weren't happy with what she'd done? Or did you speak to anybody else about it later on?

Angus: Not really much point, and the thing is when you go in there asking for help the last thing you want to do is complain coz then they aren't as fussed about helping you out so you know, you just have to take one on the chin sort of thing so you get what you need off them.

Within his comment above, Angus positions his interactions with law enforcement as a transactional process where in order to receive assistance he must metaphorically "*take one on the chin*", or in other words allow police to impose an identity label upon him without complaint. Again this notion speaks broadly to the deeply embedded culture of mistrust between MSM in Newcastle and agents of law enforcement which has been

referred to by other participants, but it also signifies that despite this wariness of the police, MSM such as Angus can maintain a perception of the law as autonomous and a mechanism towards which they can turn for legal remedy. The price to be paid for this legal remedy is, in this case, presented as being the inscription of an identity label that does not necessarily reflect his own.

Imposed identity labels issued by the police to MSM, as and when they interact, can potentially increase the social risks faced by MSM in their pursuit of the illicit public sexual encounter. For one participant, Charlie a twenty-one year old MSM, the imposition of a sexual minority label by the police was positioned as the most substantial risk that he faced when engaging in public same-sex intimacies. Originating from a Black, Asian and minority ethnic (BAME) background; Charlie explained that his South Asian ethnic and cultural heritage not only placed restrictions upon his ability to talk openly about sex, or what were considered to be “shameful matters”, with others (Weston 2003, p.112), but it also strongly opposed his sexual orientation as a gay man. Although das Nair and Thomas (2012) note the difficulties that non-BAME researchers can face in obtaining and maintaining access to MSM from BAME populations due to their general lack of visibility (p.10), it is worth noting that Charlie’s engagement with this study had resulted from information that he had received during his interactions with an online support network primarily for South Asian gay men. This appears to support the findings of research conducted by Evans et al. (2008) who reported that increasing numbers of MSM from BAME populations were utilising the Internet to communicate with others and were thus becoming much more visible in virtual spaces. Of his interactions online which had led to both his public sexual practices and his engagement with this study, Charlie stated:

...I can't go to the gay bars or clubs in case anyone saw me there, I just can't risk it. My only way of finding things out is online. That's the way you learn. There are others like me..., They told me I would be safe in (Site B) if I wanted to take things further, they all have their reasons too for keeping things quiet but it makes a difference knowing I can talk to someone, they told me I should talk to you too, that it would help. (Charlie)

Inherent within Charlie's comment above is his feelings of isolation. Unable to perform his sexual identity and separated from the gay community, Charlie's Internet use is presented as a means to overcoming the cultural barrier he faces regarding his sexuality in order to connect with others. As the interview progressed, Charlie disclosed that he would eventually marry a woman and that this was in the process of being arranged via his immediate family members. Charlie stated that he had willingly consented to the arranged marriage and was looking forward to having the opportunity to "*please*" his mother and grandmother with whom he described his relationship as being "*very special*". Despite describing a familial closeness to his mother and grandmother in particular, Charlie expressed that he had felt unable to share his gay identity with his close friends and family as he was concerned that they would "*not understand*" and that he would ultimately be "*disowned*" by them and also his wider community. Indeed, the perception held by Charlie that his gay identity would not be accepted by family members is also recorded within the research of McKeown et al. (2010) who document, in their study of ethnic sexual minorities living in British Cultures, that any sign of divergence from a heteronormative path is, in South Asian Communities, stringently and "judiciously policed" (p.847). Subsequently, Charlie conveyed that he was extremely fearful of the criminalisation that an encounter with the police could produce due to the shame that he perceived would be experienced by his immediate family:

"I'm a good son and I make my family proud. I've never been in any kind of trouble at school or with police or with anybody so they just wouldn't expect anything like this from me at all. I keep thinking about how shamed they'd feel to see me sitting in the back of a police car...My family would never forgive me for bringing that shame on them, I really couldn't bear the thought of the police having to tell them what I am" (Charlie).

For Charlie, his presentation of self in terms of what he personally believes makes him a "*good son*" i.e. having never been in any kind of trouble before, serves as a protective coating or layer behind which he can distance himself from experiencing the double stigmatisation, or the minority stress – psychological stress derived from minority status (Brooks 1981) - of having an ethnic minority background and being a man who has sex

with other men. Particularly within South Asian communities where familial expectations regarding marriage and children are characteristically high, failure for men to do so and to continue the family's lineage can be viewed as a serious derogation of their "express duty to marry and procreate" (McKeown et al. 2010, p.848). This in turn can generate a substantial level of pressure for South Asian men with homosexual identities to conform to the heteronormative ideal. In this instance, it is clear to see from Charlie's words how this cultural pressure has led to the development of a duality in his identity which can be performed within different contexts at different times (Butler 1990, 1993) and as such forms a central component to his strategy for coping with his minority status. Those who experience minority stress can often, like Charlie, mount these coping responses in order to address the unique stressors experienced as a result of prejudice and stigma which can significantly impact upon their psychological and emotional wellbeing (Meyer 2015). Coping responses can also include partaking in high-risk behaviours; for example, as Bourne et al. (2015) highlight, gay and bisexual identifying men report higher rates of substance use than age-comparable heterosexual men and the reasons for this are most commonly, they suggest, a result of minority stress (Meyer 1995).

There is an innate sense within Charlie's narrative, particularly as he frames his sexual practices as strongly conflicting with his traditional family values, of a pressure felt to choose between his sexual and cultural identities (Greene 1994, p.245). It is this choice (or indeed lack of as he concedes that his family would be unaccepting of a gay identity) that he envisions being taken out of his hands should his public sexual practices attract the attention of law enforcement agents. Interestingly, Charlie positions a disclosure of sexual identity made by the police to his family as a duty that they would *have* to perform upon his arrest. To this end, the power that is held by the police to label the sexual identities of those that they encounter is presented as an additional means of exerting disciplinary control. When the law is viewed as an objective and autonomous system within society; agents of law enforcement, as a capillary of this institution-based power, may be conceptualised as embodying a righteous form of authority or a knowledge based

truth. The sexual identity labels that they attach to MSM therefore, may be accepted by third parties unquestionably. Indeed, within Charlie's comments there is an acknowledgement of the shame that he perceives would be caused to his family if they were to be told by police of his hidden homosexual identity. Whether a disclosure would be likely to be made or not, the threat of such an occurrence is framed by Charlie as an additional legal remedy that the police have to their disposal when dealing with his public sexual activities and as such a further risk that he faces.

In order to reduce the amount of time that he spends cruising for sex within public space, and thus limit the opportunities that law enforcement may have to encounter him, Charlie discussed feeling increasingly reliant upon his online support network which he also utilised to connect with potential sexual partners:

Sometimes you just need someone to tell you that what you are doing is OK, that you're not crazy or totally on your own because that's how you feel. Even when you are with someone, it's quite lonely really. I know I can get support online though.I couldn't manage to do this without my friends online, they get me through. (Charlie)

However, whilst the availability of a peer group may be presented as a positive advantage of using the Internet in terms of reducing isolation, as Carlos et al. (2010) argue, peers can have a strong influence on the health and social behaviours of individuals of all ages and in fact studies among racially diverse MSM have shown associations between peer norms and sexual risk (Waldo et al. 2000; Chesney et al. 2003). For MSM like Charlie, who, due to his distance from the gay community, may not have benefitted from the safer-sex campaigns targeting the commercial gay scene, his reliance upon peers for information could potentially lead to unsafe sexual practices if sex categorised as 'risky' is being promoted by peers. Within Charlie's statement there is arguably evidence of his online peers offering guidance to him in terms of informing him which public sex environments he would be safe in and encouraging him to participate in this research. What remains unclear however, is the extent to which via this online network safer sex campaign messages are being relayed or risky sexual practices being promoted.

In addition to the interview conducted with Charlie, the concern or fear of an imposed sexual identity label given by the police being disclosed to others also became apparent within the interview with a twenty-nine year old participant named Tyler. Tyler had, prior to interview, self-identified as heterosexual and explained that he was in a long-term relationship with a woman with whom he had recently bought a home. During a discussion regarding how safe he felt within the particular public sex environment that he used, Tyler detailed how an underlying worry that an incident report made to the police would lead to him being 'outed' to his partner would create a substantial barrier to his engagement with law enforcement agents.

I couldn't involve the police like if anything happened down there, it does make me think sometimes but I mean what can I do? I don't really have a choice coz my lass would be asking too many questions and it's not like the police would lie for me and tell her I'd been jumped in a car park or something. The most they'd probably say was that they couldn't discuss it with her and THAT would be much worse, I mean she'd be all over that (mimics) Why can't they tell me Tyler? What you been up to Tyler? She wouldn't rest til she knew, it would be a fucking nightmare (Tyler).

Despite an acknowledgement (contrary to Charlie's narrative above) that it may not be the police who make the disclosure to his partner, for Tyler his apprehension and ultimate reluctance to engage are created by the suspicions that may be raised by a police omission. In not providing his partner with details of the hypothetical incident, the foundations, in Tyler's eyes, would be laid for him to be 'outed'. For MSM, 'outing' can mean not only the designation of a homosexual identity label that may not necessarily reflect their own self-identification; but can, when being referred to as MSM, mean the 'outing' of their sexual practices. The label itself implies explicitly that the individual engages in sex with other men, unlike the term gay which refers to identity rather than behaviour.

'Outing' may be viewed as a relational concept that is comprised of at least three parties: the 'outed' person, the person doing the 'outing', and the person receiving the information. For an act to be considered one of 'outing', the outee must be concealing his homosexual

identity or actions in at least one area of his life. If there is no minimal amount of hiding, if the person is publicly 'out' and/or has no qualms about being identified as gay, then 'outing' would not be successful, for it would not reveal what is hidden (Halwani 2002, p.143). 'Outing', perhaps most importantly, does not have to be an intentional or malicious act but rather can be an accidental disclosure made, or indeed as Tyler suggests, achieved through an omission. Tyler's fear of being outed to his partner was further demonstrated as he discussed an occasion in which he had encountered a previous male sexual partner whilst shopping for groceries at his local supermarket:

Tyler: I seen a guy once that I knew I'd been with, recognised him straight away. I was in Tesco's with (names partner) and her mam we were getting the big Christmas shop in of all things. Was fucking terrified that he was going to clock me and say something (Pause).

Researcher: *What did you think he was going to say?*

Tyler: (Long Pause) When I think about it logically, I think the most he would of done was to say hello (pause). And I could of passed that off as someone I knew from the gym, she wouldn't of known any different, she probably wouldn't of even asked. She would of done if it had been a woman speaking to me, she would have been all over that, but not a bloke, she wouldn't of batted an eyelid. But at that time I was bricking it 100%. Thought I was going to be outed right in the middle of Tesco's. In front of her mam and everything.

Researcher: *What did you do?*

Tyler: The only thing I could do, my brain was in a total fucking panic, I said that the shopping was taking too long and it was just too busy so told her I'd just wait in the car for her. Handed her my bank card and pissed off out of there.

It is worth noting the significance of the location in which Tyler's anecdote takes place and the prominence that he places upon being 'outed' in that space. The supermarket, arguably, is a predominantly heteronormative space (Valentine 1996) in which emphasis is heavily focused upon the heterosexual family and the home. Such is the familial focus within the supermarket that grocery shopping is increasingly viewed as an activity undertaken by the whole family together rather than being solely a responsibility of the household female (Piron 2002). A merging of traditional family roles and societal shifts

mean that more men now adopt broader gendered roles toward family chores and grocery shopping duties (Mortimer and Clarke 2011). By partaking in the grocery shopping with his girlfriend and her mother, Tyler was arguably conforming to these heteronormative ideals and performing his heterosexuality in the context of purchasing goods for the home that they share. The sudden presence of a man that Tyler had “*been with*” within this heteronormative space served as a direct confrontation to the heterosexual identity that Tyler was performing. Or to be put another way, the man that Tyler encountered in Tesco was symbolically out of place alerting him to the possible risk he faced of being outed and subsequently prompting his swift exit from Tesco to minimise that risk.

The target of ‘outing’ can be devastated by this unwanted notoriety, but ‘outing’ advocates contend that the benefits for all concerned outweigh the injury to the individual (Mohr 1994). Proponents posit that the target will become a more fully integrated person, gay adolescents will be provided with role models, and society will become more tolerant of gay persons. More generally, however, whilst breaking no statutory law, ‘outing’ remains a highly controversial concept as it often inflicts psychological trauma and emotional distress upon those whose right to personal autonomy has been violated (Pollack 1992). As the interview with Tyler continued, he expressed a belief that upon being ‘outed’ his relationship would abruptly end and he would lose access to the home that he currently shared with his partner:

“There’s no doubt in me mind that she’d have me out. She’s a feisty woman my Mrs, you should see her when she gets going. She wouldn’t forgive it, I scratched her car about six year ago and she still hasn’t forgive that even though there was no real harm done, she won’t let me forget it. There’s just no way she’d let me hang about, I’d be out the door and I’d fully deserve it as well that’s the worst thing” (Tyler).

Despite there being an abundance of academic literature examining the concepts of outing and MSM respectively, there remains little academic focus or reflection on the impact or experiences of MSM upon actually being outed. Whilst highlighting that for MSM like Tyler and Charlie, being outed is certainly a concern and is positioned as a barrier to

police engagement; this study is unable to speculate as to what specific impact actually being outed may have for them or other MSM. Although they maintain a conscious awareness of potential negative outcomes, neither Tyler nor Charlie have experienced actually being outed and so their speculative concerns remain just that. The absence in the literature of reflections on MSM's experiences of being outed could perhaps be explained by the assignment of the label gay to these men upon outing and as such they remain a hidden demographic. Of course that is not to say that all MSM who engaged in this study were resistive of an imposed or assumed sexual identity when encountering police or feared that this identity would be disclosed to others, as Travis states:

...I don't worry myself about what other people might think; I do this [public sex] for me, no one else and I don't hide it from anyone coz why should I? People can just think what they like; I've never been bothered about what people say or what they call me. Whatever it is I've always been called worse... (Travis)

Although it must be noted that for some MSM, being outed to family, friends, or work colleagues would be considered the most significant social risk connected to their public sexual activities with other men; practically speaking, the social risks that individuals may take to engage in public sex often run much broader and do not end at the point of disclosure. For example, should they be arrested for their public sexual activity and enter into the criminal justice system, individuals can face job loss or suspension which in turn would mean loss of income. Without means of regular income situations of debt can quickly arise, cars, furniture, and homes can all be repossessed and in some cases, where applicable, access to children or dependents may be denied or restricted.

For those MSM interviewed for this study that were unconcerned about an imposed identity label issued by police, the social risks faced when encountering regulatory bodies were in the most part relational to the notion of criminality. The consequences of being caught by police engaging in public sex, particularly when occurring in a public lavatory, as per S.71 of the Sexual Offences Act 2003, can be severe with those found guilty of this specific offence liable for a term of imprisonment or a fine. During the interview with a

twenty-five year old participant called Tom, the perceived personal and professional consequences of being found guilty of such an offence were outlined:

I think for me the biggest issue is that if I get caught then literally I'm just totally fucked. Like nine times out of ten you'd probably get away with a caution or something for it [public sex] but there's always the chance of ending up in Court, I know a few people that have. ...Like don't get me wrong I know it's like a rare case but I'm just unlucky enough to be one of the ones who'd have to go [to Court]. And for me it would mean I'd be out on me ear at work coz I have to keep a totally clean record coz of working with vulnerable people and I wouldn't be able to explain it away. ...At the end of day they have a responsibility to make sure that everyone stays safe so I'd just be sacked on the spot. I'm basically living month to month as it is so I wouldn't be able to cover my rent or nothing and I'm not trained to do anything else so I'd be homeless pretty fucking quick that's for sure. You see a lot of homeless people hanging around Site B you know and that's probably how they've fucking got there, it can just so easily all fall apart and there's nowt you can do about it. (Tom)

In contrast to the previous participants whose concerns regarded the social impact of being labelled by police as homosexual; Tom's narrative contains an explicit apprehension as to the domino-effect consequences of being labelled criminal. Tom describes losing his job, being unable to pay his rent, and ultimately becoming homeless all as possible negative and unwanted outcomes of his criminalisation. A number of recent studies have also pointed to a sexual health impact faced as a result of criminalising MSM (Ahmed et al. 2011; Clark 2014; Arreola et al. 2015) as steps taken to avoid encountering police can diminish opportunities for access to sexual health services.

Nevertheless, for the MSM interviewed for this study the social risk of being labelled by police, whether this is in relation to sexual identity or criminality, has not deterred them from engaging in public sex. However, with that said, it has impacted upon the steps that they take in order to avoid encountering law enforcement agents. For example, Charlie, details his utilisation of the football season in order to ensure that his public sexual practices remain low on police priorities. The logic that he uses is that on days when the city of Newcastle hosts a premiership football match, police resources are often heavily

focused upon city centre spaces and thus public sex environments on the margins are often left alone:

They [police] have bigger things to worry about then so it's just better that way. I still worry that I'll get caught out but I think there's less chance when they are so busy. (Charlie)

For Charlie the utilisation of the football match to assist him in avoiding a regulatory gaze has also proved useful in terms of providing him with an alibi to be issued when his family inquire about his whereabouts. Charlie explained that this had worked particularly well as he was known to family members as a football fan so they had accepted his explanation of attending the football games. This proved problematic, however, when a family member requested that they attend with him and he recounted a frantic last minute scramble to obtain tickets to a game that he had never had any intention of attending.

The timing of attendance at a public sex environment as a means for avoiding police detection was also featured within the account given by Tom in which he stated:

I don't care what anybody says it is best to go in the dark coz as long as you wear dark clothes they don't have much chance of seeing you. What you have to remember is that we know that place better than they do, we can find ways in and out without needing too much light. It's no problem at all for us. I know plenty of people that have been collared in the day though. I think they take it more seriously then as well coz there's more people about. It shouldn't make any difference really but it does (Tom).

Integral to Tom's comments above is a notion of discretion exercised by the police in which public sexual activity is perceived to be dealt with differently during the day compared to at night. As Tom suggests this may be due to the number of people that are present during the day-light hours, certainly this would support police action under the common law in terms of an outrage to public decency for which two or more persons must have been present even if they did not actually see the lewd or obscene act. Ultimately, however, the perception of a differing police response received during the day-light hours for public sex reflects an explicit insertion of morality into the application of the criminal law by law enforcement agents as they reinforce normative uses of public space.

Illuminated by day-light, MSM therefore, posing a direct contention to the normative ideals of the urban environment, are figuratively faced with a choice of being subject to an intensified regulatory gaze, or moving further into the liminal margins of the landscape in their pursuit of the illicit public sexual encounter.

4.4 The Lived Experience of Regulation: Safety and Danger

Whether undertaken during the day-light hours or under the cover of darkness, all public sexual encounters run the risk of being disturbed by law enforcement agents. The decision to arrest or not, however, rests with the individual law enforcement officer who must utilise the legal provisions available to them to determine whether or not a violation of the law has occurred. As has already been determined by this thesis, the law relating to public sex in England and Wales contains a number of ambiguities which may be considered open to subjective interpretation. For example, S.5 of the Public Order Act 1986 can be applied by the police to cases of public sex despite no mention of sexual behaviours being made within the wording of the Act. The application instead relies upon a provision of alarm and distress being caused to an unwilling observer. It is therefore, perhaps unsurprising that whilst some agents of law enforcement are seen to, as one participant stated, “*turn a blind eye*” to the public sexual practices of MSM in Newcastle, others, as is demonstrated within the following interview extract with a twenty-two year old MSM named Brad, are proactively engaged in policing sites of public sex:

Brad: *...we do mostly get left alone; I know it used to be much worse. Like there were some proper bent cops around that just used to show up and kick people's heads in for nowt. But now I think it's a case of just a few narrow minds lingering about you know. People set in their ways that you'll never change no matter how hard you try. God I mean there's this one guy and honestly he must just volunteer to go and have a snoop round Site A, coz whenever I've seen any bother with the police down there it's always bloody him. He loves it.*

Researcher: *Do you see the police regularly in Site A?*

Brad: *Erm not unless you count that guy (laughs). In all honesty though I think it's how he gets his thrills, patrolling round like he owns the place waiting to catch us out, pretty sad really. He won't change, I reckon he's probably in his late forties and he'll have his own views that are just set in stone. I've got an aunt and uncle who are literally exactly the same, you can't change them and you never will but at least they don't show up causing bother, they just live and let live.*

Researcher: *So what sort of bother do you mean?*

Brad: *Nothing heavy, he's just all mouth and cuff-happy that one and he likes to show off in front of which ever poor mug has to be his partner that day...Some people just hate us [MSM] and that's fine I'm not bothered about that, but people like him try and hide behind the uniform and that just makes me sick.*

Researcher: *OK, you said you have an auntie and uncle, was it? Who are also like that? Why do you think this guy bothers you more?*

Brad: *It's not that he bothers me exactly; it's more coz of the hypocrisy of it all. Like they don't practice what they preach about equality and stuff. He very clearly has some sort of problem and he uses the fact that he's in the police to get to us, it's unfair and it just shouldn't happen in this day and age.*

As noted by Messerschmidt (1993) social institutions have varied greatly in their acceptance of homosexual identities and behaviours and indeed the UK criminal justice system is still largely dominated by a white, masculine, and heterosexual ethos or a hegemonic masculinity (Miller et al. 2003). Hegemonic masculinity at its core, Herek (1986) suggests, may be seen to be formulated upon a foundation of homophobia in which in order to be "a man" one must be seen to be hostile towards homosexual persons in general and gay men in particular (p.563). Although police have recently worked towards building stronger and more cohesive relationships with LGBT and sexual minority communities (Russell 2016), remnants of a less satisfactory history of policing practices in relation to these groups may still be seen to impact upon their relationship today. As Miles-Johnson (2012) argues, in order for law enforcement's endeavours to build trust and rapport with sexual minorities to be successful, there must first be a relationship there to

build upon. This relationship, he suggests, is still somewhat elusive as many minority groups make conscious efforts to avoid the police in their everyday lives (p.685).

Whilst this chapter began with the narratives of participants who had voiced their frustrations at what they perceived to be excessive or “over” policing practices aimed specifically at MSM by agents of law enforcement, Brad explicitly points to practices of discrimination in which this particular officer is referred to as “*cuff-happy*” and harbouring a deep-rooted hatred for MSM. In this sense Brad goes on to challenge what he believes to be a legal system of hypocrisy in which officer bias may be shrouded with a uniform of righteousness. He takes this particular position due to the number of times that he has witnessed this specific officer in and around the public sex environment that he uses. It is however, possible that given the increasing emphasis placed upon community based policing within broader public policy that his familiarity with this officer has resulted from a growing pressure put upon police to have a visibility that exists beyond simply drive-by methods of reassurance (Millie and Herrington 2005, p.43).

Nevertheless, although Brad expressed unease at what he perceived to be the persistent targeted policing practices of a particular officer, he went on to state later in the interview that actually at times the presence of this familiar police officer contributed towards feelings of safety when he was in and around the public sex environment:

Brad: Don't get me wrong, sometimes I'm quite glad he's there 'coz it just kinda reassures you. I mean the guy is an absolute dick and when I'm in the middle of stuff [public sex] he's the last person I want turning up 'coz that wouldn't be pretty. But you know sometimes it's good to just know that you're not totally out on your own. Do you know what I mean? Or do you just think I've lost it?

Researcher: No no not at all, it makes perfect sense to me. What do you think it is that gives you that reassurance? 'Coz you've said he's not particularly a very nice sort of character.

Brad: (Laughs) that's putting it mildly. Nah he really isn't nice that why he's down there in the first place, the others [law enforcement agents] couldn't care less, I only ever really see him hanging about in his car, him and the chubby guy that's sometimes with him. Sits

there with his Ray Bans on just watching who's going in and out like some sort of ah I dunno (pause), what was the question again?

Researcher: *Why does him being there make you feel more reassured?*

Brad: *Erm, I dunno really. I think I'm just saying that 'coz I've had a few near misses lately, coz usually it pisses me right off when I see him stalking about.*

Researcher: *How'd you mean?*

Brad: (Coughs) *I haven't really felt that comfortable down there [Site A] since I got jumped on that time [Brad had earlier in the interview recounted how he had been a victim of a violent homophobic attack]. I get a bit nervy when I'm with people, like I keep thinking that they're just gonna turn on me you know. I mean they're not and it's just me being me but I've had a couple of, well I'd call them near misses where I really haven't felt right about someone and I've had to just walk away, but it was kinda good 'coz one time when I was leaving, I saw him hanging about in his car and it was just good to know he was there I guess.*

Although Brad initially presents the presence of law enforcement within and around the public sex environment that he uses as an unwanted intrusion, his later comments regarding the levels of reassurance that are able to be obtained at moments when he feels unsafe are indicative of a complex intersection between safety and danger and ultimately power and resistance. Brad acknowledges the duality in role of this legal actor to both protect and discipline: however, there remains an uncertainty inherent within Brad's words as to which approach he would be subject. An argument could of course be made that since Brad has encountered this officer on a number of occasions but received no formal legal sanction for his public sexual activities (he has simply observed the disciplining of others), that the officer is positioned in that area on a reassurance initiative rather than to specifically regulate the sexual lives of MSM. Of course in line with Foucault's social theory of panopticism, the power of the legal actor to observe is such, that it is experienced as a mechanism of control even when discontinuous in action. In this respect whilst Brad is aware of the officer's presence, he cannot be sure as to when or how the officer may act against him. Nevertheless, he continues in his public sexual practices as an overt and conscious process of resistance.

Echoing the comments of earlier participants, Brad perceives the regulation of his public sexual practices to be a discretionary choice which the officer in question can “volunteer” for as and when the mood takes him. Whilst Brad points to an individual officer who he feels has taken a particular interest in policing MSM for the purposes of reinforcing his own dominant position, his experiences of subordination are in this sense perceived rather than actually experienced. Physical subordination was however, documented within the interview with a twenty-five year old MSM named Carl who provided a description of an incident during which he felt he had experienced “heavy handling” by officers:

I got arrested about (pause) maybe two years ago now (pause) yeah it must be ‘coz it was just before I met (names female). I was with a guy and they came running in, we were actually not too far in, but far enough (pause) and they ran in, I think there was three of them but there might have been more, I can’t remember. Anyhow, they grabbed both of us and threw us on the ground, all down the side of my face was scraped and I got a cut on my ankle that took ages to heal. I was shouting for them to get off me because I knew I was hurt and you kind of go through the motions when you’ve got an injury where you want to assess the damage, but they wouldn’t let me. They just kept pressing me down and asking if I had stuff in my pockets or my bag that might hurt them. I was like no, but you’re fucking hurting me. It was really frightening actually. I got taken to the station and they were asking loads of questions about what I was doing there and stuff, all I really remember is I kept asking for an anti-bacterial wipe or spray or something for my face because it was really stinging and I could feel it was full of dirt and shit off the ground and I didn’t want an infection but they just told me not to be such a wimp. (Carl)

The embodiment of hegemonic masculinity characteristic of officers of law enforcement is most certainly reflected within the above experience recounted by Carl of his arrest and time spent in custody. Carl expressed that he could not “exactly remember” for what offence he had been arrested but, the way in which he had been dealt with by officers had remained prominent in his mind. Particularly due to his requests for medical assistance for the wound on his face being met with indifference as he was told “not to be such a wimp”. The utilisation of the word “wimp” in this context can be interpreted as attempts by police officers to assert dominance over Carl but may also be seen as homophobic expressions as they position Carl as weak and effeminate. There is increasing evidence to suggest

that the homophobia once dominant within the police force is being successfully confronted, however, incidents such as the one detailed by Carl above, and the perceptions held by other participants such as Joshua, that their calls for aid would be placed at the bottom of a call response list, display a relationship between law enforcement and MSM in Newcastle that is still substantially strained.

This strain in relationship has important implications for the risk management strategies of MSM in Newcastle who may feel unable to report incidents to police as and when they occur. Consequently, as Chakraborti and Garland (2015) highlight, a paradoxical situation has been created whereby despite being more likely to become victims of crime, sexual minorities are less likely to report offences against them to the police than the general population. This is not to suggest, however, that all MSM reject the concept of police assistance and indeed for MSM such as Tom, there was a recognition of a need for an improved line of communication between MSM and the police more generally:

It should be easier for us to report things when they happen, I think that's a big issue for most of us who do this, at the end of the day we're out there on our own and anything can happen. I mean I report stuff regularly even if I'm just out in town coz I mean why should we put up with it. My friends are the same, I've got a big group of friends and they get quite protective of me, they reckon I should report every single thing (pause) but to be fair they also reckon people should give up their seat on the bloody metro for me so I think mostly they're to be ignored (laughs) (sniffs). It does need to be easier though. Like some sort of network where we can share information (Tom)

Tom's comments are significant for a number of reasons, whilst they demonstrate that not all MSM in Newcastle have a tenuous relationship with the police as might be supposed, they also highlight an absence of a formal network (in addition to the informal networks that form in online spaces and indeed within public sex environments themselves) in which MSM can share information regarding real or perceived dangers. As Penfold et al. (2004) note, many agencies, in recognition of the high risk of violence faced by street based sex-workers operate an "Ugly Mugs" or "Dodgy Punter" scheme that encourage street-based sex workers to report incidents of client violence and informally circulate the

information to other sex workers, alerting them to dangerous clients. Details of reported attackers and their vehicles are then posted on bulletin boards, in drop-in centres, and information may also be circulated via newsletters or leaflets.

Whilst the aims of such schemes are primarily to promote safe working practices for street-based workers in that they are enabled to be more selective about which clients they engage with, as Campbell (2002) highlights such networks may also be used as an intelligence source by law enforcement agents. Although MSM in Newcastle make significant use of informal channels of information sharing, usually online, in order to warn others of possible danger, there appears to be no central system or website, such as the “Ugly Mug” scheme, available to men who engage in street-based sex work or for those who seek sexual encounters within the public sphere where no financial arrangement is made. Subsequently, increased pressure may be seen to be placed upon local police to engage with MSM and in some cases creating impossible situations for MSM themselves in which they are faced with a choice of reporting to the police or not reporting at all.

Arguably the increased presence of law enforcement agents in cyber space, for some such as sex workers engaged with the ugly mug scheme, is a desired outcome and enables them to engage more freely with law enforcement. Nevertheless, for some MSM in particular, the presence of law enforcement within cyber spaces designed exclusively for the purposes of MSM conversing with each other is an unwanted intrusion and a further dilution of queer space which was carved with the intention of escaping institution-based forms of regulation. As the introduction of new technologies has witnessed an increasing movement of MSM into online spaces, there is arguably an increased opportunity for them to become subject to cyber surveillance (Jewkes 2003) by law enforcement agents. This again, is not to suggest that this surveillance is widely unwelcome or unwanted; indeed, Travis details the ways in which cyber surveillance may lead to good-will gestures from police as they turn a “*blind eye*” to the public sexual practices of MSM due to an increase in knowledge and awareness gained from the Internet:

I think it's easier for them [police] turning a blind eye to it now, like they know what goes on coz they can see it all online, before I think it was like a big secret or something, they didn't really know much about it. (Travis)

As MSM who cruise for sex within the boundaries of public sex environments in Newcastle are increasingly subject to a regulatory gaze within the public sphere, there has, as Travis illustrates, in recent years been a substantial shift in cruising practices from physical to online spaces. The online realm provides an opportunity for MSM to significantly reduce the time that they spend being visible in public space and consequently is seen to limit their interactions with law enforcement. This is not to suggest, however, that law enforcement do not have an active presence within this virtual space, to the contrary there is a growing acknowledgement of police encroachment within a multitude of queer virtual spaces (Ashford 2009). Nevertheless, this presence of legality within virtual queer space can, for some MSM, serve both risk management and risk increase purposes.

Whilst the emergence of new technologies can be seen to have largely lifted traditional cruising practices out of the public realm, these new technologies have not necessarily rendered the act of physically cruising for sex obsolete, as Brown (2008) indicates; the sensorial elements of the cruising experience are central and often cannot be recreated in a virtual setting. This was particularly true for one participant, Mark, who stated;

I've used Grindr for years but there are too many fake profiles on there or guys who literally just want an ego stroke but don't want to go any further, it's a waste of fucking time if you ask me. Nothing gets the results like going to (Site B). I think it's the smell, it smells like sex if you know what I mean, kinda dirty and grotty but definitely puts you in the mood and you can almost always guarantee a result if you know what I mean? (Mark)

Embedded within Mark's reference to the sensorial atmosphere of the particular site that he visits for the purposes of sexual encounters is the ability of the materiality of the space to affectively pull people into and out of place (Taylor and Falconer 2014). Spaces of public sex are marked materially through litter, graffiti and the visibility of others seeking sex as much as by the smell and feel of the space (Atkins and Laing 2012). Considering that the act of cruising for sex is often a non-verbal practice (Somlai et al. 2001), sensorial

and visual communications such as graffiti inscribed onto the fabric of the environment, discarded condom and lubrication packets, as well as drug paraphernalia littering the ground, can serve multiple purposes. For example, indicating that the site has the potential for sexual encounter to occur and at what particular times of day it may take place. Additionally, these sensorial and visual communications can often provide information regarding whether or not the site is used by groups other than those cruising for sex such as the homeless, those taking or selling drugs or those who are selling sex. Crucially, these sensorial signs, by presenting an image of anti-social behaviour and urban decay, serve to ensure that the space is not encroached upon by those who might disrupt the sexual activity that occurs such as children or unsuspecting members of the public. Thus those seeking sex may be drawn into the space, and those not, are deterred from entering.

Mark describes (Site B) as smelling “kinda dirty and grotty” indicating a space on the margins of society. This conceptualisation is supported by Binnie (2001) who states that public sex sites have frequently been located in forgotten, down-at-heel areas of the city and journeying to them can produce an erotic thrill of being where one is not supposed to be. This sense of place is intricately bound with the sense of smell described by Mark. Echoing the work of Terranova (2007) which focused upon the sense of smell as a “moral barometer in the urban imagination” (p. 137), smell here is mobilised in order to present politicised visions of the city (Adams and Guy 2007). For those not seeking public sexual encounter, the smell of the public sex environment, which is characterised by Brown (2008) as thick with stale urine, fresh sweat and amyl nitrate (p. 926), symbolises a space of urban decay and degradation which is to be avoided or used as fleetingly as possible. For others like Mark who wish to engage in public sex, the avoidance tactics of others in response to the smell of the environment, serves not only, as Mark states, to put him “in the mood”, but also protects the site from encroachment.

Mark’s enjoyment of the physical practice of cruising for public sexual encounters was however, somewhat isolated within this study, with most participants stating that they

preferred to utilised online environments. Subsequently, as MSM delve deeper into cyber spaces they are arguably faced with a unique set of risks not ordinarily found within the public sphere and it is towards these constructions of safety and danger in the virtual realm that this thesis now turns.

4.5 Virtual Communities: New Possibilities

The growing popularity of the Internet as a meeting place for men who have sex with men (MSM) has been well documented (Mustanski 2007; Garofalo et al. 2007; Lemke and Weber 2017). Indeed, the Internet is being increasingly used by young men in particular (Allman et al. 2012) to form romantic and sexual relationships as it provides a venue for people to be selective and search specifically for others with similar sexual interests including public sex, 'barebacking', and various fetishes. For MSM in Newcastle, this ability to connect with others quickly and remotely has proved particularly useful in light of a myriad of structural changes in recent years to the city's contemporary urban landscape. As cruising grounds across the region have diminished in size, been subject to crime prevention methods, or have simply been re-designed and re-purposed; the Internet provides an alternative means for the facilitation of the public same-sex erotic encounter. Removing the necessity to physically enter the public sex environment prior to sourcing a sexual partner, MSM are enabled to destabilise traditional notions of cruising as an embodied visceral experience through their use of online chat rooms, smartphone apps and various web sites dedicated to MSM. Such online encounters are particularly desirable for MSM, as online interaction allows for meeting others with less risk of outing oneself or having to travel to gay-specific places (Campbell, 2004; Jones, 2005; Shaw, 1997; Tikkanen and Ross, 2000; Woodland, 2000). Indeed for many MSM, the anonymity provided by the Internet in their pursuit of same-sex public sexual practices, is not only desirable but essential for the purposes of risk management.

The increasing use of new technologies by MSM seeking partners for public sex poses significant challenges to law enforcement agents who must adopt policing strategies that

stretch beyond “the legal ‘real’ world” (Ashford 2009, p. 305) and into the virtual realm. As Ashford (2009) notes, the intrusion of these cyber spaces by the police and other parties arguably distorts the operation of the space as information is more tightly guarded and some individuals are excluded from the online community where there are concerns that to allow access would largely threaten the success of the public sex environment (Ashford 2012, p. 50). For those relying upon the sense of anonymity that the Internet provides to facilitate their public sexual practices with other men, the presence of law enforcement within these cyber spaces is particularly problematic and can result in further marginalisation and increased risk. Nevertheless, the ability to arrange and negotiate sexual encounters online prior to physically entering a public sex environment was viewed by some participants of this study as a positive means of ensuring personal safety. This was due to information exchanged online being understood as a virtual footprint which may be viewed by law enforcement in the event of a harmful incident occurring. Inherent within this view however, is evidence of an understanding of the risks that are faced when engaging in illicit public sex with those encountered in cyber space.

Four participants of this study spoke of saving (but not reporting) messages that they had received online that had made them feel uneasy or that were abusive. However, one particular participant’s view of the physical danger that he faced in visiting a public sex environment seemed somewhat contradictory to the view that he expressed regarding the Internet minimising his risk of harm;

If something happens to you, it’s all on your account, who you’ve sent messages to, they can trace it. There’s a lot of fake profiles out there, you have to be really careful. I feel safer to think that there’s a record of who I’ve spoke to and where I’ve arranged to meet them so if I’m reported missing the police would have a pretty good starting point (pause) I’d probs be dead by that time but at least they’d stand a chance of catching who done it (laughs) (Travis).

Whilst Travis had laughed at the end of this statement signalling that his comment had been made in a light-hearted manner, it was reflected within the interview notes that I had felt uncomfortable and somewhat saddened by what he had said. He begins by

acknowledging that an online record contributes towards an increased feeling of safety, yet, ends with almost an acceptance that should something happen to him within the public sex environment it would result in his fatality. Therefore, his use of the Internet could do little but potentially provide police with a starting point from which they could begin the search for his assailant. It could not prevent an incident from happening in the first place. The blasé tone in which he stated *"I'd probs be dead by that time"* accompanied by the laugh left me wondering whether he was as accepting of the physical danger that he faced when entering public sex environments as he was communicating, or whether this was an expression of bravado designed to perform his masculinity in showing me that he was not scared.

Nonetheless, implicit within Travis' acknowledgement of the virtual footprint of his interactions with others online is the assumption of a desired visibility and that the progression towards this is a wholly positive move (Mowlabocus 2008). However, it must also be acknowledged that this online record or virtual footprint that provides men like Travis with an increased feeling of safety could also serve to create risk for those who did not wish for their public sexual practices with other men to be exposed;

.....At any point, she could find out, I try to be really careful with my phone and laptop. Everything is passworded. I try to delete all my browsing history but sometimes I forget (pause) I know I'm careful but all it would take is one little slip from me and she'd have all the info she needed to do me in (Tyler)

For Tyler, the fear that his girlfriend could potentially discover that he had sex with other men by viewing his online activity dominated our discussion. He detailed extensively what he stood to lose if she were to find out, ranging from his house that was joint-mortgaged, to his car, to his pet dog and thus, presented his public sexual encounters most prominently as a significant risk to his current lifestyle. Yet, Tyler also discussed openly his use of the Internet to source potential sexual partners, often at home, and occasionally when his girlfriend was in the house, acknowledging that all it would take would be an act of carelessness on his part in his protection of his browsing history or his phone and his

secret would be discovered. For someone who had spent a large proportion of the interview detailing his anxiety surrounding being caught, Tyler's use of the Internet at home to source male sexual partners signalled a complex nexus of identity and performance that extended between the public sex environment and his home life.

As Brubaker et al. (2014) note, the Internet is a place where users can perform sexual identity to other users whilst retaining a certain level of anonymity both on and offline, it is of little surprise therefore, that users are increasingly exploring aspects of their sexual identities and experimenting with their sexuality in ways that may be precluded in 'real life' by a variety of social and personal impediments, constraints, and repressions (DiMarco 2003). Tyler's use of the Internet to source male sexual partners arguably enabled him to continue to perform a side of his sexual identity which he could not physically display within the boundaries of his heterosexual relationship and to do so in the knowledge that he could remain anonymous, thus safeguarding his relationship. As Hillier and Harrison (2007) argue, the Internet's greatest asset is anonymity and it is this notion that is utilised by Tyler in order to perform a multitude of sexual identities across a variety of social settings.

Whilst Tikkanen and Ross (2003) argue that the Internet can provide users with a feeling of anonymity in which no identity *has* to be disclosed and one can *choose* when and what to reveal or can *choose* to create an entirely fictional self, this concept of choice is disputed by Tyler who expressed feeling strongly that he had no choice but to create a fictional identity for the purposes of cyber cruising. To post an image of his true self online meant making himself visible to others who may expose him and as such, if he wished to access the services that the Internet offers in terms of connecting him with other men, he felt he had no choice but to present an alternative image in order to preserve the heterosexual identity that he performed;

God could you imagine if I used a real picture? (pause) All it would take then would be for one of her nebbly mates to see it and it would be all like (mimics) "Hey (names partner) isn't this your fella here on Grindr?" Then the shit really would hit the fan. Can you

imagine? She'd go off it. And what would I say then? (mimics) Someone must of nicked my photo coz I never put it there, nowt to do with me, never even heard of Grindr, I had to use a fake one, I just had to, no choice (Tyler).

Although Smith and Duggan (2013) reported that recent trend data indicates that the stigma traditionally associated with being recognised within web-based online dating has decreased over the last few years, as Tyler exhibits, for some MSM the risk of being identified as a user of same-sex dating apps and web sites goes beyond simply the notion of stigma, as being recognised often means being 'outed'. Tyler's use of a fake profile picture on his Grindr account therefore, can be viewed in terms of a risk management strategy implemented to ensure that his sexual encounters with men were not exposed or 'outed' within the context of his heterosexual relationship and ultimately protecting his emotional and physical wellbeing. However, in contrast, another participant Paul discussed the ways in which the feeling of anonymity that the Internet provided for him enabled him to experiment with a variety of self-presentations and consequently with his own sexual identity (Tikkanen and Ross 2003):

Paul: You can be whoever you want to be. As long as you keep it real, not many people question it. I use all kinds of different profile pictures depending on the type of guy I'm trying to attract or the type of sex I wanna have. Most people use fake profile pictures, it's no big deal really.

Researcher: *So what happens when you arrange to meet someone?*

Paul: I've only ever been turned down twice. If the guy is horny he'll take what's in front of him. It's not often people will turn down sex when it's on a plate in front of them just coz you don't look exactly like your profile. They've turned up for sex, you're offering it, they'll take it. (Pause) Look put it this way, if I hadn't of used a few fake profiles along the way just to catch a little bit more interest here and there, I wouldn't probably have attracted half the guys that I did. Know what I mean? Some of those guys I never would have come in to contact with coz they wouldn't have normally went for me. That's how you learn what you like and what you don't. A bit of variety (laughs). Gets really boring if you just go for the same sort of guy each time. You gotta educate and be educated.

Whilst Paul's comments arguably emphasise that not all MSM using fake profile pictures and information online feel that they have no choice but to do so, they also highlight a key challenge for those meeting and communicating with others via the Internet, and in particular through the use of dating apps, relating to self-presentation. Whilst the admissions of using fake profile pictures that had been heard from both Paul and Tyler were not isolated during the interview process for this study— three other men also confessed to doing this either recently or in the past— all but three participants reported that one of the biggest issues that they faced when cyber cruising was the number of fake profiles online. Although Corriero and Tong (2015) contend that those utilising online dating web sites and apps for the purposes of arranging sexual encounters offline are less wary of potential misrepresentation in others' profiles as they assume that the immediate transition from online to offline contact will induce daters to be more truthful in their online identity claims. It became evident during the course of this study that not only were users aware that others may be using images that were not their own but five of the sixteen men interviewed also admitted to doing this themselves.

As Freeman (2014) notes, those utilising online dating or using the Internet to facilitate more casual 'hook ups' are on the grid 24/7 and as such must advertise themselves. And there's a paradox of choice: be careful who you choose, because there might be someone better out there—always. As such the selection of, in particular, the profile picture becomes a process of paramount importance in the act of cruising online for sex. Indeed, in a fundamental sense, your picture is your bait. It is the first presentation of self that others see and often the perusal of profile information and the initiation of instant messaging are all dependent upon the ability of the profile picture to catch the attention of others in a positive way. In contrast to traditional dating applications, where users can craft a richer presentation of self through their profiles and online interactions, apps such as Grindr rely heavily on images and comparatively simple profiles with limited opportunities for expression and self-presentation (Birnholtz et al. 2014). Users are judged by others primarily by the way they look and it is upon this basis of physical attraction that

interaction depends. Reflecting research conducted by Hitsch et al. (2010) which determined that physical attractiveness was a key trait in the success of online dating profiles, many participants for this study reported feeling a sense of pressure to present themselves in a certain way and the difficulties in selecting the 'right' picture in order to attract others;

It can be hard for guys who aren't proper ripped, took me ages to get my profile picture right. I was never happy with it though. I was uncomfortable taking a selfie and it probably shows. I hate that it's up there for everyone to see. Like there are people judging me on it right now, this very minute; freaks me right out sometimes. (Angus)

On Grindr in particular, photos are visible by default. This stands in contrast to earlier systems, where photo exchange took place only after successfully interacting (Jones, 2005). Thus, users posting identifiable photos may be immediately recognised by anybody nearby who logs in and not just those with whom they elect to share photos (Blackwell et al. 2014). For MSM who may not be 'out' or who may not identify, or wish to be identified as gay, this heightened visibility in which any user of the app may view their picture proves problematic and in turn may influence decisions regarding whether or not to use the app at all to source sexual partners, and where the app is used, additional measures may be taken to conceal their identity from others. As the research of Blackwell et al. (2014) concluded, various techniques may be adopted to conceal identity such as blocking people users know personally as well as using fake profile pictures and identifying information which serves to provide MSM with the freedom to create a persona of their choice.

However, as Ellison et al. (2012) contend, if the profile picture is to be presented as a "promise" the short time separating online and offline contact may induce Grindr users to expect other daters to feel more accountable and therefore to produce more truthful or accurate self-presentations for fear that any major (e.g., visually obvious or immediately detectable) fabrications will be quickly exposed through physical meetings. It is arguably upon this physical meeting that those using fake profile pictures in order to attract others face significant risk. Although Paul had indicated that his use of a fake profile picture had

experienced mostly positive results in terms of achieving a public sexual encounter, he also disclosed that he had in fact been “*turned down twice*” by those he had met up with. Paul was not questioned further on the instances in which he had been turned down due to his successful encounters within the public sex environments dominating the interview discussion. However, it is somewhat clear to see how a meeting based upon one or both men using a fake profile picture could have potentially negative consequences as the ‘lie’ is exposed. Subsequently, those utilising fake profile’s in order to enable their public sexual encounters, and for heterosexual identifying men like Tyler, to manage the risk he faced to the heterosexual identity that he performed, may also, by doing so, be creating a further risk by means of the response of the person who they have deceived which may potentially, but not exclusively, be a threat to their physical safety.

Location-based services have arguably become an integral part of everyday life for MSM. However, accessibility to fine-grained location information has raised significant privacy concerns, as users are exposed to various threats, ranging from the inference of sensitive data to physical threats such as stalking. Since many users view the location feature of dating apps as an explicit reason for their use in terms of identifying and exchanging messages with others in close physical proximity, it is also possible that they would be relatively comfortable sharing location data. Birnholtz et al. (2014) found that disclosure of one’s own location did not appear to be a concern; on the contrary, users often introduced location tags which were not supported by Grindr’s interface in order to further refine their physical space. Whilst this may in fact aid the process of locating others nearby, it also increases the visibility of users to others who may wish to monitor the geographical locations of MSM for purposes other than sexual encounter for example, law enforcement agencies, local authorities, the partners of MSM or those wishing to engage in hate crime against sexual minority groups.

All sexual encounters in public sex environments run the risk of interruption and exposure. In some sites the risk is greater than others and often risk can vary depending on factors such as time of day, the weather or police patrols, as Humphreys (1970) notes, there is a

great deal of difference in the volumes of sexual activity that these accommodations (public conveniences) shelter, one might wait for months before observing a deviant act in some and in others the volume approaches orgiastic dimensions. Humphreys related this particular difference to the presence of a park keeper who was clamping down on sexual activity but could have been equally due to other dimensions such as the time of day the convenience was visited, seasonal variations, or the presence of Humphreys himself which may have acted as a deterrent to those who did not wish to be observed. Nevertheless, all sites have the capacity for men to take as much or as little risk as they want as they pursue and participate in public sexual practices (Keogh and Holland 1999). However, as public spaces are subject to increasing levels of surveillance and control (Low and Smith 2005) with groups understood as 'inappropriate users' likely to be the target (Mitchell 2003), the Internet arguably plays a key role in influencing the levels of risk that men seeking public sex with other men are willing to take.

Cyber space, for example, offers the opportunity to post warnings to fellow 'would be' cruisers that the police and local authorities may be particularly active in an area, or that the local community is acting against the sexual behaviour (Ashford 2006) allowing others to make their own assessments and decisions regarding risk. Arguably the increased presence of law enforcement agents in cyber space, for some, is a desired outcome and enables them to engage more freely with law enforcement. Nevertheless, for some MSM in particular, the presence of law enforcement within cyber spaces designed exclusively for the purposes of MSM conversing with each other is an unwanted intrusion and a further dilution of queer space:

It's hard sometimes to tell if the person you're talking to is genuine or not. Like they might be a psycho or a copper. Ha or both. You have to be careful about what you say coz it could be literally anyone. Most of the time it's obvious if it's a cop coz their patter's no good. They're too awkward and I just switch off at that point. They've got no right it's like entrapment, but it's worse than that 'coz they're in our yard which is just shit coz we have few enough places as it is. (Brad)

Debatably, the increased online presence of MSM within chat rooms, forums and on various web sites assists enforcement agencies in locating these sites as the conversations online may be monitored informing them where such situational crime prevention methods could be placed. However, as Kyle's comment below illustrates, the MSM in Newcastle interviewed for this study are largely aware that their online interactions are being monitored by enforcement agents;

Don't get me wrong, we all know the coppers monitor the banter online to see what's going on. ... they know we do it, we know that they know we do it...(Kyle)

The comments made above by Kyle refer to the relative ease with which police officers may extract information regarding illicit public sexual practices from the Internet. However, it is also worth noting that in the same way that Law enforcement agents may discover the locations of public sex environments simply by searching online, so too may those wishing to cause harm to those using them.

As mentioned earlier, four participants of this study spoke of receiving messages online that were abusive or made them feel uneasy prompting them to save but not report the message to police or to the organisation overseeing the app or website the message was received via. When questioned regarding the messages that he had received online, Carl stated;

It's no different to what you get on the street really, just some moron who feels they've got the right to comment about you. They call you gay like it's an insult, no mate it's just what I am. Award goes to the prat over there for stating the fucking obvious. When it comes through as a message on your phone though, it feels more personal (pause). It's no different to abuse in the street in terms of the sort of crap these idiots say, but coz it comes to your phone or your inbox its personal, you feel it more. (Long Pause) What's strange is that someone saying stuff about you online feels more of a threat coz you can't see them. It's daft really isn't it? Coz someone calling you on the street could kill you just like that if they wanted but at least you've seen their face. It literally could be anyone calling you online and you don't have a clue who they really are, but they know all about you that's the scary thing you know (Carl).

For Carl, there is a distinct contention between the visibility that the Internet provides for him in terms of allowing other like-minded men to browse his online information with a view to arranging sexual encounters, and the anonymity that the Internet provides others who send him homophobic abuse. Carl acknowledges that often there is little difference in the content of what is said to him anonymously online compared to homophobic abuse he may receive in public places but indicates that the emotional harm that he experiences as a consequence of abuse online is significantly greater. In the same way that men using the Internet to seek anonymous sex may create fictional identities and personas both as a risk management strategy and as a means of identity experimentation, so too may those participating in 'trolling' practices online. Trolls find enjoyment in their target's reaction of anger, distress, or attempts to reason with them and indeed, the wide spread use of the Internet and in particular, smart phone Apps provides them with a direct link to the mobile phones and personal computers of vast numbers of targets instantaneously. However, as Travis indicates, the increasing awareness of the devastating effects that online trolls can have has led some websites frequently used by MSM to post warnings to users not to respond to abuse but to report it;

Researcher: Do you get a lot of abuse online?

Travis: (exhales) Not compared to some people I know. They get it practically none stop. But I think its 'coz they bite back. They can't just brush it off like me. They want you to bite back that's why they do it, it's all part of the game. You have to just ignore it.

Researcher: Does it stop if you don't answer?

Travis: Eventually yeah. It's just irritating for a while 'til they get bored and decide to bother some other poor sod. The key is to just keep a record of it but not to dignify it with a response. Even online now certain websites where they know we get grief, there's notices posted by the police telling you not to feed the trolls, like don't answer them just report it. But I think it's hard when the comments get personal. You want to say something back. You want them to know that they don't get to say shit like that.

As Travis' comments display, not only is the Internet utilised by MSM in order to warn other MSM of potential dangers or risks, the internet may also be used by others for

example, law enforcement agencies, web site providers or health care services to warn MSM of issues that may impact upon their safety or wellbeing. Indeed, Ashford (2006) notes that occasionally cottaging and cruising sites do have postings from the police themselves or those on behalf of the police. Often such postings warn of surveillance or enforcement action within a particular area which achieves the community desire of preventing these acts where there have been complaints, but equally goes some way towards ensuring the police are not seen as the 'enemy' by the cyber cruising community. However, the encroachment on MSM space whether cyber or otherwise can also have the effect of displacing those utilising cyber space for cruising into increasingly marginalised spaces as they attempt to avoid the gaze of those not using cyber space for sourcing sex.

Whilst it is clear from the narratives of the MSM interviewed for this study that a cyber cruising community exists, in which others may be alerted to danger, surveillance or the presence of enforcement agencies, it became clear during the course of the interviews that warnings within these cyber spaces went beyond this principal function. For example, as Angus detailed, MSM are also being warned regarding levels and frequency of sexual encounters within specific spaces;

Angus: The forums and chat rooms have helped me out loads. Guys will post things like not to bother going down to (Site C or Site B) any time soon coz there's nothing doing. Its good coz then you don't go wasting your time or come away gutted coz you got none (laughs).

Researcher: Really? That's quite interesting coz I would of thought that if the sites were quiet they would want to encourage people to go there to fill it up a bit. Do you know what I mean?

Angus: Some places just go dead at times. Dunno why really. You'll usually just see a thread that says just been to whichever place and there's nowt doing and usually a load of other guys will jump in and say 'Yeah I was there yesterday or whenever and it was dead then an all' so you know not to bother til it picks up again. It will pick up, you just have to keep an eye out.

Although it was initially unclear as to why when particular sites were quiet, MSM were warned via the Internet not to visit as this seemed like a contradiction in terms, it seems there is something more complex at play. As Angus noted, certain sites, at certain times, attract much less footfall than others, and whilst Angus was uncertain as to the reasons for this occurring, he valued the advance warning so that he did not have a waste of journey. This warning function was also described within the research of Brown (2008) in which he stated that with a quick phone call or text message, men can alert their friends to the vitality of a given cruising ground or cottage—either encouraging them to join in the action, or warning them off on particularly quiet nights. Incidentally, Brown also acknowledged that this system of warning also serves to significantly reduce opportunities for sexual encounter for those who do actually venture to that site. Nevertheless, warning others of the potential or lack thereof, public sexual encounters within online forums arguably contributes towards a sense of community in which advice and information may be shared and exchanged with others.

4.6 Conclusion

In concluding this chapter, it is pertinent to re-emphasise the utility of legal consciousness in understanding MSM's subjective experiences of legality which form the basis of this study. Taking a bottom-up approach to examining the salience of law in the everyday lives of MSM, this chapter has been able to intricately detail and challenge the inconsistencies between legal theory and practice relating to the regulation of sexual activities that enter into public space. Largely presenting the front-line policing of public sex as a discretionary choice, the participants' lived experiences of legality within this chapter have demonstrated that despite recent shifts towards communitarianism within community policing strategies and efforts made to re-brand contemporary policing as inclusive, MSM in Newcastle perceive themselves to be disproportionately subject to a regulatory gaze. Although this study has not directly adopted Ewick and Silbey's (1998) much cited schemas of legal consciousness ("before the law", "with the law" and "against the law" p.45) as descriptive typologies due to their considered incompatibility with the queer

perspective; this chapter has still remained true to the legal consciousness discourse in that it has ultimately been an exploration of power and resistance.

In positioning law enforcement agents as a mechanism through which institutional systems of power are exercised; this chapter has been able to examine the resistive nature of acts of public sex. As has been demonstrated through participant narrative and the utilisation of Foucault's (1995) social theory of 'panopticism', although the sexual lives of MSM in Newcastle remain overdetermined by the criminal law; acts of illicit public sex between men remain ever prevalent in an embodied challenge to the subordinating power of state-based regulation. This chapter has reflected that for MSM in Newcastle, experiences of law are shrouded in confusion as their public sexual activities attract varying responses from agents of law enforcement. Whilst anecdotes of good-will gestures received from officers when they have encountered MSM have been recounted by participants, there is also evidence of a perception held by MSM that they are easy targets for officers who are looking for to make an arrest. This disparity in response between agents of law enforcement is compounded by the official state-based laws governing public sex in which significant ambiguities arise in interpretation and application.

The arguably disjointed response to public sex by law enforcement agents in Newcastle, this chapter has argued has a substantial impact upon the risk-taking behaviours of MSM. The absence of a standardised approach to the regulation of public sex has manifested an atmosphere of immense suspicion and distrust in which barriers to engagement with law enforcement are created and MSM are further marginalised in their acts of resistance. That said, it cannot be claimed that inherent within these resistive acts is an underlying desire for legality and as such a more nuanced understanding of resistance is required which encapsulates a theorisation of resistance as adverse to social change.

Subsequently, this notion will form the foundations of the following chapter in which resistance is examined through an edgework lens. For the purposes of this chapter

however, the resistive nature of MSM's public sexual practices can be conceptualised as a stabilisation of power (Harding 2011); i.e. it is only as MSM step outside of the boundaries of legality that the regulating power of law is created.

5.0 Identity, Risk, and Environment: Illicit Sex in a Geordie Terrain

5.1 The Geordie Identity and Hegemonic Masculinity

Traditionally the city of Newcastle upon Tyne, and more generally the North East of England as a whole, was a vision of economic activity primarily within the ship building, coal mining, engineering, and heavy industry sectors. Within this booming historic economy, employment opportunities were in abundance, particularly along the banks of the River Tyne to which budding fishermen, steelworkers, and shipbuilders from all over the UK were drawn by the strong prospect of obtaining long-term employment with high wages (Byrne 1999). Largely comprised of a white male work-force (Dougan 1968), the banks of the River Tyne thrived with a wide array of industrial activity, with those able to gain employment with local businesses diligently labouring under a firmly held belief that they had secured a “job for life” (Mah 2010, p.404). As men, at this time, were able to obtain well-paid and secure employment based upon their physicality and strength, the masculine body took on a profound and symbolic meaning on the streets of Newcastle (Nayak 2009). Indeed, Hollands (1997) notes that this “strong, white, patriarchal, and masculine occupational identity spilled over into the wider local culture influencing the structure of home life, leisure, and community” (p.174). However, deindustrialisation hit the region incredibly hard and significantly contributed towards a confused culture change in which economic restructuring acted as an employment barrier to those men who had, for generations, worked in industry (Cameron 2003).

Following the closure of many sites of heavy industry within the North East, women soon began utilising the opportunities that were made available to them within the newly emerging service industries (Nayak 2003, p.9). Offering hours and terms of work that could be easily adapted around childcare and household commitments; women in Newcastle were able to generate an income and a level of independence that had previously been unobtainable for them. In a large number of households across the city there was a reversal of traditional gender roles as women were able to go out to work and

the men, excluded from a labour market which was heavily recruiting female workers (McDowell 2000, p.204), stayed at home. Consequently, a high number of women across the North East of England became the sole financial providers within their household granting them a previously denied influence and autonomy over the family's income and expenditure. Campbell (1993) argues that these substantial changes to the gender composition of the North East's primary workforce were connected to escalating displays of 'hyper-masculinity' across the region. Evidenced by increased rates of crime and physical violence in the community as well as a growing atmosphere of machismo; Campbell suggests that as rates of male unemployment steadily grew, Geordie men notably struggled to adapt to their new economically redundant status.

Despite the vigorous gender restructuring of the labour market within the North East and a significant economic shift from industrial production to mass consumption; the area is still today, strongly associated with having a robust sense of regional character (Middleton and Freestone 2008). The Geordie identity in particular continues to be constructed around the region's eminent industrial heritage (Colls 1992) - one of the original meanings of the term 'Geordie' is pit man or miner (Hollands 1997, p.174) - with ideologies of "real men" being defined by their physical prowess as well as their ability to consume large amounts of alcohol as a ritualistic form of "strong male bonding" (Lewis 1994, p.87). Although it is now twenty-five years since the River Tyne last hummed to the tune of massed hard manual labour - which was silenced by the 1993 closure of Swan Hunter the last locally surviving shipyard - the presence of large steel structures, old and new, adorning the river banks of the Tyne serve as a prominent reminder of what once was.

Whilst new architectural developments such as the Millennium Eye Bridge and the Sage Music Centre can be seen to offer a portrayal of Newcastle as a contemporary city that has largely "embraced the new leisure, tourism, and lifestyle focused industries of the new millennium" (Casey 2007, p.128); much older structures such as the Tyne and Swing bridges as well as the Baltic Flour Mill, can still be seen to greatly dominate the river's Newcastle/Gateshead landscape. The continued presence of these older structures,

which have not been subject to substantial structural change (although the Baltic Flour Mill now operates as a modern art gallery and restaurant), serve to visually and symbolically reinforce the unrelenting tradition of pride in manual labour, and the overwhelming dominance of the industrially strong masculine body within Newcastle's contemporary urban landscape (McDowell 2000).

Even as the fabric of the economic landscape has dramatically shifted away from manual labour as a symbolic expression of masculinity in Newcastle, the contemporary city arguably offers men a wealth of opportunities in which their masculinity can be displayed and performed in congruence with these traditional dimensions of manliness. The development and growth of Newcastle's night time economy in particular has provided a new, if somewhat familiar, arena in which physical resilience is valorised and social status is to be gained and lost on the basis of how many alcoholic drinks one can handle and how many physical fights one has won. This deeply embedded and engrained culture of machismo is explored within Winlow and Hall's (2006) much-cited ethnographic research on violence in the North East's night-time economy. In this vein, Winlow and Hall reflect that the "seductive hedonism of the night-time carnival" creates many opportunities for Geordie men to enjoy the spectacle of serious physical violence (p.96). Of course, access to this specific arena of physicality is not equal to all and furthermore, where access is granted, there remains an unwavering expectation of strict conformity to gender and sexual norms.

This 'hegemonic' form of masculinity (Connell 1987), which is characterised by dominance, aggression, physical prowess, control, and significantly heterosexuality (Cheng 1999, p.298) can be seen to broadly govern Newcastle's social culture even as stringent efforts are made by Newcastle City Council, as part of a multi-million-pound city-wide regeneration programme (Miles 2005), to re-brand and re-package the city as a cosmopolitan ideal. In this sense, the ongoing regeneration of Newcastle can be viewed as a political and economic backdrop for a multitude of seismic clashes and divisions between different lifestyle groups within the city. Indeed, as Newcastle becomes

increasingly re-branded from what Nayak (2006) terms as “its monochrome representation as a bleak post-industrial outpost” (p.816), to a city with a distinctive hedonistic ‘party city’ reputation and an ever expanding network of licenced premises and leisure facilities (Hollands and Chatterton 2002, p.295); there is increasing evidence of displaced communities. To this end, despite the development and vast expansion of Newcastle’s now infamous night-time economy - characterised by its dress codes, entrance fees, and exotic cocktails - the atmosphere and culture that is present within the city today remains profoundly shaped by its social and economic past (Nayak 2006). For men who have sex with men (MSM) in Newcastle, the persistence of a hegemonic form of masculinity within the wider North East culture, reminiscent of the days when industry thrived, has significant implications for how they conceptualise and manage risk.

In contrast to the previous chapter of this thesis which explored the impact of institutional systems of power (specifically law enforcement) upon the risk-taking behaviours of MSM in Newcastle; this chapter acknowledges that not all mechanisms of power legally regulating public sexual practices between men are state-based in origin, or in other words ‘official law’. Indeed, Berman (2007) notes that we live in a world of hybrid legal spaces, where a single act or actor is potentially governed by a whole host of legal or quasi-legal systems at any one time (p.1155). Extending traditional essentialist understandings of law which conceptualise legality as simply a set of rules through, and by which, coercive power may be exercised (Merry 1988, p.889), to a pluralist inclusion of “normative forms of ordering” (Merry 1988, p.870); this chapter subsequently examines the impact of heteronormativity as a regulatory practice upon the risk-taking behaviours of MSM in Newcastle as they pursue and engage in public same-sex intimacies.

This chapter will additionally explore the impact of the continued presence of hegemonic masculinity, a symptom of the city’s industrial history and a dominant capillary within heteronormativity’s structuring power, upon MSM’s risk-taking behaviours. More specifically, this chapter will highlight that inherent within the city of Newcastle’s quest to re-brand and shake free of its post-industrial constraints, is a normalisation of hegemonic

masculinity through its wide promotion of a commercialised “Geordie drinking culture” (Hollands and Chatterton 2002, p.302). This, it will be argued, has direct implications for the risks that MSM face in their pursuit of the illicit public sexual encounter. Not only may they be drawn into a normalised excessive alcohol consumption which can render them vulnerable to sexual coercion or physical assault as well as a lapse in safe sexual practices; the normalisation of a hegemonic form of masculinity can also be seen to encourage a direct spatial contention between the heteronormative and the sexual other.

As Newcastle City Council continues with its programme of city-wide regeneration, in which thinly veiled attempts are made to design the sexual other out of the urban landscape (Brown 2008), MSM who engage in public sex are increasingly displaced into marginalised spaces. Within such liminal sites, free from an overt regulatory gaze, contention between heteronormative and queer bodies can manifest rendering MSM at risk of experiencing crimes of hate or physical violence. These crimes, due in part to the contentious relationship with institution-based systems of power examined within the previous chapter of this thesis, are unlikely to be reported (Jones and Newburn 2001, p.11) and consequently, as MSM move further into the city’s shadows, they are subject to an increasing risk to their physical well-being.

As MSM face a growing pressure to conform to Newcastle’s cultural and social norms of heterosexuality and hegemonic masculinity, this chapter will conclude that acts of sexual risk-taking can in effect serve as a hedonistic form of escape from the confines of regulation. Utilising Lyng’s (1990) concept of edgework which emphasises the lived experiences of risk, this chapter will demonstrate the ways in which MSM are increasingly pushing the boundaries of experience, but not necessarily in ways that are relational to traditional concepts of resistance (Foucault 1995). Rather this chapter will conclude that as MSM in Newcastle are increasingly structured into normative ways of being, a desire to explore the liminal margins of everyday life is driving and encouraging their risk-taking behaviours. Consequently, this chapter argues that in order to understand MSM’s risk-taking behaviours in response to cultural legal frameworks such as heteronormativity that

can be conceptualised through a pluralist legal approach to govern public sex, a more nuanced conceptualisation of the relationship between resistance and risk is required. Resistive acts of public sexual practices are, for many MSM in Newcastle, not undertaken with a view to garnering social change but rather for the pleasure obtained from the experience of stepping outside of normative boundaries.

5.2 The Regeneration of the Post-Industrial City: Displacing the Illicit Public Sexual Encounter

In 2000 Newcastle City Council published *Going for Growth*, their highly ambitious city-wide regeneration strategy which proposed to re-brand Newcastle upon Tyne as a competitive, cohesive, and cosmopolitan city (Short 2015). Stating that, in certain areas the urban structure was “broken” and could not be mended (NCC 2000, p.2); the crux of the Council’s proposals were to “restructure” what they viewed as “isolated” and “fragmented” communities that had originally formed in close and dense proximity to the employment opportunities that were once in an abundance along the banks of the River Tyne. Following de-industrialisation, Newcastle City Council reflected, local residents had been left “with little clear sense of identity” which had provided a large number of opportunities for a “higher grade” of retail, services, and facilities to be accommodated (NCC 2000, p.3). The strategy was highly controversial, not least because it announced the demolition of 6000 residential properties before consulting with, or even informing the residents who lived there (Minton 2003), but it also highlighted that the city had become something of a “battleground between the old, industrial and the newer ‘chic’ face of a more diverse post-industrial city” (Hollands and Chatterton 2002, p.293).

In the years that have followed the strategy’s publication, focal points of Newcastle have been in constant flux with a myriad of changes seen across the city. These changes, as Bailey et al. (2004) argue, have had a profound impact on not only the identity of the area but also the people who live, work, and play in Newcastle. For Bailey et al, the new architectural developments across Newcastle, but specifically along the Quayside which has arguably been subject to the most significant changes, have reinforced a sense of

“pre-existing local pride” (p.59). The cultural initiatives, they suggest, have given the people of the North East “something tangible with which to reassert their collective identities” (p.62). This, however, is somewhat of a narrow view as it assumes that all in Newcastle have benefitted from the programme of culture-led regeneration and neglects the lived experiences of those who have been displaced, misplaced and designed out of Newcastle’s urban landscape.

Keen to attract affluent middle-class consumers to Newcastle’s city centre and suburban neighbourhoods (Cameron 2003, p.2370), the presence of those considered to be abject sexual others posed a significant challenge to the ideals of the “family-orientated consumption” (Hubbard and Whowell 2008, p.20) that was epitomised within the *Going for Growth* strategy. Consequently, many spaces which, by design, seemed to attract those seeking to engage in illicit public sexual practices were subject to re-development in an overt attempt to design out the practice and sexually sanitise the space. As Casey (2007) notes, Newcastle City Council have actively pursued the re-development and gentrification of a number of male cruising sites within the city in order to create spaces that are characterised by a moral notion of respectability. This is evidenced, he asserts, in the gating of many of the city’s parks and alleyways as well as the loss of the city’s most infamous cruising ground to the development of high specification apartment complexes (p.128).

Whilst the largely controversial city-wide regeneration programme in Newcastle has, since its commencement, significantly altered the public sexual landscape under the auspices of regeneration, participants of this study disputed the notion that sites of public sex in the city had been forever lost. For example, as Travis, reflected:

Travis: *It does get harder when stuff changes like ‘coz I mean you get used to things being a certain way and then all of a sudden it’s not like that anymore.*

Researcher: *How do you mean not the same?*

Travis: *I dunno, I mean I'm a creature of habit really, I don't like change but it's just every now and again they'll [the local authority] do something to try and stop us from using certain places for sex (pause) it never really works 'coz we just find a way round, it's the disruption to the routine that pisses me off like (pause). There's always another way though, even if we have to move 'coz we can't get in or whatever we never really go that far and then it'll start all over again, it's like cat and mouse constantly man.*

Mirroring the findings of Atkins and Laing (2012), Travis' comment above demonstrates the ways in which rather than preventing public sexual activities from occurring, structural changes to the urban landscape often simply displace the public sexual practices into further marginalised spaces. This was further illustrated within the narrative of Kyle, who detailed environmental changes that had been made to a site that he used for public sex to render it more appealing to a heteronormative public. Rather than stop using the site, Kyle describes how his public sexual practices were displaced to a more marginalised space:

Kyle: *Like the showers at (Site D) for years man that had been one of the best places. I knew most of the blokes that went in and never had a bother. Then for nee apparent reason they ripped the fucking place apart and made these fucking (pause) these fucking changing villages where it was all open plan and anyone could go in. I mean there was nowt wrong with it before.*

Researcher: *So did that mean you had to stop using (Site D)?*

Kyle: *Well you cannit use the showers there now, they're always full of old granda's and everyone can see what you're deeing. We had to shift out after that like 'coz it wasn't the same.*

Researcher: *Where did you shift to?*

Kyle: *(Laughs) Well it's funny 'coz we haven't actually shifted anywhere. I mean I still have to go there anyway 'coz I've paid me membership and I'm not made of fucking money. So what we does now is we just go round the back. You can usually find a decent enough spot like. It's just not as good now 'coz since they've fucked up the showers there's not as many people wanting to dee it. Like some people I kna divn't wana gan round the back coz they think it's dodgy and you can understand that.*

The gentrification and re-development of public sex environments through a process of sexual sanitisation (Andersson 2012, p.1081), such as Kyle describes as occurring within the new changing village that has been opened in a place known to facilitate public sex between men, may be seen to reflect wider cultural movements of assimilation in which the everyday lives of sexual minority groups are socially structured into normative ways of being (Duggan 2002). Despite the many victories on the road to legal equality for lesbians and gay men, the continued dominance of heteronormativity means that those attempting to symbolically mark off their space or indeed their bodies as queer face resistance by those intolerant of such visible sexual difference (Hubbard 2012).

MSM in Newcastle are acutely aware of the resistive actions to queer expression by the cultural framework of heteronormativity as spatial priority is granted to the 'legitimate' and financially rewarding uses of the urban landscape (Hubbard and Whowell 2008). This was demonstrated particularly well within the interview with Carl during which, he stated:

I don't go to (Site A) anymore, well not much, I might have a quick look in if I'm passing but it just got shit. It used to be huge, everyone went there. It's about half the size now. They tried to tidy it up a bit, what we were doing down there didn't really fit their [local authority] ideas... (Carl).

Carl further reflected that the introduction of a number of newly-built private residences on the cusp of Site A had significantly impacted upon the functionality of the space as a cruising ground for public sex:

The flats finished it off for me like, I know some people still go regular but I'd rather go elsewhere than take the risk. Plus, I mean at the end of the day folk have to live there and it just causes loads of hassle. I mean they must cost a bomb to live in and the last thing you'd want if you'd parted with all that cash would be for to look out your window and see us lot hanging about, nah I prefer to stay out of there now if I can help it (Carl).

Significantly, inherent within Carl's comments is the positioning of his own public sexual practices as deviant and the occupants of the new buildings as legitimate users of space. Having contributed to economic revenue in their occupation of the new residences, or in

the words of Carl “*parted with all that cash*”; they are seen as deserving of a view out of their window which is free from the public sexual activities of MSM. In this construction the resident is conceptualised as heterosexual and thus considered to be offended by homosexual acts performed so close to their home. This assumption of heterosexuality made by Carl demonstrates the tremendous social ordering power of heteronormativity in which even as his own sexual practices disrupt the naturalisation of heterosexuality, he acknowledges and grants a spatial privilege to those who are seen to conform to heterosexual ideals.

As a result of the newly-emerged private residences, Carl’s public sexual activities have been displaced (so far as he can help it) to an alternative site as he no longer feels able to engage safely in public sex within the confines of Site A; as he notes “*I’d rather go elsewhere than take the risk*”. However, other participants of this study did not feel so deterred by the changes to Site A’s material landscape. Gary, for instance, discussed a variety of measures that he felt had been put in place to prevent public sexual practices in Site A from occurring but expressed his resolve to continue using the site until its inevitable shut down:

It’s definitely getting more difficult compared to how it used to be. They did all that building work down there on them flats then they started roadworks and now they seem to have council workers down there every bloody three days doing litter picks and other random shit that doesn’t need doing just to let us know that they’re still watching. Once upon a time, you never saw another soul apart from people doing the same thing as you, now they’ve got it like Central Station with one thing and another. It sent a lot of people running scared to other places, where there’s no cameras. I’m not bothered though petal couldn’t care less me. Got nowt to lose really I’ll keep going ‘til the day it gets shut doon as long as I’m still getting what I need (Gary).

The methods described by Gary as being implemented in order to deter public sex in Site A are heavily reliant upon forms of situational crime prevention in which opportunities for offending are arguably reduced by measures that promote natural surveillance. The introduction of measures such as CCTV in particular serve as attempts to reinvent public

spaces, promoting the commercial functions of the street above all other uses (Toon 2000). Indeed as Arlidge (1994) argues, CCTV increases public freedom, enhancing opportunities for people to enjoy public places. However, this enjoyment of public space is tightly-regulated and centred on the notion of appropriateness. Although authoritative intervention is a relatively rare phenomenon and few incidents result in arrest, most commonly due to the fleeting nature in which such activities occur, (Norris and Armstrong 1999), the presence of CCTV is often sufficient to force those engaged in behaviour considered socially inappropriate and out of place to find concealed interstitial spaces and invisible route ways in order to escape the gaze of CCTV and re-appropriate space for themselves (Toon 2000). In this sense, the presence of CCTV will not prevent men from having sex with other men in public spaces, it will merely displace the actions to areas beyond the gaze of the cameras potentially placing the men in further danger of harm as they are metaphorically pushed into further marginalised areas in their quest to find a 'private' area in public space.

It also perhaps worth noting that the cameras that have been implemented have not in Gary's case deterred or displaced his public sexual practices from occurring within Site A. Gary articulates how he will often wave at them as he walks passed, such is his indifference. He does, however, recognise that the cameras have impacted upon others who use the site for public sex:

We're not daft, we know where the cameras are, they don't exactly try to hide them. Sometimes give them a wave as I pass, say cheese for the camera like. I'm not bothered at all, they want to watch me they can watch me, but it probably bothers others and they won't go near if they know there's cameras up. There's one guy I know, he's on a curfew I think or something like that he's a bit rough but he's sound really, anyway, he's proper paranoid about the cameras, they gan right along the (route into site A) so he's choosy which ways in and out he'll go and he'll always tell you to wait a full ten minutes before you follow him out. I think he's bothered the coppers will see what he's up to, I've told him before they divn't care but he does stuff his own way, won't be told. I mean if anybody actually cared they'd have shut down (Site A) years ago but it's still going, its smaller, but still going (Gary)

As Gary contends, the environmental changes made to site A mean that engaging in public sex is “definitely getting more difficult compared to how it used to be”, what Gary does not explicitly specify is whether the difficulty that is faced is as a result of an increase in the footfall of official bodies in and around Site A as they carry out maintenance work; or whether his difficulty has arose as a result of the displacement of his sexual partners. What is clear; is an implicit acknowledgment of the growing visibility of sites of public sex as the city is regenerated from post-industrial decline. Where once Site A would have existed as a relatively undisturbed site, the re-branding of Newcastle as a vibrant party city with an array of nightclubs, restaurants, cafes, and bars (Chatterton and Hollands 2001) has led to a vast expansion of new architectural developments that all require urban space.

To this end, a number of participants commented upon feeling an increasing level of visibility in and around Site A in particular where substantial environmental changes have been made:

I used to go down to (Site A) all the time, but the way they've got it now in the summer it's just swarming with people, it's no good really. Not too bad in the winter but the summer when it's light, chances are you'll be seen by someone. They are trying to make it all tourist-y down there, then you get these artsy types with their cameras trying to take photos of (prominent landscape feature near site A) who just won't fuck off. It never used to be like that but they're attracting people to it now. That's why I prefer (Site B), it's not as central... (Mark)

...I dunno like before I wouldn't mind going when it was still light, but it has to be proper dark now 'coz there's always too many people milling about. I don't feel as comfortable in the dark though it's quite eerie and I know a few lads have been jumped. I don't really know what's made the difference though 'coz it was never really like that before... (Angus)

Whilst worth noting that the redevelopments surrounding Site A appear not to have deterred participants such as Gary from engaging in public sex, it is evident from his comment and indeed the comments of others listed above that there is an increased awareness regarding the visibility of their public sexual practices and the increasing efforts

made by the Local Authority and other agencies to eradicate them. Consequently participants reflected upon the ways in which their cruising practices and public sexual activities had changed in order to blend seamlessly into a landscape that is constantly evolving around them:

...There used to be a side route to get to (Site B), most people used that way because after about seven there was never anyone about. The (names local business) workers were all away home by then so there was no trouble. You could park your car and just have a little wander about. But it's gone now that side way so there's nowhere to park. I think the people at (names local business) might have complained. So it all got fenced off and made private parking which (pause) well I like to know I can make a quick exit if I need to so I wasn't thrilled ... I have to take my bike now instead which isn't ideal because it might get nicked. But on the plus side nobody gives you a second thought when you're on the bike because you're just another cyclist. (Scott)

Whilst Scott details the way in which adaptations and new developments within Newcastle's urban landscape have impacted upon the ways in which he is able to cruise for sex at his chosen public sex environment, it is also apparent that the changes that he has made, subject him to increasing risk. For Scott the absence of his car as a result of privatised parking has prompted him to cycle to the public sex environment instead, which, he suggests places him at additional risk of theft. It is significant that Scott places notions of safety on the availability of his car parked nearby given that, as was demonstrated in Humphreys' (1970) study of illicit same-sex public sexual activity, vehicle registration plates can be used in order to track the owner. However, the use of vehicles for the purposes of public sexual practices is by no means an unexplored phenomenon (see van Lieshout 1995; Bell 2006; Ashford 2012; Haywood 2017). The mobility afforded by a vehicle is often preferable to those cruising for sex as it allows them to travel between multiple sites and to sites further afield. It is therefore unsurprising that Scott has replaced the use of his car with a bike in order to re-gain some of the mobility that was lost.

As the public sexual practices of MSM are increasingly designed out of Newcastle's contemporary urban landscape, and as such MSM are displaced into ever more marginalised spaces; it is pertinent to consider the hegemonically masculine nature of the city and the specific risks that this poses to the queer bodies of MSM. Subsequently, this thesis now turns to Newcastle's culture as a source of risk increase for MSM.

5.3 Disrupting Hegemonic Masculinities: Queer Bodies and Violence

Originally coined by Connell in 1987, hegemonic masculinity sought to describe the configuration of gender practices which guaranteed (or were taken to guarantee) the dominant position of men and the subordination of women within society (Connell 1995, p. 77). Whilst Connell acknowledged that there are indeed various formations of masculinity and that different presentations may be performed at different times and in different places as a response to varying social relations; for Connell hegemonic masculinity was positioned as existing at the very top of a hierarchy of masculinities and its performance was viewed as the most desired (Connell 2000).

The subordination and marginalisation of expressions of masculinity that deviate from traditions and cultures associated with hegemonic masculinity is crucial not only for the maintenance of its positioning at the top of the hierarchy but also in the creation of the hierarchy itself. Since hegemonic masculinity is a relational construct, it requires contrasting masculinities in order for it to come into being, i.e., for physically strong, heterosexual males to be considered dominant, then by very nature there must be males who deviate from this construction. As disruptions to traditional gender and sexual norms in essence are seen to threaten the legitimacy of hegemonic masculinity's dominance they therefore must be neutralised by rendering them invisible for the dominance to be maintained. This is evidenced within Newcastle's commercial gay village known locally as the Pink Triangle, spatially marginal (Lewis 1994), in fact confined within the three points of a triangle, and positioned on the margins of the city, Newcastle's gay scene is increasingly encroached upon by a heterosexual presence serving to neutralise the

authenticity of gay space (Casey 2004) and further subordinating the gay identity as something that can be commercialised and bought into.

Celebrating gay men stereotypically as privileged consumers, the sexual side of gay lives remains largely hidden within this commercial site. In contrast to the large flickering neon signage above the doors of gay nightclubs and bars; venues that facilitate sexual encounter such as gay saunas and baths are confined to discreet doorways and entrances with very little fanfare around their presence. Whilst this provides clientele with an element of privacy in their attendance as with no bright lighting or obvious signage it becomes easier to enter unnoticed, it also signals that such sexualised spaces are continuously contested sites within the urban landscape and are often at the mercy of urban planners seeking to displace such establishments in favour of more neutralised venues (Prior 2008).

I reckon I'm probably getting cynical in me old age, but the scene just seems to be getting rougher all the time. Don't get me wrong it's (pause) well it is what it is but there are better places to go that aren't so accessible to every Tom, Dick, or Edith. I prefer to go to places that are a little bit more exclusive 'coz then you don't get the trouble. I mean not so long ago my friend was glassed on his way back to the station you know; someone had followed him from the top of Scotswood Road. He's got a huge scar on his shoulder now but he was bloody lucky really when you think of how bad it could have been. That's the thing when everyone knows where we go drinking, it attracts the wrong sort. It's funny though 'coz not as many know about the saunas. (Joshua)

Joshua's comments here are striking, as whilst he refers to his preference for a "more exclusive" venue, he also details a particularly violent attack that a friend of his was subject to as he walked from Scotswood Road - which is part of the Newcastle's gay scene - to the train station. Whilst as detailed in Winlow and Hall's (2006) research, violence in the North East's night time economy leisure spaces is by no means a unique occurrence, the positioning of the attack i.e., relational to Newcastle's gay scene cannot be ignored.

Anti-homosexual violence, or gay/queer bashing, is unique in a number of respects: it affects a particular group of victims (even though victims may not be by definition homosexual); it has explicitly to do with sexuality; and, in contrast with other forms of delinquency, individual agency is transferred to higher authorities in that perpetrators consider themselves to be performing a service to society (Van Der Meer 2003). Those who abuse and violate people because they are, or appear to be, non-straight take it upon themselves to regulate heterosexuality and to punish other sexualities for their 'othered' status. In short, homophobic violence is a form of governance of sexual differences which poses a direct and actual danger to its individual recipients for 'just' being, or being perceived to be 'not straight' (Stanko and Curry 1997). The account of the attack on his friend provided by Joshua although detailing Scotswood Road which is part of Newcastle's gay scene did not elaborate as to whether his friend had been in attendance within the gay village or had simply been passing through. Without additional detail it is not possible to determine a direct correlation between the location of the attack and the motivation. It is however, possible to suggest that within this hegemonically masculine landscape, the spatial positioning of MSM as they engage in illicit sexual practices can be seen as a risk factor for targeted homophobic violence.

Such criminal actions are imbued with a tone of symbolic warning meant to more widely intimidate the entire minority group (Tomsen 2001). As Hall (2005) expresses, hate crime is also a *message* crime, the victim is essentially interchangeable but the hate incident is intended to send the message to a particular wider community that they are different and unwelcome and as such could be the next victim. This concept was saliently displayed within the narrative of Brad who demonstrated that the expressions of sexual prejudice or homophobia inherent within hate crime had the potential to quickly turn violent where the threat to hegemonic masculinity was deemed as significant or when validation of masculinity was required.

Brad: ...*I got jumped on by these meat heads on the Quayside. I didn't handle it very well (pause). The police couldn't do much 'coz I couldn't identify anybody it happened so fast.*

Researcher: *Ahh that's awful*

Brad: *Yeah they'd been shouting stuff at me and my friend as we walked along. Just the usual bullshit like asking if we were rent boys and how much did we charge, we were just trying to keep going you know and not pay them any attention then the next thing I know I'm on the ground and they were kicking me. I ended up with fractured ribs and a broken collar bone (pause). Stuff like that really shakes you up, I didn't like going out and I lost my confidence quite a bit. I just didn't trust anybody anymore really. It took me ages to go back to the Quayside again I just associated it too much with what happened, which is nuts 'coz I know it could've happened anywhere (pause) I love the bridge though, its peaceful and no matter which side of it you're on there's a bar (laughs).*

The above excerpt from the interview with Brad details a particularly vicious attack that he experienced at the hands of what he describes as “*meat heads*” on Newcastle’s Quayside. Whilst important to note that Brad does not explicitly describe this as a homophobic incident but rather makes reference to both he, and his friend, being asked if they were “*rent boys*” (another term for sex workers) by his attackers prior to assault, the incident by nature becomes framed around a homophobic or heterosexist base.

To take for one moment the questions asked of Brad and his friend prior to his attack relating to whether or not he was selling sex, it may be presumed that they had been assumed to be sex workers or were simply being related to sex workers as a form of social subordination. As Scott et al. (2005) highlight, incidents of violence enacted against male sex workers are often as a result of the stigmatisation of the male sex worker as homosexual, whether this is the case or not which has resulted, as indicated within the work of Scott (2003), in clients of male sex workers being considered dangerous and threatening to social order. The location of Brad’s attack is also difficult to ignore, occurring on the Quayside, a symbolic space of masculinity in which the physical prowess of the male body held particular stealth prior to de-industrialisation and in the contemporary city of Newcastle is a site of social drinking cultures. Deviations from gender and sexual norms within such an environment serve as a substantial affront to the hegemonic masculine culture generated by Newcastle’s industrial past subsequently

resulting in a violent incident in which Brad's attacker's sought dominance over what was deemed to be a subordinate identity.

Following discussion of this incident, Brad was keen to express that whilst this attack was the most violent he had yet experienced, it was by no means an isolated incident and in fact he detailed further acts of violence perpetrated against him which he felt were enacted in response to his choice to occasionally wear make-up and high-heels; items ordinarily associated with femininity;

I love make-up, what can I say it's my vice. Some people do drugs, I do the London Look, it's my thing. I was constantly raiding my mum's make-up bag when I was young and I'm so lucky 'coz I have an amazing mum who always supported me, but even she used to say I shouldn't go out in it 'coz it would make people angry. I didn't understand why 'coz I thought I looked fabulous (laughs). I still do (pause) when I've got my full face on I feel amazing. It's not the words that bother me so much, it's the spitting, usually from guys, women tend to just stare, but guys will spit and they'll try to trip you up if you're in heels. It's pathetic really. (Brad)

As Brad's statement shows, the larger the disruption to gender and sexual norms, the more aggressive the response to it. Whilst he notes that he is spat upon whilst wearing make-up, it is when he wears high-heels that he receives a more physical response in that attempts to trip him up are made. Significantly he notes that it is usually male perpetrators of these incidents whilst females are seen to remain largely passive. Although Brad had contacted the police in relation to the more serious physical assault he experienced on the Quayside which left him with broken bones, when asked if he had informed the police of the incidents in which he had been spat upon or tripped he responded;

Not much point really. They aren't interested. They take one look at me and think I must have been asking for it. It was only when I was nearly killed that they seemed bothered and even then it was reluctant. (Brad)

Anti-homosexual violence – or violence targeting people assumed to be homosexual – is not new, nor is it anomalous. Violence against homosexuals has been documented for as long as the lives of homosexuals have been documented and indeed the two have often

been synonymous. What is new however, is the surge in interest both inside academia and beyond into conceptualising and understanding crimes of hate perpetrated against gay men and lesbians which in turn reflects changing social, and perhaps more importantly, legal attitudes towards non-heterosexual sexual identities more broadly (Jenness and Richman 2002).

Despite an increasing socio-legal culture of tolerance of sexual minorities, there is evidence to suggest that within Newcastle's urban landscape, the hegemonically masculine culture still remnant from its post-industrial past is still being utilised in order to subordinate the homosexual or queer identities. Indeed Iacuone (2005) indicates that within such cultures of hegemonic masculinity the allegation of homosexuality is frequently used as another way in which to insult someone. This notion that the label of homosexual may be used in order to subordinate and dominate was demonstrated multiple times by the participants of this project;

...I never really get too much bother, but I'm quite easy going like, I take stuff in good humour. Like when I play footie on a Saturday with me mates, they'll call me a puff if I mess up a shot or (pause) especially if I fall down actually, like they'll say come on man get up you puff stop trying to look up our shorts. It's just banter really they don't mean owt by it, they've been me mates most of me life. (Gary)

...things were harder at school than they are now really. At school you'd get tortured if anyone even thought that you might be gay. I mean I knew one lad who got called gay literally every day at school. He wasn't even gay as far as I know but they just wouldn't leave him alone. He used to get so pissed off but I guess that's what they found funny (Steven)

I've had it all over the years, puff, faggot, bender, nowt really shocks me anymore. I used to bite back but there's nee point really 'coz you won't change their opinions. Like they won't turn round and say Oh I'm so sorry I had no idea that my unkind turn of phrase has offended you. You're more likely to get a smack for your troubles. (Scott)

However, it was during the interview with Ben that the conceptualisation of homosexuals as subordinate and marginal to the population at large became particularly striking. Ben had been very keen to express both prior to, and during, the interview that he was not gay

and didn't want to be represented within the study as gay. What became apparent, as evidenced in the below exchange was that to be labelled homosexual, for Ben, carried with it assumptions about his sexual capabilities;

Ben: *I'm not gay, I don't want you writing that. I mean this is just something that I do, it doesn't make me gay. I mean I'll prove to you right here right now that I'm not gay.*

Researcher: *That really won't be necessary.*

Ben: *No but I could and I would if it meant you wouldn't write about me as a gay.*

Researcher: *At the beginning of the interview I asked you to self-identify and you told me that you saw yourself as a heterosexual man. I don't need any form of proof about that.*

Ben: *No but if proof was required I'm more than capable*

Researcher: *Well let's move along as I'm not researching your capabilities*

Whilst appearing more aggressive in print than was conveyed by Ben at the time, his comments are indicative of his continual struggle to symbolically mark his body as heterosexual. For Ben heterosexuality and thus masculinity was something that could be proven by an ability to perform sexually with a woman. As Cheng (1999) suggests, hegemonic masculinity is phallocentric, in this respect seen as able to validate a man's entry into the hegemonically masculine group. As Ben's offer was politely rebuffed by explaining that no such proof would be necessary, there was a slight change to his tone as he responded "*No but I could and I would if it meant you wouldn't write about me as a gay*". Whilst I have reflected elsewhere (Parker 2016) regarding the power imbalance present within the cross-gendered interview setting and indeed discussed the ways in which in response to this particular interview I felt my body language substantially change, what is particularly significant about the somewhat threatening manner in which Ben responded is the notion, seen within the work of Cheng (1999), that one way to prove hegemonic masculinity is to act aggressively or even violently toward what is regarded as "feminine".

Whilst the level of threat that I recall feeling at the moment that Ben made his comment was minimal, i.e., I felt no immediate need to terminate the interview but made a mental note of where my nearest exit might be should it be required, the slightly aggressive tone of his statement provides somewhat of an indication of the risk faced by MSM who locate their public sexual practices within the public sphere in Newcastle. Disrupting traditional gender and sexual roles which prescribe a strict adherence to heterosexuality, MSM are seen to threaten the traditional male gender role and as such may find themselves as targets of defensive actions (Maas et al. 2003; Willer 2005). Indeed as Glick et al. (2007) note, MSM viewed as effeminate are particularly likely targets of such defensive actions.

Acknowledging the threat that he faced if he was perceived to be effeminate within the public sex environment that he used, Paul detailed the way in which he altered his bodily stance when in the public sex environment in order to perform a version of masculinity that he felt was less likely to attract violence:

In some places it's not so bad but when you go down (Site A) you've gotta make sure you're sending out the right kind of signals. If people think you're wet you've had it. (Paul)

Whilst Paul acknowledged later in the interview that the bodily signals that he performed whilst within the public sex environment in order to convey his masculine status could in fact deter potential sexual partners and admitted that he had obtained a “*bit of a reputation*” within the public sex environment that he used, for fighting; Paul positioned his actions within a wider Geordie culture. This wider culture in which physical prowess is valorised, for Paul had placed him “*under pressure*” to perform a physical identity to which he did not necessarily relate:

...I really hate getting into fights, I don't go looking for them but they just sort of find me. I think it's just what's expected round here really, specially when people have had a few drinks... (Paul)

This masculine and alcohol fuelled culture to which Paul refers can be seen to be ardently promoted by Newcastle City Council as part of their regeneration strategy in which they

seek to capitalise on traditional Geordie drinking cultures and invite one and all to feel the buzz.

5.4 Feel the Buzz: The Promotion of Geordie Drinking Cultures and Sexual Risk-taking

In 2003 Newcastle City Council failed in a joint bid with the closely neighbouring town of Gateshead to become European Capital of Culture for 2008. Narrowly losing out on the much acclaimed accolade to the city of Liverpool, the defeat came as a heavy blow to an urban partnership that had long been “tipped as the bookies favourite” to win the award (Minton 2003, p.2). The Newcastle/Gateshead bid which was headed, and widely promoted, with the slogans “Feel the Buzz” and “Love the Buzz” (Wharton and Fenwick 2012, p.10), had sought to celebrate and embrace the modern-day stereotype of Newcastle upon Tyne as a vibrant and inclusive party city attracting both tourists and revellers alike (Vigar et al. 2005, p.1401). In this respect, the Newcastle/Gateshead Capital of Culture bid reflected the region’s traditional working class drinking cultures which were expanded and developed in order to incorporate a carnival culture of drinking into Newcastle’s contemporary tourism policy (Lancaster 1992). Furthermore, as the Capital of Culture bid positioned Newcastle’s commercial gay village as one of the central components of the city’s night life, the Newcastle/Gateshead partnership represented a significant cultural shift towards cosmopolitanism and a symbolic freedom from the intolerant constraints of post-industrial decline.

Nevertheless, the social and cultural framing of Newcastle’s ongoing regeneration programme around the night time economy, and specifically the fervent and persistent promotion by Newcastle City Council of mass alcohol consumption, arguably inherent within the “mythic” notion of ‘buzz’ (Wharton and Fenwick 2012, p.10), has substantial implications for the risk-taking behaviours of MSM as they pursue public sexual encounters. Whilst not all of the participants of this study discussed or referred to alcohol consumption in relation to their public sexual practices, during the interviews where alcohol consumption was discussed, it took somewhat of a central role and was

positioned as a cause, an enabler, and a motivation for engagement in illicit public sex. It is therefore a worthy area of enquiry in order to explore the impact of social and cultural norms as systems of regulation upon MSM's risk-taking behaviours.

Over the past two decades, alcohol consumption has been frequently examined with regard to its common association with health risk behaviour (Stall et al. 2001; Venable et al. 2004; Woolf and Maisto 2009; Jones-Webb et al. 2013; Shuper et al. 2018). Whilst early scholarly focus in this arena debated the existence of a direct causal relationship between alcohol use and unsafe sexual practices (Trocki and Leigh 1991; Weatherburn et al. 1993; Graves & Leigh 1995; Fenaughty and Fisher 1998), there is an increasing acknowledgement within contemporary research of a considerable variance in alcohol's causal effects on sexual risk-taking (Cooper 2006, p.19). In this vein, when examining the relationship between alcohol consumption and sexual risk behaviours, scholars have emphasised the importance of extending such enquiries to also consider social and environmental factors, which, when combined with alcohol consumption may influence, or enhance, the likelihood of unsafe sexual practices (Frye et al. 2006).

The necessity to broadly consider social and environmental factors when examining the relationship between alcohol consumption and sexual risk behaviours was demonstrated during this study within the interview conducted with Ben, a twenty-seven year old heterosexual identifying MSM. Ben was keen to express, prior, and during, the interview that he was not in fact gay, did not wish to be presented in this research as gay and that he had only engaged in public sex; or indeed any sex, with other men when fully under the influence of alcohol:

Ben: I only ever do stuff like this when I'm pissed. I just kind of end up there then I feel like shit afterwards when I've sobered up. It's just one of those stupid things you do on a night out that you live to regret but I mean it's only when I get totally off my face. It's not a regular thing by any means. I can see what you're thinking, but it's not like that at all. We all do crazy shit when we're pissed.

Researcher: *I'm not judging you so you needn't worry about what I think. What I am curious about though is protection. I know you said you've normally had a few drinks before you end up there and I was just*

(Ben interrupts)

Ben: *There's only been one time when I haven't. I'm always careful, even with lasses 'coz you never know what they'll pin on you, no offence or 'owt, but as a rule I just don't give people the opportunity. Aye this one time, I was gutted 'coz I honestly thought I'd been careful but the condom that I keep in my wallet was still there the next day. Knocked me sick that did. Don't know how it happened.*

Researcher: *Is it possible that the other guy gave a condom to use?*

Ben: *Nah I don't think so. I mean it's possible but I doubt it.*

Researcher: *Ok, so you've said that this only happens when you've had a lot to drink, how often does that happen?*

Ben: *Don't get me wrong I'm not a pisshead or 'owt, I don't have to do it and it's not a problem or 'owt I just like a good time that's all. It's not a crime. I've committed a few of them in me time but that's not one of them (laughs) (coughs).*

Researcher: *So when you have a drink are you drinking on your own or with other people?*

Ben: *There's a few lads I went to school with, we've kept in touch like for years. On a pay day we usually go to the town you know. Have a few bevvies, bit of banter; see who's about, you know. It's a laugh. Some of them man are like tanks, the amount they can put away is unreal so it's a bit of a shite night if you don't get off your face drinking with them lot (Coughs). I'm not really one for drinking in the house on me tod (long exhale), might have a few cans depending on what shift I'm on but never get off me face.*

Researcher: *So it's when you're off your face that you end up in Site A?*

Ben: *Well yes 'coz I wouldn't fucking be there otherwise would I? It's not the sort of thing I'd do sober. I've told you I'm not fucking gay. It's just when I've had a few jars that it happens. I don't want it to happen, it just does. I mean if I wanted to live like a fucking monk and not drink at all then I'd never do it, but what sort of a life's that? Sitting at home on a Friday night twiddling me thumbs while me mates get pissed, it's a fucking shit one and I just won't do it.*

Ben's framing of his alcohol consumption around notions of a normal social life, evidenced specifically within his statement "*I just like a good time that's all*" and his earlier remark of "*we all do crazy shit when we're pissed*", can be seen to feed directly into the ideology of a carnival culture of excessive drinking epitomised by the Newcastle/Gateshead Capital of Culture bid. Ben's ritualistic routine of meeting up with his old school friends on the day of the month in which they all receive their wages in order to engage in heavy drinking in Newcastle city centre, is certainly reminiscent of the traditional working class cultures that Newcastle City Council seeks to celebrate. Although the "traditional male drinking apprenticeships" (Hollands and Chatterton 2002, p.293) in which young men would be integrated into the local working man's social club by their fathers and grandfathers have all but disappeared, the consumption of alcohol in Newcastle can still be seen, as demonstrated by Ben, as revolving around working life. Consequently, as the city's night time economy continues to expand, and the availability of outlets where alcohol can be purchased and consumed to excess increases, the urban environment becomes complicit in sexual risk-taking behaviours (Frye et al. 2006, p.315).

Ben's inebriation at the time of the particular public sexual encounter to which he refers, is not only presented as being the sole reason behind his presence within the public sex environment, but is also stated as being the primary factor that prevented his condom use on that occasion. Ben's considerable lack of clarity as to the situation that led to his condom not being used and his uncertainty as to whether a condom was provided by his sexual partner are not only indicative of the levels of alcohol that Ben was subject to at the time, but also arguably highlight the relevance of normalised social drinking cultures in understandings of sexual risk-taking. As Mullen et al. (2007) note in their study of *Young Men, Masculinity and Alcohol*, the consequences of drunkenness are often especially valued within the social drinking groups of young men. Boisterous behaviour, public urination and even losing consciousness were all presented within their study as a price that young males were willing, and in some cases keen, to pay in exchange for a "good night out" (p.157). In valorising the consequences of intoxication, young men engaged in

social drinking cultures, are less likely to recognise their alcohol intake as problematic (Thom 2003) and as such face increasing risks to their well-being which includes, but is not limited to, their sexual health.

Significantly, Ben presents the consumption of alcohol as affecting his social behaviour to such an extent that public same-sex sexual activities are performed *only* in situations where he has excessively consumed alcohol with his friends and do not otherwise occur. In this respect he positions his public sexual practices not as a desired action but as an unwanted consequence of his intoxication. Thus, blame for his actions is transferred to the alcohol as an agent of disinhibition rather than placed upon the actor [Ben] who is deemed to no longer have any control of his actions (Critchlow 1983). However, this explanation of alcohol consumption as an 'excuse' for the illicit public sexual activities between Ben and other men, as contended by George and Norris (1991) implies that there exists a motivation to drink prior to an opportunity to engage in deviant behaviour. In such circumstances they argue, a person wishing to indulge will drink in order to excuse later disinhibition.

As Cooper (2006) argues, reverse causal explanations, such as that proposed by George and Norris, posit that the intention or desire to engage in risky sexual behaviours causes or encourages one to drink alcohol to excess at times when sexual opportunity is perceived. As such, it may be suggested that the intention or desire to have risky sex may actually, in effect, precede and cause excessive drinking, rather than the reverse. For example, although Ben was particularly insistent that he harboured no same-sex desires, and indeed expressed that he felt "*like shit*" after engaging in public sex with other men, he also indicated that he had not taken any steps to alter his consumption of alcohol in order to prevent his public sexual activities from occurring again in the future.

Ben's normalisation of his drinking in which he positions his alcohol consumption as simply part of a good time that he has with his friends is suggestive of a belief held that his drinking is not problematic to the point of dependency and is more in line with a display of

his masculinity when he is drinking with his peers to whom significantly he refers to as “*tanks*”. However, Ben’s later comment of “*I don’t want it to happen, it just does*” when referring to his attendance in Site A and his insistence that, but for his alcohol consumption, he would not be in Site A at all suggests a more complex intersection between his desire for alcohol and his engagement in same-sex sexual activities. Presented in this manner Ben’s alcohol consumption and the performance of masculinity he is then able to display to others as a direct consequence of his levels of consumption are positioned as being paramount to his quality of life which is evident within his question of “*what sort of a life’s that?*” when referring to his envisioned life without alcohol. Nevertheless he acknowledges that the potential consequences of his drinking to excess are that he engages in public sexual activities with other men which he states is something that he does not wish to happen but his alcohol consumption levels are maintained in order to protect his perceived life quality arguably challenging Ben’s previous assertion that he is not alcohol dependent.

Whilst Ben characterises his consumption of alcohol in line with cultural social drinking narratives i.e., the facilitation of his socialisation and the ritualistic form his drinking takes (Piacentini and Banister 2009), this was heavily contrasted by the experiences of another participant, Aaron, who self-identified as alcohol and substance-dependent. Aaron’s engagement with this research had initially been challenging as he made three separate appointments to be interviewed and failed to attend each one, always followed by an apologetic email a few days later and a request to arrange another meeting. On the fourth attempt I was able to meet with Aaron in a small public library on the outskirts of Newcastle where he was accompanied by another male. Aaron did not introduce this person but informed me that his friend had wanted him to keep his appointment and so had driven him to the library. I asked if Aaron would like his friend to sit with him while he was interviewed but he declined and said that his friend would sit in the Library’s coffee shop and wait for him.

Aaron explained that he was currently living in supported accommodation operated by a local charity and was receiving ongoing support for his alcohol and substance dependency. It was in his supported accommodation that Aaron had noticed my call for research participants pinned to an information board;

Aaron: I seen your poster on the board in (names accommodation), I'm not gona lie I thought when I first seen it that I'd get paid for doing it. I've seen a few with different places put up about the place where they'll give you money and that. It was only when me support worker said that you got no dosh that I realised.

Researcher: *But you still came anyway?*

Aaron: Yeah I dunno, I mean I feel like a bit of a fucking muppet but you kna. You seemed alright so thought I'd give it a bash like. Shame about the dosh though. You can make a tidy bit of gold doing these research thingys like. They give you money and all you gotta dee is answer some stupid questions and give them a bit of blood or piss or something, I've got a mate who's done it. You mighta got more people especially from round my way if you offered the money, like I kna that you're not paying people and I haven't come for that or 'owt but you might of got more people turn up is all I'm saying.

Researcher: *Well I'm pleased that you're here even though there aren't any cash incentives but you said you haven't come for that, so why are you here?*

Aaron: Well I dunno really (coughs) I mean your poster asked for men who have sex with men, is that right? I mean (pause) technically speaking like that's me if you kna what I mean but really it's not.

Researcher: *How do you mean?*

Aaron: I'll try and explain I'm not good with words and stuff though and this is quite hard to try and get it across so that I don't sound you kna, well (pause). At the end of the day I'm not Queer, I like lasses, they divn't like me that much but I definitely divn't fancy blokes. I was in a bit of bother see with me money, I'd had a bit of a sesh with me mate and I got a load of proper grief off me support worker for it 'coz I literally had nowt left. I'm on me last chance there and they keep threatening 'iz like saying they'll kick 'iz out 'coz things keep kicking right off but it's not my fault its 'coz of the fucking state of the place and all the radgies living there now. You wouldn't believe the clip of some of them man. Anyways, I wanted a drink and some smokes just to unwind a bit yeah 'coz it was a Sunday night and there was fuck all to dee as usual and me mate, he's from down (names area) and he said

he had a few bottles hidden in this tree that I could have so we had a gander down to the tree and we necked it. Was just some Cider and shit 'nowt special and he had just as much of it as me. Then anyways I divn't really kna what happened but the next thing was he was gan all radgie on 'iz saying that I owed him for the drink and that it wasn't his and that it belonged to someone he knew and I was gona get proper KO'd when they knew. So he says right, he knows what I can dee to square it with them and it would be an easy way for 'iz to get a bit gold in me pocket n' all. I was up for it 'til he told 'iz what it was like 'coz I had fuck all left.

Researcher: *What was it?*

Aaron: Well he said (pause) he reckoned (pause) I dunno how to fucking put it. I can't remember the exact words he said or 'owt right but he reckoned if I did stuff with one of these blokes he knew it would make it alright about the drink and they'd give me some gold for it n' all. He said it wouldn't be bad and that he'd done it loads of times. All you had to dee was get mortal and it was alreet. I mean I just had nee choice. He reckoned they'd stamp on me heed if I didn't dee it. At the end of the day I'm not a Queer and I've never done nowt like that with a bloke before so it wasn't something I was gan to fucking enjoy was it. Especially not in the pissing down of rain in the middle of (names area close to site B). Anyways, I never got anywhere near the dosh he said I was gona get for it and nee matter how mortal you get it doesn't make it any better. (Pause) (mimics voice) Hop in a salt bath he says it'll make it better and stop the bleeding he says. It fucking doesn't it stings like fuck but I thought I was square you kna. I thought that would be the end of it.

Researcher: *And I'm guessing it wasn't?*

Aaron: Nah not a chance, it's hard when you really need a drink. You'd do 'owt to get one. I'd told me mate I wouldn't do it again but he just kept coming back saying he'd promised them that I was game for it and I'd get the cash to keep 'iz in drink. I mean he just made it clear I couldn't say no otherwise I'd end up getting fished out the fucking Tyne or everyone would find out about what I'd done (long exhale and pause). I never get half the money that's promised but it keeps 'iz in drink you kna. See I have to account for all me money with me support workers, they want to kna where all me benefit gans but this was cash in hand so I could dee it and keep it on the sly for me drink. I hate it but it's an earner you kna. That's why I still dee it now (pause). I mean I had a way out, me mate got locked up for pinching and I could've just stopped but it was the money I needed, you can't turn that sort of gold down when you've got nowt. I need the money. The money and the fact that I divn't want me kidneys ripped oot like (laughs).

The above excerpt from the interview conducted with Aaron details the events that led up to his first public sexual encounter with another man and how this was in fact orchestrated by a third party characterised by Aaron as a “*mate*”. Similarly to the previous statement made by Ben, Aaron disclosed that he held no desire to engage in same-sex intimacies and pointed to the centrality of the role that alcohol played in his same-sex public sexual practices. Differing from the narrative of Ben however, Aaron’s description of the way in which he was firstly supplied with alcohol before being threatened with violence in order to obtain his consent is suggestive of sexual coercion, defined by Struckman-Johnson et al. (2003) as the act of using pressure, alcohol or drugs, or force to have sexual contact with someone against his or her will. Sexual coercion does not typically involve physical aggression, but rather includes begging, pressuring, manipulating, or threatening negative consequences (Basile 1999). The victim then complies with the verbal demands for sex to avoid an unpleasant consequence. This acquiescence or capitulation may lead the perpetrator to erroneously believe that consent has been obtained (Livingston et al. 2004).

Whilst traditionally most of the research concerning tactics of sexual coercion have focused upon the strategies that men have used to gain sexual access to women (Koss et al. 1987; Struckman-Johnson and Anderson 1998; Allgeier 2002), there is a growing recognition of men as victims of sexual coercion within the literature (O’Sullivan and Byers 1993; Struckman-Johnson et al. 2003; Hines 2007) and an increasing acknowledgement that sexual coercion can and does occur within same sex intimacies (Waterman et al. 1989; Kalichman and Rompa 1995; Kalichman et al. 2001). Sexual coercion has negative impacts on psychological, physical and sexual health and represents a prevalent and pervasive problem for MSM (Kalichman et al. 2001). However, as Lane et al. (2008) argue, men who regularly consume alcohol are more likely to experience coerced sex with other men than infrequent drinkers as alcohol has deleterious effects on judgement and ability to resist aggression effectively (Testa and Dermen 1999). Indeed as Abbey (1991) notes, substance use has become an increasingly common tactic of perpetrated sexual

coercion due to its capacity to lower inhibition, render physical helplessness, and impact upon decision making.

As Kalichman et al. (2001) state, unwanted sexual experiences are associated with high-risk sexual practices and behaviours. For example, sexually coerced men are more likely to engage in unprotected anal intercourse which in turn places them at higher risk of contracting HIV and other sexually transmitted infections (Kalichman and Rompa 1995). Furthermore, Lane et al. (2008) note that where condoms are used in instances of coerced sex, it is unlikely that sufficient lubricant will be used in order to either prevent the condom from failing or to prevent injuries such as anal fissures, bleeding, and prolapses which can have long term health implications if not correctly treated. Whilst Aaron alludes to experiencing pain and bleeding following the sexual encounter, he does not specify the location, cause, or severity of his injury, only that he has been advised to take a salt bath as a form of treatment.

However, it is worth noting that due to Aaron's apparent disconnection from a wider MSM community, it is unlikely that he has benefitted from community or Internet-based HIV prevention efforts targeting MSM which will often include information regarding the importance of lubrication and which lubricants may be safely used with condoms. Additionally, as the research of Kinsler et al. (2010) highlights, lubricants are significantly less likely to be used during sexual encounters for which money is being exchanged, as was the case for Aaron, than during sex between stable partners. Studies such as that conducted by Pines et al. (2014) posit that this may be due to the cost of non-commercial lubricants when not obtained free of charge via health professionals or outreach projects.

Subsequently, as Newcastle City Council continues to invite individuals to experience the "seductive hedonism of the night time carnival" (Winlow and Hall 2006, p.96) with their promotion of drinking cultures to create a party city atmosphere; it becomes paramount that sexual health services build strong partnerships with organisations offering supported living for those with alcohol and substance dependencies. As Aaron's narrative

demonstrates, those who are dependent on alcohol and other substances are vulnerable to sexual coercion and exploitation in their pursuit to feed their addiction. Those subject to sexual coercion are more likely to engage in sexual risk-taking such as sex without a condom or adequate lubrication which in turn has wider implications for public health.

There is also evidence to suggest that alcohol and substance dependency can play a lead role in the introduction to sex as a commodity for trade. In Aaron's case, alcohol is presented as the catalyst which led to his current engagement in sex work. However, Aaron's current living arrangements which are a result of his dependency issues, arguably serve as a barrier to his access to sexual health services which consequently may impact upon his ability to engage in sex work safely:

Aaron: ... You've got to use all the little nooks and crannys to hide your stash. Can be 'owt like down rabbit holes, in trees and bushes anywhere. Just so long as you remember where it is (laughs). They check your pockets and in your kecks and everything to make sure you're not sneaking 'owt in you shouldn't have like. Not that you'd wana dee that anyways 'coz as soon as you closed your peepers it would get pinched. They pinched the laces out me trainers once man its fucking mental you cannit take nee drink in there it would be gone like that (clicks fingers) fucked.

Whilst the above comment concerned Aaron's ability, or lack thereof, to take alcohol into his accommodation, it is also equally possible to see how an item such as lubricant or condoms issued by sexual health services being found on Aaron's person during a search by staff members may be an undesirable outcome for Aaron who wishes his sexual activity with other men to be kept "on the sly". There is an opportunity therefore, for sexual health services to work closely with organisations offering supported living, to address the structural barriers to service provision created by policies designed to address dependency issues. Substance dependency and sex work are often not mutually exclusive; Ross et al. (2012) highlight that alcohol and drug use are frequently associated with sex work, either because the nature of the work leads to self-medication or because sex work is a relatively easy way to obtain money to finance addiction (p.109). A coordinated multi-agency response is thus beneficial to ensure that MSM who are

engaging in public sex for money in Newcastle are able to indiscriminately access sexual health services to effectively manage their sexual health risks without compromising their shelter arrangements.

Like many victims of male sexual victimisation, Aaron was keen to reject a victim status focusing instead upon notions of choice;

Researcher: *So how were you feeling the first time you went off to meet this man?*

Aaron: *At the end of the day, I had a choice, it was a shit choice like but still if I didn't want to be supping soup through a straw then it had to be done. I chose it then and I still choose to dee it now it's just one of those things. Nee one held a gun to me head and nee one fucking dragged 'iz off the streets. I went off me own back knowing what I had to dee but me nose followed the cash 'coz when you really need the money you'll dee 'owt. You kna it's like Baldrick says, somewhere there's a bullet with your name on it but if you've got the bullet it cannit hurt you. At the end of the day it just doesn't hurt 'iz anymore, not like it used to. They get something, I get something you kna.*

Aaron's reference to the television series *Blackadder* in which, during WW1 as preparations are made by the characters to go over the top into no man's land, Baldrick is seen to be carving his name onto a bullet with the premise that the bullet with his name on it won't be able to hurt him as he alone possesses it, is somewhat poignant and is indicative of Aaron's attempts to gain a level of control and thus deny victimisation. As argued by Tewksbury (2007) this denial of victimisation links to a low likelihood of reporting or indeed independently seeking services for medical or mental health support. Additionally, the notion that Aaron possesses the metaphorical bullet that is seeking to harm him is also suggestive of a narrative of self-harm. As Aaron discloses he has continued to engage in sex with other men for money despite his friend who had originally coerced him being sent to prison subsequently providing Aaron with an opportunity to stop should he so wish. Aaron states that he continued his public sexual practices as he needed the money to pay for his alcohol, as Ness et al. (2015) highlight, alcohol misuse is strongly associated with self-harm and increased risk of future self-harm and suicide. As such Aaron's sexual activity with other men may be viewed in terms of a complex nexus of

self-harm in which a sense of control may be gained and lost through engagement in destructive behaviours. Subsequently, following the interview with Aaron I felt it appropriate and within my duty of care as a researcher to sign post him to local organisations that may be able to offer him support. It was made clear that I was independent of these organisations and stood to benefit nothing from his referral and that ultimately the decision to contact them was his and his alone. I felt that given Aaron's experiences of coercion it was an important clarification to be made in order to not only reaffirm my independent position as a researcher but to also reiterate that his information had been given in confidence and would not be passed to other organisations without his consent.

Whilst this chapter has thus far focused upon the consumption of alcohol as a means for participating in traditional Geordie drinking cultures fervently promoted by the "Feel the Buzz" campaign, it must also be highlighted that inherent within Newcastle's night time economy and specifically within the notion of buzz is an allusion to the consumption of other illicit substances. This has particular relevance for MSM due to a recent rise in those utilising illicit substances to enhance their sexual encounters. The phenomenon colloquially known as 'chemsex' (a contraction of 'chemical sex') is the intentional combining of sex with the use of particular non-prescription drugs in order to facilitate or enhance the sexual encounter. The dangerous mixing of drugs and sex is not a new phenomenon. Both the popular and academic literatures are saturated with instances describing acts of risky sexual behaviour related to substance use (Kelly et al. 2009). Although no participants in this study self-proclaimed to have engaged in chemsex, perceptions were somewhat mixed as to the risks involved with such a practice;

There's a guy I know, he's into that quite hard. I've never done it though, I like to stay in control but he reckons that once you've done it, you don't get the same buzz from normal sex anymore. I think that's what puts me off as well, like he needs to keep doing it every time, he's not just content with the ordinary. I'd be terrified that I'd be the one that something happened to as well. Ambulance for Scott (laughs) (Scott).

It's something I'm quite curious about, I mean don't get me wrong, I've had sex on weed before but that's shit 'coz you just lose all the sensations and its shit, but I've heard that, what did you call it? Chemsex? Yeah well I've heard that when you have chemsex you don't actually cum 'coz you're too high, so it's probably safer in that way (Kyle)

It's one of those things that you hear so much different stuff about all the time, like you don't really know what to think. Someone I know did it once and ended up in hospital on a drip but I know other people who do it all the time and its nee bother so (pause) I dunno, I'm definitely curious about it, I'd want to maybe try it with someone I was close to though rather than someone I was just fucking, in case anything went wrong, it'd be better to know that they'd look after me for sure. (Paul)

Notions of risk and safety are evident within all of the above comments. For Kyle his belief that those engaging in chemsex do not ejaculate is referenced within the notions of safety. If those engaging in chemsex do not ejaculate then the risks of transferring HIV are considered to be low. However, it is important to note that Kyle does not state from what source he had acquired this knowledge, stating simply that he has “heard” that those engaging in chemsex “don’t actually cum”. For those MSM engaging in chemsex, the distribution of inaccurate information and myths proves particularly problematic and may promote increasing levels of sexual risk-taking behaviours. As Kyle himself states, he is “curious” about the experience of chemsex and could potentially be motivated to try it based upon the assumptions he states in relation to risk management, yet such assumptions may also place him at further risk if they are proved to be incorrect.

Scott however, discusses his need to remain in control of his sexual activities as a means of self-protection; he also acknowledges a fear that if he were to try chemsex he would end up in need of medical attention. His reference to his concern that he would be unable to enjoy the “ordinary” is symptomatic of the edgework narrative (Lyng 1990) within which chemsex may be understood. If the boundaries of pleasure and experience are pushed, the ordinary subsequently becomes mundane and repressive. For Scott, the notion that he would become trapped within a thrill seeking circle in which enough was never far enough is presented as a restriction rather than the freedom that edgeworkers initially seek. In this vein, in light of the narratives above which make reference to issues of sexual

health and pleasure and the inter-relation between the two, the final part of this chapter will address notions of sexual risk-taking. It will subsequently be demonstrated that engagement in sexual risk-taking may be understood, through an edgework lens, as a hedonistic form of escape from the constraints of contemporary life.

5.5 Sexual Health: Edgework and Resistance

Since the first cases of AIDS were reported in the USA in 1981, the HIV epidemic has taken a “devastating toll”, particularly on MSM and is still today, a critical health issue (Wolitski et al. 2001, p.883). Indeed the National AIDS Trust (2017) reported that in 2015 more than half of people newly diagnosed with HIV were MSM even though this group only make up an estimated 2-3% of the male population. Despite aggressive prevention and educational efforts and the rate of adult-to-adult transmission of HIV remaining at around 6000 new diagnoses for the past five years (Public Health England 2017), the number of MSM newly diagnosed with HIV has continued to rise from 2,860 in 2010 to 3,320 in 2015 (Averting HIV and AIDS 2017). Whilst new diagnoses of HIV may reflect an increase in those being tested following targeted public health campaigns, Aghaizu et al. (2013) estimate that one in five HIV positive MSM remain undiagnosed indicating that an increase in sexual risk-taking behaviour may indeed be behind the resurgence of HIV diagnoses within this particular high risk group. Sexual risk-taking behaviours, arguably the primary source of HIV transmission (Vittinghoff et al. 1999), now appear to be eclipsing the safer sex campaign messages promoted in the early 1980s and 1990s (Herbst et al. 2005) as the availability of highly active antiretroviral therapy (HAART) has been accompanied by a corresponding increase in risk-taking behaviours such as ‘bareback sex’ ‘bug chasing’ and ‘chemsex’ indicting a significant shift in perceptions of HIV more broadly.

Significantly not all participants of this study reported a desire to engage in safe sex. Two participants in particular disclosed that they preferred to engage in bareback sex - the practice of intentional condomless anal intercourse – with other men rather than adhere to

safer sexual practices. Whilst the phenomena of bareback sex among MSM is by no means a new phenomenon, the recent surge in the practice has caused concern as it marked a shift from momentary lapses in using condoms to intentionally choosing not to use them for some or all sexual encounters (Wolitski 2005; Berg 2009). Whilst studies have found that the majority of MSM do not engage in barebacking (Mansergh et al. 2002; Elford et al. 2007; Berg 2008), Halkitis et al. (2003) found that those MSM who do engage in bareback sex are more likely to be HIV positive and tend to seek out partners of the same serostatus.

The population of barebackers within the MSM community includes an unknown number of participants with multiple different key characteristics and motivations (Gauthier and Forsyth 1999) thus establishing explanations for the high-risk sexual behaviour proves somewhat problematic as multiple motivating factors are presented. Research conducted by Carballo-Die'guez et al. (2011) found that MSM who bareback reported that, in doing so, they seek greater intimacy, connectedness, and physical pleasure in their sexual interactions and are, as such, willing to tolerate greater risk of HIV infection. The notion that sex without a condom is more pleasurable, intimate and thrilling was certainly reflected within the comments of Mark, who during interview stated;

It feels a million times better without a condom. I don't care what they say about how thin they are and how you don't know you're wearing it. It's bullshit. I know I'm wearing it and I fucking hate it. May as well wrap yourself up in fucking cling film. I like to feel it, no fucking point if you can't. I used to always use something when I was younger, was too fucking terrified not to, but once you've tried it unrestricted by a shitty piece of rubber you can't possibly go back. It's the best feeling in the world. Just a totally different experience altogether in every possible way. I'd never go back now (Mark).

Evident within Mark's comments is a transition from a period of time in his life when he always engaged in protected sex to the point where he now always engages in bareback sex and prefers to have sex this way. What was not clear in the above statement was what prompted, influenced or motivated such a change within a climate in which new incidences of HIV were and continue to increase; Mark was therefore asked;

Researcher: *Can you tell me about the first time that you had bareback sex? Like how did that come about? What happened differently on that occasion that hadn't happened any other time?*

Mark: *Erm (pause) I don't think there was anything really different about that time (pause), not that I can think of anyway. I think for a long time I'd been getting more and more lapse with using the fucking things. Like I wouldn't put them on until absolutely the last possible fucking second. I was always hoping a bit like that it would be suggested that I didn't wear one so I could get out of it you know. I never wanted to be the one to bring it up, in case they were like totally set against it and it ruined the whole thing. 'Coz I think once you suggest something like that and the other person doesn't want it, they don't trust you anymore, like they reckon you'll whip it off half way through or something. So I never wanted to risk asking.*

Researcher: *So that first time you didn't use the condom, who initiated that?*

Mark: *It wasn't really one or the other that's the funny thing. It just happened. Like really quickly. (laughs) not like that I wasn't that fucking quick. I just mean one minute we were just weighing each other up and stuff like you know, the next minute it was happening. It took me a while to even twig on that I wasn't wearing 'owt.*

Researcher: *So when you realised that you didn't have the condom on, did you think about the risk?*

Mark: *Not really, I did afterwards a bit but to be honest I can't in all honesty say I was too bothered. It was hot as fuck, I enjoyed it, what else can I say (laughs). Look every fucker is gona die, you may as well go out doing something you love.*

As Ridge (2004) notes, barebacking can be a mode of 'letting go,' be about muscles grinding, [be] a means of celebrating masculinity and venturing beyond boundaries or feeling adventurous and free. In this respect Mark's experiences of bareback sex can be understood through the edgework prism – a means for essentially describing activities in and through which individuals and subcultures probe the boundaries of order and disorder and safety and danger (Lyng 2008). Indeed the type of moment that is described by Mark, the moment in which he transitions from always practicing safe sex to engaging in bareback sex regardless of the risks to his sexual health. This is arguably displayed quite

clearly in Mark's narrative in which his first experience of barebacking is presented with a sense of 'becoming' and progression from one state to another.

Whilst scholars have argued that the presence of AIDS optimism has enabled the barebacking phenomenon to flourish (Suarez and Miller 2001) as MSM view their mortality rates of living with HIV more favourably, Mark's statement of "*every fucker is gona die, you may as well go out doing something you love*" appears to challenge this conception. Contraction of HIV is presented by Mark as being synonymous with death, a result which is accepted in his pursuit of sexual pleasure. To this end, it seems not that Mark is optimistic of his chances of survival should he contract the virus, in fact it appears quite the opposite, but rather he is motivated to engage in bareback sex despite the associated risks in order to experience feelings and sensations metaphorically and physically restricted by the promotion of safer sexual practices.

As Crossley (2004) notes, risky sexual practices provide a psychological feeling of rebellion against dominant social values, which in turn creates a sense of freedom, independence and protest. By engaging in sexual practices categorised as 'unhealthy' the body comes to be used as a vehicle through which resistance to cultural norms can be embodied (Bordo 1993). Whilst Barker et al. (2007) contend that there is a need to guard against the interpretation of MSM as somehow distinct and extreme in their engagement of risky behaviours and indeed point to other examples in which long term health consequences are seen as less pressing than immediate pleasures, for example, unplanned pregnancies, high-fat diets, smoking and dangerous sports. Mark's comments, particularly his utilisation of death as the margin or boundary to his sexual risk-taking, arguably resonate with notions of edgework and the enabling qualities contained within and thus edgework remains an important component within the consideration of the motivational factors of bareback sex and the rise in reported incidences.

For some men "barebacking" may be considered an activity carried out only in specific instances, for example as Tom states:

Me and my boyfriend NEVER used condoms, we both knew the other one didn't have anything nasty we could catch so there was no point. I'd only do that in a relationship though not with a random, you've got no idea where they've been (laughs). I felt like it was OK with him coz I knew he's only ever been with me. (Tom)

For others “barebacker” has now become a label or an identity (Parsons and Bimbi 2007) by which one can define themselves or others. This is reflected within the research of Shildo et al. (2005) who state that a barebacker assumes an identity as someone who practices intentional unprotected anal intercourse and experiences it as ego-syntonic, or consistent with his sense of self. Although Mark's references to being unable and unwilling to “go back” are indicative of an acute distinction between his perception of self before and after his first experience of bareback sex, Mark did not explicitly self-identify during the interview as a barebacker and as such it is important in this instance to maintain distinction between sexual behaviour and identity. Nevertheless, the emergence of barebacking as a distinct sub-culture within the MSM community more broadly may be viewed in terms of expansive changes in the ways that MSM think about HIV, their risk of becoming infected or infecting someone else, and the physical, mental, and social consequences of being HIV-positive (Wolitski 2005).

The term “bug chaser” describes HIV-negative men who actively search for multiple HIV-positive partners in the hope of becoming infected, thus chasing the bug. Bug chasers are complemented by persons labelled bug givers (or, in some circles “gifters”) who seek opportunities to engage in bareback sex in an attempt to knowingly infect others seeking to become HIV infected (Tewksbury 2006). Although Moskowitz and Roloff (2007) note that there is a tendency for barebackers and bug chasers to be grouped together in the literature, they argue that this proves unhelpful in terms of differentiating bug chasing as a subculture of the greater barebacking culture. That is to say, that even though all bug chasers are indeed barebackers, not all barebackers are bug chasers. As discussed above, Mark's practice of barebacking was not indicative of an intentional quest to contract HIV but rather his perception of contracting the disease was as a bi-product of the type of sexual activity that he craved. Significantly, none of the participants in this

study identified as a 'bug chaser' and indeed, the concept when raised garnered a somewhat negative response from participants;

Fucking weirdos to want something like that. I can't understand it at all. I mean it's just mental isn't it? (Joshua)

I've never heard it called that before, I didn't really know it had a name, but I guess that's as good as any. It's nuts really. I know people do it, but for me it's like walking into traffic wanting to be hit by a fucking car (laughs) you just wouldn't fucking do it would you? (Travis)

It's the fucking crack heads that'll do that I reckon, probably think it's worth a few extra quid to them in benefits and stuff. Let's face it they're not fucking normal are they? They probably reckon they'll get a bit extra DLA for it or something like that. Fucking disgusting they are. (Carl)

I saw that on a programme once and it just totally floored me that it was a thing. I mean there's got to be something amiss with people who do that, like some kind of personality disorder 'coz it's just not normal is it? (Steven)

Of the above comments regarding perceptions of those engaging in 'bug chasing', most notably all are derogatory in tone. Three of which allude to mental illness and the other makes reference to addiction issues which is indicative of the alienation that the subculture of 'bug chasers' are subjected to within the broader MSM community. Those MSM who 'chase the bug' are perceived within the statements above as doubly deviant as they are ascribed additional stigmatised identities in order to account for their particular sexual activities that differ from the sexual norms of the MSM community as a whole. They are 'othered' and presented in statements that are designed to isolate and alienate, arguably exasperating the condition of minority stress that many HIV negative men are reported to experience as they feel left behind by lovers and friends who have moved on to a status that they do not share. The loss of solidarity and sense of community is overwhelming, particularly for individuals ensconced in a nation already divided along heterosexual-homosexual lines (Gauthier and Forsyth 1999).

It is this minority stress that is purported to motivate the risk-taking behaviour of bug chasing, however, it is also the act of bug chasing that contributes towards minority stress, as the bug chasers become their own minority subculture of MSM and subsequently are increasingly marginalised. This marginalisation was not only evidenced within the negatively toned comments heard within this study directed towards the bug chasing practice and identity but was also symbolically displayed by the three participants to whom the identity had to be explained as they were unaware of its existence, as Tyler commented;

Tyler: What? So you're telling me that people actually want to catch it? Why the fuck would they wana do that?

Researcher: Well the general gist is that for some people they see it as almost certain that they'll catch HIV 'coz of the type of sex they have so they kinda want to catch it before it catches them. It's like a way of taking control, so they aren't living in fear. Do you know what I mean?

Tyler: I do but I don't. I get what you said but can't fathom why anyone would want it. (pause) I just had no idea people did that. I'm quite stunned by that actually. Are there a lot of people do it? Like how do you know someone is doing it?

Researcher: It's hard to tell 'coz usually it's quite a hidden thing. Have I worried you?

Tyler: Just a bit aye. I had no idea that was even a thing. I mean it's just scary what some people do for fun isn't it?

In this interview with Tyler, as the conversation progressed it became evident that he was becoming increasingly worried about this bug chasing identity that he had previously been unaware of, his questions relating to how many people engaged in the practice and how to identify those doing it arguably signified a growing concern as to his own contact with this subculture and a fear of the unknown. This fear and uncertainty may also be seen in the way in which he seeks to distance himself from the subculture with his comment of "*I mean it's just scary what some people do for fun isn't it?*" Tyler's absence of knowledge concerning the bug chasing subculture and his concerned response are also potentially symptomatic of his own experiences of minority stress as a heterosexual identifying man

who has sex with other men. In this sense Tyler's lack of affiliation with the gay community more broadly may be seen here to heighten his feelings of anxiety, his comment of "*I just had no idea people did that*" and his following questions emphasise this symbolic distance as if in some way, due to his heterosexual identity, he has missed out on receiving this information and subsequently may have inadvertently put himself at risk.

Whilst the phenomena of Barebacking and Bugchasing highlight an increasing prioritisation of sexual pleasure above safe sexual practices, this is not to suggest that sexual pleasure is the driving force behind all incidences of unsafe sex:

Carl: *It's hard to be safe all the time. Even with the best intentions sometimes you just can't do it. If I used a condom every single time, I'd never be out of bastard Boots buying the fuckers. And they aren't cheap. I used to get them free from the clinic but I can't really do that anymore.*

Researcher: *Why not?*

Carl: *A few reasons really. The condoms they give out come in this packet see, they aren't Durex or anything and you pull one of those things out you get slated 'coz people recognise they've come from the clinic. You divn't need that sort of stick. It tells everyone that you're cheap. I reckon it makes people think you've got something too, 'coz you can see them thinking like why did he need to go to the clinic? It's not worth the hassle. The other thing is that the clinic will only give you so many so if you ask for any more they look at you like you're either totally deluded about your chances or like you're a right one. I prefer to buy them. I can self-serve at the till. Nee one cares how many I buy and I divn't have to go cap in fucking hand asking for them. Only thing is they cost a fucking fortune for a box of six so sometimes the demand is bigger than the supply (laughs).*

Researcher: *So when you run out you'll have sex without condoms?*

Carl: *Yeah. Sometimes I might ask if they have one on them, but sometimes you don't really want to ask 'coz it slows stuff down. I know that's bad, but in the moment you just don't think clearly and things just happen. Plus when you use them you've then got something you've got to get rid of which is a right hassle. Especially when you could just have a quick wipe instead.*

Carl's comments regarding his views and practices of safe sex are important for a variety of reasons. Whilst his initial statement of "it's hard to be safe all the time" is indicative of

the ideas relating to safe sex or condom fatigue, Carl also expresses his desire to practice safe sex but presents a multitude of barriers to his ability to do so consistently. Carl highlighted that in the past he had received condoms free of charge from the clinic but felt unable to continue doing this due to both the quantity of condoms that he was requesting and the perceived judgement he felt he would receive from the service provider's staff as well as the stigmatisation he would potentially experience from sexual partners for using condoms perceived as "cheap". Indeed, the notion that condoms received free of charge carry with them a stigmatisation that attaches to the user was reflected within the research of Rigillo (2009) who noted that there is a commonly-held belief that free condoms are simply not of the same quality as the more expensive condoms as they ripped, tore and were generally mistrusted. This willingness to use such a purported poor quality condom was found to influence the perceptions of others about the respectability of the user. As Carl highlights, those using condoms without a clear high street brand such as Durex are "slated" by other MSM for being unable or unwilling to pay for the more costly brands and as such increasing the likelihood of unprotected sex occurring.

This reflects the early marketing research of Grubb and Hupp (1968) who found that different self-concepts could be influenced by the possession of certain brands as possessions are regarded as an extension of self (Belk 1988). As Sirgy (1982) states, individuals prefer products and brands that in some way reflect their own image or identity and, as such, products and brands are purchased for their symbolic meaning rather than just for the functional attributes of the product (Grubb and Grathwohl 1967). In this instance, whilst all condoms issued by Sexual Health Services in the UK carry both the BSI Kite mark and the European CE mark as a sign of quality and assurance, thus being functional, the absence of a recognisable high street brand and the associated cost renders them undesirable as a symbolic display of status and self-presentation.

In line with this idea that the inflated cost of branded condoms directly influences perceptions of quality of both the product and the consumer, Levin et al. (2000) suggested that raising the price of condoms may therefore actually increase their use and decrease

rates of unprotected sex. It is more widely accepted however, that the more expensive the condom, the less likely they are to be used (Ahlburg and Jensen 1998). As Dadian (1997) argues, less expensive condoms translate into higher condom sales, greater condom use, and as a consequence, a lower degree of HIV transmission. This somewhat narrow view of condom use relating directly to cost however, does not take into account the disposability issues that Carl raises. If condoms are used then condoms have to be disposed of. As sexual litter such as discarded condoms and lubrication packets are often used by local authorities and law enforcement agents as indicative of a space used for illicit sex, the absence of a means to dispose of a condom without attracting attention to the site and without having to carry a used condom out of the site may cause barriers to their use.

Sexual health clinics have long been associated with notions of shame, embarrassment and stigma (French et al. 2006; Mulholland and van Wersch 2007) serving for many as a substantial barrier to their access and use. As Lichtenstein (2003) argues, the visibility of sexual health clinics within community settings is often a major barrier to the screening and treatment of sexually transmitted diseases and infections particularly among men given that this is often their only reason for clinic attendance in contrast to the wide range of services often offered to women such as cervical screening, family planning, and fertility services, arguably providing them with greater opportunities for privacy.

The visibility and stigma of those physically attending a clinic for sexual health screening, it is suggested within Carl's statement, is also transferred to the use of sexual health clinic issued condoms as the condoms are easily recognisable due to their lack of branding and their possession signals clinic attendance. (Mis)interpretations of universal, routine policies and service delivery practices such as, and in particular, the distribution of condoms can in this sense unintentionally serve to burden already disadvantaged subgroups such as MSM (Knight et al. 2015) as assumptions are made regarding the sexual health of those who possess them thus influencing decisions regarding their usage.

5.6 Conclusion

Adopting a pluralist approach to legality, in which essentialist understandings of law may be extended to recognise social and cultural systems of power that regulate the public sexual practices of MSM, this chapter has examined the concepts of heteronormativity and hegemonic masculinity as systems of regulatory power. Defining legality in its broadest sense as that which is understood and experienced as law (Merry 1988), this chapter has been enabled to move beyond the constraints of the legislative legal framework governing public sex and has acknowledged the complex intersections between law and society.

Deeply embedded within the hegemonically masculine culture of Newcastle, this chapter has focused specifically upon the physical and social risks that are faced by MSM as they continue to pose a direct contention to normative ideologies of identity and appropriate uses of public space. Framed within a socio-legal arena in which citizenship may be seen to be granted to those whose identity conforms to the heteronormative ideals of opposite sex partnership, the discontinuities in the hegemonically masculine identity performed by MSM place them at substantial risk of experiencing violence. As the narratives contained within this chapter demonstrate, violence is by no means unheard of in this contemporary city, despite extensive efforts by local authorities to rebrand and repackage the city as a cosmopolitan utopia where all can come together under the glow of the night time economy to 'feel the buzz'.

This rebranding of Newcastle as a city of cosmopolitanism and hedonism has served to displace the public sexual activities of many MSM, who have found that their public sexual practices have been designed out of the urban landscape to make way for culture-led installations. Although this has not prevented the sexual activity from occurring, it has to some extent displaced sexual activities into increasingly marginalised areas of the city in which by very nature of the environment, risk is increased. Hidden from view, MSM are socially and spatially marginalised from not only senses of citizenship but also from the

protection of a bustling city environment in which service provision may be accessed for the purposes of harm reduction.

Whilst the sexual health narrative remains a prominent feature of research concerning MSM, it is however, important to acknowledge that sexual risk-taking which is arguably behind the increased new incidences of HIV is not isolated from the social worlds in which it occurs. Utilising an Edgework approach to risk, this chapter has explored the factions of sexual risk-taking that enable the individual a sense of cognitive release not ordinarily available within the contemporary urban landscape. Sexual subcultures such as barebacking, this chapter has argued, enable new levels of intimate experience in a society that is consistently promoting fast, impersonal connections with others.

In the adoption of the edgework perspective, it is arguably clear to see how normalised social cultures such as the consumption of alcohol or recreational drug use can enable the individual to seek new levels of experience as they explore the liminal margins of contemporary life. Although, as highlighted within the interview with Aaron, it is not always a sense of disorder and chaos that is sought by edgeworkers but can be, as Aaron's narrative emphasized a search for control within an urban environment in which the individual may feel they have very little autonomy. In such instances, the edgeworker pushes the boundaries of experience such as increasing levels of intoxication or engaging in illicit sexual practices with men in order to experience a sense of release that is provided by the ability to choose. As Aaron states, he chose it then, and he still chooses to do it now, despite the original pressure being removed which is indicative of a desire for release.

6.0 Conclusion

6.1 Overview

In this concluding chapter it is pertinent, before presenting the findings and key contributions, to return to the research question which formed the foundations of this thesis. Beginning with the premise that the current legal framework governing public sex in England and Wales is ambiguous and lacks clarity, the objective of this thesis was to examine:

What impact does the socio-legal marginalisation of men who have sex with men (MSM) in public sex environments have upon the risk-taking behaviours of this group within the city of Newcastle upon Tyne?

The socio-legal marginalisation of MSM, this thesis argued, can be attributed to the continued regulation of public same-sex intimacies despite homosexual sexual acts between consenting adults in the private sphere being decriminalised. This unequitable regulation is evidenced within S.71 of the Sexual Offences Act 2003 which was formulated in direct response to concerns regarding the moral harm caused to an unwilling observer of sexual acts between same-sex partners in public lavatories. In this respect, the 2003 Act created a notable disparity in regulation between same-sex and opposite-sex public sexual practices with the latter not subject to a specific statutory offence. Based upon a notion of public morality (Johnson and Dalton 2012, p.2), the Sexual Offences Act 2003 highlights that whilst the homosexual identity has undergone significant social and political reform, those whose identity cannot easily be categorised within hetero/homonormative frameworks, have become further socially and spatially marginalised (Ashford 2010, p.339).

In framing the research question in this way, i.e. as a study of legal impact, this thesis by nature became a study of legal consciousness in which the presence of law was traced in the everyday lives of MSM in this post-industrial urban landscape. For the purposes of this research, legal consciousness was defined using Merry's (1990), arguably broad,

definition, which conceptualises legal consciousness as “the ways people understand and use law” (p.5). However, rather than basing data analysis upon Ewick and Silbey’s (1998) much-cited typologies of legal consciousness (‘before the law’, ‘with the law’, and against the law’) which have, for their limitations, been heavily criticised (Levine and Mellema, 2001; Hull 2003, 2016; Cowan 2004; Harding 2006, 2011; Knauer 2012); this thesis focused instead upon documenting the lived experiences of regulation. The rationale for such an approach lay within the queer perspective that was drawn upon for which it was argued that the lived experiences of regulation by MSM cannot be reduced or confined to prescriptive typologies or categorisations.

In studying legal impact and thus legal consciousness, it was considered necessary as dominating themes emerged from the collected data to expand the conceptualisation of law beyond that which is strictly state-based in origin. Acknowledging the presence of cultural systems of power which structure and organise individuals and groups into normative ways of being and exert disciplinary sanctions over those who deviate from these norms, this thesis considered the impact of heteronormativity as a pluralist form of legal regulation. Whilst not law in the official or essentialist sense of the word, heteronormativity’s frameworks of social ordering could nonetheless be understood as a mechanism of legality impacting upon MSM’s risk-taking behaviours in Newcastle upon Tyne.

Nevertheless, remaining true to the legal consciousness discourse this thesis has been, in essence, an exploration of experiences of, and attitudes to, power and resistance (Harding 2011, p.21). Expanding upon recent legal consciousness studies which have actively responded to legislative changes granting legal equality to same-sex partnerships; this study has explored the impact of continued legal regulation upon those leading queerer lives. In doing so, this thesis has addressed a significant limitation in the contemporary legal consciousness field in which those who have not been subject to recent legal reform remain largely underrepresented and as such are increasingly marginalised.

The de jure (enshrined in law) nature of MSM's marginalisation has enabled this study to examine not only the intricate "contours of actors'" legal consciousness" (Hull 2016, p.553), but also to extend to the structures and apparatus of power which mould and shape that consciousness into being. In this sense legal consciousness has been presented by this research not as an individualistic product of the mind, but as continuous participation in the production and maintenance of power structures. Accordingly, this study upholds the criticality of traditional legal consciousness studies in that it exposes gaps between legal ideology and practice. However, this thesis also raises important questions regarding the socially situated nature of legality and role of identity politics in the formation of legal consciousness. The production of this knowledge, therefore, lays significant groundwork for future comparative legal consciousness research in which the salience of law within society may be further investigated and critiqued.

Moving beyond a matter of representation, this legal impact study provided further opportunities through which positive contributions to knowledge could be made. Specifically, in developing understandings of how MSM experience regulation and law in their everyday lives, this study also illuminates the significant risks that MSM face in their pursuit of the illicit public sexual encounter. Subsequently, this study speaks to the status of MSM as a high-risk demographic and emphasises the importance of service providers consistently and effectively engaging with this population. To this end, this research positions itself as a source of in-depth knowledge of the real and perceived risks that MSM in Newcastle upon Tyne face and documents the ways in which MSM navigate or indeed embrace these risks as they engage in public sex. The availability of this information is considered vital to facilitating positive relationships between MSM and service providers and as such, a summary of the findings contained within this thesis will be disseminated to local service providers and policing teams. It is anticipated that the findings of this thesis may be utilised by these key agencies in order to meet the harm reduction needs of MSM in their communities.

Additionally, as the continued focus upon identity politics within legal discourse has precariously positioned MSM who engage in public sex as the deviant sexual other, the examination of MSM's lived experiences of regulation contained within this thesis make an important contribution to queer understandings of the socio-legal landscape. This contribution to knowledge is timely given the arguably seismic shift in the sexual legal landscape (Harding 2011) which has witnessed legal equality granted to those who conform to a hetero/homonormative binary of sexuality and sexual behaviour. For those who lead queerer lives, such as MSM, the maintenance of a label of deviancy, this thesis argues, has substantial implications for the ways in which they are policed and governed with those engaging in public sex subject to surveillance, displacement, and criminalisation. As a result, MSM seeking public sexual encounters must utilise the liminal margins of public space in order to escape the 'regulatory gaze' (Foucault 1995). However, this thesis concludes that when hidden from view, the social, physical, and sexual risks that MSM face in their pursuit of sexual encounters in the public sphere are arguably increased.

6.2 Limitations

Whilst the contributions to knowledge that this thesis makes have been outlined above, it is also pertinent to document and reflect upon its limitations. In acknowledging the limitations of this study, opportunities for further research are created as avenues yet to be explored are highlighted. Furthermore, a consideration of this study's limitations produces a means through which I, as a researcher, can reflect upon the research process for the purposes of professional and personal development.

The first identified limitation of this research is the size of the sample that has been utilised and the implications of this on sample composition. As this study has engaged with a small sample of participants (sixteen in total), the ethnicity and race of participants is somewhat homogeneous. The homogeneity of the sample does not necessarily support the queer perspective drawn upon for the analysis of this thesis nor does it contribute

towards findings that can be generalised beyond the participants of this study. However, it has occurred in part from the snowball sampling method adopted for participant recruitment which although was deemed most effective for participant access given my outsider positionality, it also placed restrictions on the type of sample that I was able to obtain.

In this respect further research could be expanded to look at the specific experiences of MSM in Newcastle upon Tyne from particular ethnic, national, and racial backgrounds. This avenue of research whilst tending to carry a danger of tokenism if nothing is to be done with the results (Allmark 2004, p.187), is arguably important due to the city's population of black, Asian and minority ethnic (BAME) people being above the national average (Office for National Statistics 2018). Further research into the experiences of MSM in Newcastle upon Tyne from BAME populations would ensure that policy makers had access to a wider body of research evidence that more accurately reflects the diversity of the city's population.

A further limitation of this study is the exclusive empirical focus upon Newcastle upon Tyne. Whilst this research aimed to highlight the specific risks faced by MSM as they engage in public sexual practices in the post-industrial landscape, this aim could have potentially benefitted from a more systematic comparative approach incorporating other post-industrial cities in the UK. Additionally, as the city of Newcastle upon Tyne includes both urban and rural locations there is scope for future studies to examine specifically the experiences of MSM whose public sexual practices take place in the more rural areas of the city. In the interests of ensuring anonymity for both participants and the sites of public sex that participants use, this thesis has not made this differentiation between urban and rural areas of the city. However, that is not to say that this differentiation could not and should not be ethically made in future research particularly in longitudinal studies and where the sample size exceeds the one featured within this thesis. A larger sample would enable individual voices to be subsumed into a collective whole (Robinson 2014, p.29) making identification of individual participants and places much more difficult.

Finally, resulting from my commitment to a reflexive approach to this research, it is appropriate to acknowledge the impact of my own positionality upon this project and how my own experiences of conducting this research have not only moulded this project but have also shaped me as a researcher. It has taken four years to complete this thesis and in that time I have faced both personal and professional trials and tribulations. I am not the same person that I was at the commencement of this project; my views, opinions and feelings have shifted with the passage of time, and this, undoubtedly will have impacted upon the findings that I am able to present. Equally, the thesis that has ultimately been produced is not the thesis that was originally envisioned as I began the research process, but rather is one that has evolved and adapted in response to a variety of barriers and challenges.

Nevertheless, whilst I position this as a limitation it is essential to note that the findings presented in this thesis are a representation of my continued growth as a researcher and are a direct result of my positionality as a cis female researcher conducting sex and sexuality research with male participants. Whilst of course there are things that in hindsight I wished I had done differently as the research process progressed, ultimately the thesis that has emerged only appears as such because I am the one who has produced it. It is a reflection of my own thought processes, participant interactions, and data interpretation. My perspective, whilst subject to my own personal biases, about which one can do little but to acknowledge, arguably provides a level of diversity in a field which is heavily dominated by the male voice (Humphreys 1970; Troiden 1974; Tewksbury 1995, 1996, 2008, 2010; Clatts 1999; Keogh and Holland 1999; Bapst 2001; Brown 2004, 2008; Bell 2006; Ashford 2007, 2012; Douglas and Tewksbury 2007; Hennelly 2010; Haywood 2017).

In reflexively considering my own positionality in the production of this knowledge and actively reflecting upon my experiences in the field, a positive contribution has been made to feminist methodology discourses. This was not an aim that featured in the original research design but one that emerged as a result of my frustration at the suggestion made

by Gailey and Prohaska (2011) that for female scholars, sex and sexuality research with male participants was seemingly “out of bounds” (p.365). As this thesis has demonstrated, this type of research is not out of bounds for female scholars but there are a number of challenges to overcome. Stigma, gendered power relations, and limitations to participant access all have the potential to disrupt the research process for the female scholar (Gurney 1985; Horn 1997; Pini 2005; Gailey and Prohaska 2011). I therefore implore future female sex and sexuality researchers to actively reflect upon their experiences in the field as it is only within the reflexive accounts of others that these challenges may be highlighted and addressed.

6.3 Research Findings

The findings of this study indicate that the continued socio-legal marginalisation of MSM in Newcastle upon Tyne has a substantial and profound impact upon their risk-taking behaviours. Governed by a legal framework that disproportionately focuses upon the regulation of their sexual lives and subject to the structuring powers of heteronormativity, MSM in this post-industrial city face increasing social, physical, and sexual risks in their pursuit of the anonymous public sexual encounter. This increase in risk-taking, whilst having significant implications for public health and the maintenance of public order, can also be understood as a means through which MSM may resist the subordinating powers of legality.

The continued focus of the criminal law in regulating the sexual lives of MSM creates a number of contentions between MSM in Newcastle upon Tyne and agents of law enforcement as legal actors. MSM in this study reported a distrust of police and feelings of uncertainty as to what legal response their public sexual practices may garner. This uncertainty has manifested as a result of a disparity in approach between individual officers and indeed the same officer in an alternative mood. In reflecting upon their interactions with law enforcement agents, participants characterised police as embodying a hegemonic form of masculinity (Connell 1987) intolerant of the sexual other and thus

MSM harboured perceptions of being targeted by officers who they felt viewed them as an easy arrest. Whilst important to note that not all participants conceptualised law enforcement agents in this way; a lack of clarity and confusion regarding police response to public sex was prevalent amongst participants and was considered an important factor in the development of their legal consciousness.

The perceived disparity in police approach has arguably been created, at least in part, by ambiguities inherent within official state-based law which is open to the subjective interpretation and application of individual officers (Lipsky 2010). Nevertheless, this thesis has demonstrated that the absence of clarity and a standardised legal approach to the regulation of public sex serves a regulatory function similar to that conceptualised within Foucault's (1995) theory of 'panopticism'. What this means in practice is that MSM maintain an awareness of the regulatory gaze but remain unclear as to when and how they may be subject to it. However, rather than preventing illicit public sex from occurring, MSM using public sex environments in Newcastle upon Tyne are further displaced into marginalised spaces and their relationship with regulatory bodies grows ever fragile and contentious.

This fractious relationship between MSM and law enforcement agents in Newcastle upon Tyne presents substantial barriers to MSM's access to, and engagement with, law enforcement which can in turn have implications for their safety and risk management strategies. An encounter with police for MSM can mean not only a risk of their own criminality being exposed which in itself can carry social risks in terms of job or relationship loss; but can also lead to the imposition of an identity label which may be discordant with their own self-determination (Jones and McEwen 2000, p.412). As such, although efforts have been made, particularly by community policing teams, to improve police relations with sexual minority groups; for MSM in Newcastle upon Tyne, agents of law enforcement; and indeed institutionalised systems of power more generally, may be viewed as a disciplinary and repressive mechanism of power to be avoided.

Positioning themselves within the liminal margins of the urban landscape so as to avoid police detection; MSM face considerable risks to their physical wellbeing as they become vulnerable to attack by those exploiting the absence of a regulatory gaze characteristic in marginalised spaces. Despite facing risk of physical harm, the somewhat tenuous relationship between MSM and the police means that incident reporting remains unlikely (Chakraborti and Garland 2015). Fear of being outed or criminalised are presented as significant social consequences of engaging with police, particularly for those whose sexual practices do not necessarily correspond to their sexual identity. This contributes to a true reflection of the risk of physical harm faced by MSM in Newcastle upon Tyne as they pursue public sex difficult for this study to obtain as it interlinks so closely with the social risks that are faced.

Not all interactions with institution-based systems of power were presented by the MSM of this study as inherently negative as examples of officers turning a “*blind eye*” to public sexual activity were recounted by participants. It is, however, important to consider that whilst appearing to grant a level of sexual autonomy to MSM; the action or choice of law enforcement agents to turn a blind eye carries with it an intrinsic assumption of power and a reinforcement of MSM’s marginalisation. In this respect, the conceptualisation of MSM’s public sexual practices as acts of resistance to their socio-legal marginalisation can be considered somewhat limited as they are often metaphorically dependent upon the discretionary turn of a police officer’s head.

The shift in the positioning of MSM from physical sites of cruising to online spaces in which their public sexual practices may be pre-arranged (Mustanski 2007), has arguably enabled an increase in opportunities for police surveillance. As the once invisible demographic (Delph 1978) has become notably more visible (Mowlabocus 2008), it might be supposed that MSM experience an increased risk of arrest as information regarding their illicit sexual activities are shared online. The MSM of this study however, suggested that whilst they were acutely aware that their online interactions are being frequently monitored by enforcement officers, actual enforcement action for public sex resulting from

cyber surveillance was considered to be minimal. That being said, without conducting a further study that looked specifically at policing practices, it is not possible to determine how many police encounters with MSM in Newcastle upon Tyne are as a result of cyber surveillance and how many occur organically in the course of their everyday duties.

Nonetheless, this encroachment on queer virtual space by agents of law enforcement has meant that for some MSM their usage of the virtual has been prevented or altered as additional steps are considered to be required in order to conceal their identity. Significantly, not all MSM interviewed for this study vehemently opposed a police presence in virtual spaces that are used for the purposes of cruising. The notion that the presence of a regulatory body in queer virtual space could serve as a means for the management of risk was also presented by some participants. In this respect, the complexity of institutional systems of power as a mechanism for regulating public sex becomes apparent. If the movement of MSM into queer virtual space is to be understood as resistive to regulatory gaze in physical sites of public sex, then the utilisation of an encroaching gaze within the virtual realm as a means for managing risk is to acknowledge the pervasive power of legality. Even as MSM resist state-based regulation by engaging in acts of public sex, reliance upon their behaviour being subject to surveillance in order to minimise harms casts a critical lens upon the resistive nature of their actions and highlights a need for a more nuanced understanding of the relationship between power and resistance.

The complexity in relationship between power and resistance was further explored within the second analysis chapter of this thesis within which the power of heteronormativity to structure and order sexual behaviours and identities was examined. As a city which has suffered a prolonged post-industrial hangover (Chatterton and Hollands 2001), the normative culture of hegemonic masculinity that is still present on the city's streets, this thesis has found, can also be seen to contribute towards the socio-legal marginalisation of MSM. Socially and spatially marginalised, the risks that are faced to MSM's physical

wellbeing, and in particular to their sexual health, are arguably amplified as they remain hard to reach for local service providers.

As Newcastle upon Tyne has undergone an extensive regeneration programme in order to break free from the constraints of post-industrial economic decline and rebrand the city as cosmopolitan (Miles 2005), the MSM interviewed for this study reported that they faced a constant battle for access to public space. In a contemporary urban landscape in which spatial privileges are granted to those seen as legitimate users of space (Hubbard and Whowell 2008); sites of queer expression have been increasingly targeted by urban planners as sites of urban decay to be designed out. Although participants reported that attempts made to prevent public sexual practices from occurring had been, as a whole, unsuccessful with public sex merely being displaced, there was amongst participants, a general consensus that it was becoming more difficult in light of environmental changes made.

As heavy foliage has been trimmed back, extra lighting has been installed and a natural form of surveillance has been created by the attraction of visitors and tourists to the city, sites of public sex in Newcastle upon Tyne have become much more visible to those who may have been previously unaware of their existence. Marked by sexual litter such as discarded condom and lubrication packets, the public sex environment poses a continuing challenge to normative ideals regarding the appropriate use of public space (Atkins and Laing 2012). Consequently, MSM interviewed for this study reported that sites of public sex were increasingly encroached upon by not only a heteronormative identity but also those seeking to cause harm to them in violent displays of hegemonic masculinity.

In an ever-extending search to carve a queer inscription into city space that would allow for the engagement in public sex free from the regulatory gaze of normative heterosexuality, MSM in Newcastle upon Tyne delve deeper into liminality. In the liminal margins of the city, MSM are hard to reach by local service providers and thus face increasing risks to their sexual health as they push the boundaries of lived experience.

Engaged in a complex process of edgework (Lyng 1990); MSM precariously engage in high-risk behaviours such as bareback sex and sex under the influence of large amounts of alcohol in order to resist the normative powers of social ordering.

Whilst conceptualising risk-taking behaviours as a means for escape from the constraints of normative structures of power, this thesis does not contend that risk-taking is necessarily indicative of resistance to MSM's legal regulation. Indeed, particularly for the participant of this study who identified as heterosexual, fleeting moments of public same-sex intimacies were not intended as an expression of a desire for social or legislative change. Rather, for MSM in this study, resistive acts were, in part, conducted for the pleasure experienced when stepping over the boundaries of legality. If no such boundaries existed, then there would be no or little pleasure to be gained from resistance. In this respect this thesis has concluded that an extension of Ewick and Silbey's (1998) notion of legal consciousness would be beneficial particularly in relation to resistance. The current model arguably does not allow for a conceptualisation of resistive acts as pleasurable and thus, much like their prescriptive typologies is limited in its usefulness for analysing the legal consciousness of MSM in Newcastle upon Tyne.

6.4 Concluding Statement

This thesis has examined the risk-taking behaviours of MSM in public sex environments in Newcastle upon Tyne and in doing so has highlighted a complex intersection between public same-sex sexual practices and the law. The importance of moving beyond an understanding of law as relational solely to state-based regulation has been demonstrated and consequently a representation of MSM's risk-taking has been produced which takes into account the regulatory powers of social relations. Consequently, with the inclusion of the queer narrative in relation to everyday experiences of legality, this study has been able to make an important and original contribution to queer understandings of the socio-legal landscape. This contribution has significant value as it develops empirical knowledge

on the legal consciousness of those whose marginalisation is not only de facto but also officially sanctioned.

Additionally, in focusing specifically upon the public sexual practices of MSM in Newcastle upon Tyne, this thesis addresses a current limitation within the pre-existing literature concerned with the public sexual landscape. Whilst research examining the phenomenon of public sex has continued to attract scholars from across the disciplines, and indeed has received significant attention within the field of queer geography (Oswin 2008), Newcastle upon Tyne has been notably neglected within this arena. In examining the ways in which this particular geographical location both facilitates and disrupts the public sexual practices of MSM it is anticipated that this thesis may have a policy impact in terms of informing local and national service providers as well as law enforcement agents as to how they may meet the harm reduction needs of MSM within their communities.

Furthermore, this thesis has highlighted that despite the rise in feminist literature focusing upon the experiences of women interviewing men, the reflections of female researchers conducting topically sensitive interviews with men remain in short supply. Where these accounts do exist, there is arguably a disproportionate emphasis placed upon the risk to the physical safety of a female researcher and a notable neglect of the risk of emotional harm that women may face. By reflecting upon my own experiences of conducting research categorised as topically sensitive with men, a positive contribution to feminist methodology discourses is made as arguably, it is only from the stories of others that future researchers may be better equipped to face the risks both physical and emotional of entering the research setting.

In conclusion, echoing Laud Humphreys' original research in 1970, in which he detailed a hidden world of public same-sex sexual practices within a time and place where homosexuality was "a big deal" (Babbie 2004, p.14), this thesis concerns power and resistance and the ways in which this is enacted and embodied within cultural practices. However, this thesis also raises important questions regarding identity and the continued

regulation of those seen to sit outside of normative frameworks (Ashford 2010). Even as the rights-based discourse has arguably witnessed a number of victories on the road to formal legal equality for sexual minority groups (Harding 2011), others, such as MSM, continue to experience regulation. That said, in problematizing the legal marginalisation of MSM is to make an assumption that formal legal equality is what is desired. As has been demonstrated within the pages of this thesis, the illicit public sexual practices of the MSM in Newcastle upon Tyne who engaged in this study are sought, in part, *because* they are illicit. They are pleasurable because they sit outside of the boundaries of normative standards of behaviour. This thesis subsequently ends not with a call for legislative change but rather with a recommendation for a shift in focus within legal discourse relating to the public sexual landscape. As MSM in the urban environment have always made contact with each other (Turner 2003) this thesis contends that an emphasis placed upon harm reduction rather than prevention would be most beneficial. Such an approach would arguably increase MSM's options for "self-determination, autonomy, and control" (Rekart 2005, p.2125) and can be viewed as preferable to a continued focus on mechanisms of power which marginalise, subordinate, and ultimately increase risk-taking behaviours.

7.0 References

7.1 References

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8.0 Appendix

8.1 Participant Consent Form

Faculty of Business and Law
Informed Consent Form for research participants



Title of Study:	A critical exploration of the risk-taking behaviours of men who have sex with men in public sex environments: Illicit sex and the urban landscape.
Person(s) conducting the research:	Katharine Parker
Programme of study:	PhD Law
Address of the researcher for correspondence:	Katharine Parker PGR Student Faculty of Business and Law Northumbria University Newcastle upon Tyne
Telephone:	
E-mail:	k.parker@northumbria.ac.uk
Description of the broad nature of the research:	The introduction of the Sexual Offences Act 2003 arguably highlighted the gendered nature of the law in terms of its exclusive use to prosecute men who have sex with men. In conjunction with the Public Order Act 1986 the law is being increasingly used to regulate public sexual behaviour and in particular public homosexual sex. Subsequently, those wishing to engage in homosexual sex in public places are having to take increasing risks in order to avoid detection and prosecution. This project will examine how risk is constructed by a specific group engaging in homosexual sex in public and what factors play a motivational role in the risks that they are willing to take. The outcome of this research, it is hoped, will serve to inform policy and regulation of illicit sex and form an argument for a more targeted service provision.
Description of the involvement expected of	Participants will be required to attend an

participants including the broad nature of questions to be answered or events to be observed or activities to be undertaken, and the expected time commitment:	interview lasting no more than 90 minutes. The interview will be recorded for data collection purposes, or if the participant chooses, hand-written notes will be taken. Participants will be required to confirm that they have used a public sex environment within the last 18 months and are willing to answer a small number of open questions regarding their risk-taking behaviours within the site(s). All participants must confirm that they are at least 18 years of age before they participate.
Description of how the data you provide will be securely stored and/or destroyed upon completion of the project.	The data collected for the purposes of this project will be stored securely in a locked filing cabinet in a locked office until it can be transcribed. Upon transcription the data will be stored on a password protected computer in a password protected file. All data collected will only be kept for the obligatory storage period for this project and then securely destroyed. No data shall be used for purposes other than this project. All participants will be given pseudonyms and any identifying information that they provide will be omitted.

Information obtained in this study, including this consent form, will be kept strictly confidential (i.e. will not be passed to others) and anonymous (i.e. individuals and organisations will not be identified *unless this is expressly excluded in the details given above*).

Data obtained through this research may be reproduced and published in a variety of forms and for a variety of audiences related to the broad nature of the research detailed above. It will not be used for purposes other than those outlined above without your permission.

Participation is entirely voluntary and participants may withdraw at any time.

By signing this consent form, you are indicating that you fully understand the above information and agree to participate in this study on the basis of the above information.

Participant's signature:

Date:

Student's signature:

Date:

Please keep one copy of this form for your own records