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# Queer Spaces, Sexual Violence and the Desire for Safety

*Tanya Serisier*

## **Abstract**

Queer politics and spaces have historically been associated with ideals of sexual liberation. They are conceptualised as spaces where sex, and its intersections with intimacy, friendship and love can be explored outside of normative frameworks which value monogamous reproductive heterosexuality at the expense of other non-normative sexual expressions. In recent years, however, autonomous queer spaces such as the global Queeruptation gatherings and other queer community spaces in Australia have become increasingly concerned with the presence and danger of sexual violence in queer communities. Almost without exception, this danger has been responded to through the creation of 'safe(r) spaces' policies, generally consisting of a set of guidelines and proscribed behaviours which individuals must agree to in order to participate in or attend the event or space. The guidelines themselves tend to privilege of sexual politics of affirmative verbal consent, insisting that such consent should be sought prior to any physical or sexual contact, inferring that a failure to do so is ethically unacceptable within. This chapter reflects on the attempts to construct queer communities as 'safer spaces,' arguing that the concepts of consent and safety are inadequate to develop a queer response to sexual violence. Such a response, it argues, must be based on the openness to possibilities and refusal of sexual restrictions and regulations that have always been central elements of queer theory and politics.

**Key Words:** Queer spaces, consent, safety, sexual violence, sexual ethics, radical queers, temporary autonomous zones, safer spaces.

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## **1. Introduction**

This chapter is a critical reflection on attempts by radical queer communities in the past decade to respond to the problem of sexual violence within these communities. While radical queer spaces are known for their transgressive approach to sexuality, the past decade has seen an enhanced consciousness of the dangers of sexual interactions, and increasing recognition that queer communities are not immune from sexual coercion and violence. I write from my own perspective as a participant in these communities in Melbourne, Australia, and particularly my participation in debates about sexual violence. In this chapter I reflect on these debates in order to question what it means to respond radically and queerly to the problem of sexual coercion and violence.

I use the term radical queer communities to describe groups brought together both by shared political beliefs and subcultural practices.<sup>1</sup> Radical queer

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communities are in general defined by a broad anti-capitalist and anti-state activism. Influenced by anarchist politics, these communities emphasise the formation of ‘temporary autonomous zones’ such as the international Queeruption gatherings and festivals held in a variety of cities in Europe, North America and Australia from 1998-2010.<sup>2</sup> Such zones can be defined as a socio-political tactic of creating temporary spaces that elude formal structures of control and allow participants to model a different society based on values of equality and freedom. In the case of queer autonomous zones particularly, this is defined primarily in terms of freedom from normative gender and sexual structures. These communities define themselves explicitly in opposition to ‘homonormative’ politics of ‘gaystream’ organisations which focus on equality within existing heteronormative institutions such as marriage and the family. In contrast, these communities enact a politics based on sexual and gender nonconformity.

Radical queer communities exist at the cutting edge of politics around sex, sexuality and gender identity. As such, their attempts to deal with widespread sexual coercion, and unwanted and harmful sexual practices, represent an important site for discussion of the relationship between sex and violence. Queer communities, which are opposed to attempts to regulate, restrict and normalise sexual behaviour, could, ideally offer practices that are able to avoid the gender binaries and inequalities of contemporary heterosexuality that function as ‘the cultural scaffolding of rape.’<sup>3</sup> However, I will argue here that as yet this potential remains unrealised. Attempts to deal with sexual violence within these communities instead provide evidence for Wendy Brown’s claim that ‘well-intentioned contemporary political projects and theoretical postures seem to inevitably redraw the configurations and effects of power they seek to vanquish.’<sup>4</sup> The sexual politics of these communities, despite its roots in a tradition of liberation and openness has, in general, found it impossible to respond to the problem of sexual violence without relying on practices of sexual regulation that mirror heteronormative sexual moralities.

## **2. Queer Responses to Violence**

In 2007 I was living in Melbourne and completing my PhD on feminist politics and sexual violence. I was also involved in the radical queer community in Melbourne and particularly in two collectives, ‘Camp Betty’ and ‘World Without.’ ‘Camp Betty’ was a queer festival held in June and billed as a ‘weekend of radical sex and politics.’<sup>5</sup> As a member of the organising collective I was, amongst other things, involved in writing the ‘Safe(r) Spaces’ policy and in monitoring its implementation over the weekend. ‘World Without’ was an on-going collective that was formed to promote and enact ‘community response’ to sexual violence in Melbourne’s queer, radical and punk communities, venues and spaces. This group organised workshops at gatherings such as Camp Betty and produced materials such as posters and educational zines designed to intervene in community attitudes

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to sex and sexual violence.<sup>6</sup> Due to the transnational nature of these communities, maintained through the frequent international travel of their members to participate in gatherings such as Queeruption and the communication of zines and other materials over the internet, the approaches of these groups to sexual violence are emblematic of approaches used in various communities and community events internationally.<sup>7</sup>

As is evident in a zine produced by the ‘World Without’ collective, the responses of these groups were based on an understanding of contemporary Australian society as a ‘rape culture,’ where unwanted sexual violence is normalised and where the experiences of survivors are often negated and disbelieved.<sup>8</sup> The ideas and practices deployed in understanding and responding to sexual violence are indicated in a reference page included at the end of the zine which references support services such as Rape Crisis Centres, bibliographic details for a number of well-known feminist texts such as *Transforming a Rape Culture* and community campaigns against racism and prisons such as the ‘Critical Resistance’ network, based in the USA.<sup>9</sup> The approach to sexual violence which arises out of these ideas is a commitment to of turning the ‘temporary autonomous zones’ of radical queer communities into ‘safer spaces.’ The logic of ‘safer spaces’ is summarised in the opening to the Camp Betty Safer Spaces Statement:

The Camp Betty Safer Spaces Statement is about taking a positive, proactive, preventative step towards making spaces safer in our community. We use the word “safer” to acknowledge that no space can be entirely safe for everyone, and not everyone experiences spaces in the same way as others.<sup>10</sup>

In practice, while acknowledging that this goal must remain partial and relative, safer spaces attempt to achieve their aim through proscribing certain behaviours and attitudes. This is more explicitly articulated in the zine produced by the ‘World Without’ collective at this time:

- Respecting people’s physical, mental and emotional boundaries
- Always getting explicit verbal consent before touching or crossing someone’s boundaries
- Respecting all people’s opinions, beliefs, differing states of being (mental/physical & other), and differing points of view
- Being responsible for your own actions and the effects they have on others
- Taking responsibility for your own safety and get help if you need it.<sup>11</sup>

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The only concrete requirement, amongst the exhortations to act with respect and responsibility, is to get explicit verbal consent before any physical contact. The privileging of explicit verbal consent, also the most prescriptive element of the ‘Camp Betty’ policy, thus sits at the heart of the safe(r) spaces model.<sup>12</sup> In the remainder of this chapter I unpack these central concepts of safety and consent, arguing that they are inadequate to the task of providing a model for combatting sexual violence in radical queer communities and spaces.

### **3. Queering Consent?**

Consent is familiar to most of us as the central component of most attempts to delineate between acceptable and unacceptable sex or to produce a model of sexual ethics. It is the concept that the law uses to differentiate between sexual assault and sexual contact and it is the basis of the majority of education and community campaigns to lessen and prevent sexual violence. Herein lies the appeal of the concept; it has become a feature of ‘common sense’ understandings of sex that consent is the primary requirement for an ethical sexual practice. However, it is precisely this common sense status and the history of consent as a key element of legal and social regulations of sex that make it difficult to incorporate this concept into a queer model of sex that seeks to challenge sexual and gender normativity at the same time as create an ethical basis for sexual interactions.

In both its legal and general usage consent presumes a heteronormative coupling of an active, desiring masculine partner and a consenting feminine partner who both acquiesces to and acts as a control on masculine desire. As the legal theorist Larry Alexander notes the ‘moral magic’ which is ceded to consent is that it has the power to turn an otherwise illegal, unethical or unacceptable encounter into one which is acceptable, legal and ethical, through the acquiescence of the consenting party. In short, consenting to an action presumes that the action is in itself undesirable, otherwise consent would be unnecessary and irrelevant.<sup>13</sup> This logic can be seen in community campaigns to promote consensual sex which, almost without exception, presume a male audience who is exhorted to seek the consent of a female partner prior to any sexual activity.<sup>14</sup> Consent thus responds to the conditions of inequality that characterise contemporary heterosex. As Carole Pateman writes, the notion of consent reinforces women’s paradoxical positioning within heteronormative discourse as simultaneously always already sexual and incapable of sexual desire or agency:

Women exemplify the individuals who consent theorists have declared are incapable of consenting. Yet, simultaneously, women have been presented as always consenting, and their explicit nonconsent has been treated as irrelevant or has been reinterpreted as “consent.”<sup>15</sup>

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Because of the way the concept of consent takes for granted the gender binary and sexual double standards of heterosex it cannot function to increase equality in heterosexual relations or, ultimately, to reduce the widespread occurrence of sexual violence which is built on this inequality. The model of positive verbal consent used within radical queer spaces arises out of attempts in the 1980s and 1990s to respond to some of these issues. Feminists and others identified the weaknesses of the ‘no means no’ model in which passivity could be construed as consent and in which women’s sexual agency or desire was automatically precluded. In response, they reformulated consent as a positive requirement, moving to a model of ‘yes means yes.’<sup>16</sup> This model attempts to alter the terrain of consent so that it is able to incorporate women’s sexual desire. This still, however, fails to disrupt the model of the masculine partner seeking the consent of the feminine partner.

Further, as Celia Kitzinger and Hannah Firth have pointed out, both the positive and negative models of consent rely on an understanding of verbal communication in which desires are immediately and transparently communicated vocally.<sup>17</sup> Socially, when confronted with a direct question, and particularly a repeated direct question, ‘no’ is one of the least common ways of communicating refusal. Far more common is to change the topic or to respond with a reluctant or qualified ‘yes.’ Taking this analysis even further, Nina Philadelphoff-Puren argues that by privileging the verbal we wilfully blind ourselves to the social context that provides meaning and significance to verbal communication.<sup>18</sup> As she notes, there may be a number of reasons that people say ‘yes’ to an unwanted sexual encounter, including, disturbingly, the fear that if they say ‘no’ they may be forced to recognise the situation as sexual violence. This is an example of the dangers of the ‘moral magic’ that is granted to verbal consent.

Consent has little to offer a queer sexual ethics that seeks to differentiate good and bad sex outside of hetero- and gender-normative frameworks. At times, the use of consent within BDSM communities is taken as evidence of its general utility for queer ethical frameworks of sex. However, BDSM is a specific practice of sexuality in which dynamics of dominance and submission are turned into objects of erotic play rather than acting as the structuring pre-conditions of sexual encounters.<sup>19</sup> It is this queering of dominance and submission generally that allows consent, as part of the architecture of these dynamics to also function as a useful element of these encounters. As a particular model of sexual behaviour with delineated boundaries, BDSM practices cannot simply be expanded into a general queer ethics. Queer sexuality, in its broadest sense, is based on a multiplicity of sexual practices and behaviours, many of which are highly dissimilar to the practices of BDSM. The lesson, rather, which can be taken from the use of consent in BDSM communities, is that frameworks of communication and ethics must arise from the needs and desires of specific communities and spaces.

A sexual ethics based on a rigid model of consent that offers only one way to have ‘good’ sex, has very little to offer a community and a politics that is explicitly

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formed around recognising a multiplicity of ways to have sex and to be sexual. Obtaining verbal consent is an attempt to produce a shortcut to an ethical encounter that is not only restrictive but extremely limited in its conception of good sex. It does not engage with the conditions under which sex may be desired, joyful, exciting, or even allow for debates around what in fact does constitute good sex or a queer sexual ethics. To the extent that it is valuable at all, consent can only act as a negative marker. Rejecting consent as an ethical framework for sexual behaviour does not require abandoning it as a negative marker of unacceptable sexual practices, but rather recognising that it has little more to offer.

#### **4. Making Sex Safer?**

If consent is too rigid to be a useful starting point for queer sexual ethics the idea of safety to which it is tied has the opposite problems. As noted above, the term safer is used in the recognition that social forces, and social oppression, cannot be eradicated from queer spaces and, therefore, making any space entirely safe remains an impossible goal. Unfortunately, this relativism can result in highly amorphous conceptions of what precisely constitutes safety and its opposite, danger.

The slipperiness of the concept of safety is illustrated in the definition of Safer Spaces taken from the 'World Without' pamphlet quoted above. Beyond verbal consent, safety comes down to a series of measures that are both highly prescriptive and difficult to define. Participants in safer spaces are required to respect others' boundaries and their opinions, beliefs, states of being and points of view. They are also exhorted to take responsibility for the effects of their own actions on others as well as for their own safety and obtaining any help or support they may need. The notion of respect offers little beyond simple liberalism, avoiding understandings of power structures that are essential to queer politics. This politics has historically been based on an understanding that certain ways of being are institutionally supported while others are not and that individual belief systems are intimately connected to processes of exclusion and marginalisation. Even with LGBTQI communities and spaces ways of being and beliefs can include racism, ableism and cis-sexism, to name only some of the most obvious problems. Responsibility is similarly problematic as in a culture in which there is an entrenched history of making victims of sexual violence 'responsible' for their own victimisation such a notion is especially unhelpful in an attempt to make a space sexually safer.<sup>20</sup> Rather than promoting safety, or even providing a framework within which to evaluate behaviour, such language instead makes participants vulnerable to being seen as inadequately respectful or responsible, creating an environment that promotes insecurity rather than increasing the security of those within the space.

Ironically, this model instead tends to privilege sexual acts that occur in long-standing romantic relations and accept without question the normative assumptions

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that link sex with love and on-going emotional care work and support. This is due to an equation of safety with comfort that is also inherent in the ideas of respect which fail to identify that discomfort can be not only politically or personally valuable but also in itself a source of sexual pleasure. The linking of sex and love can be seen in the following selection of questions suggested as conversation for sexual partners in the *World Without zine*:

How can I touch you to show my love for you? \* Do you feel close enough to be touching like this? \* I feel really good about this and close to you, if you would like to come, I would feel really good about that \* What ways would you feel comfortable expressing your care right now?<sup>21</sup>

In contrast, a wide array of sexual behaviours fall outside of this model, such as having sex intoxicated, having sex in which activities are not clearly delimited and determined in advance, and having sex without the use of continual verbal communication. Not only are these behaviours common but none are inherently or necessarily harmful or unethical. They are, however, acts which carry an inherent risk, and it is ultimately risk that this model seeks to eliminate. Risk, however, may be an intrinsic part of all sexual encounters and indeed any human encounters that involve any level of intimacy or openness to the other, and the model of romantic/sexual love reinforced above carries its own risks, including rejection, betrayal and unwanted singledom.

The risks, however, of queer sex, which exists outside of the boundaries established by romantic love, the heterosexual family and a predetermined gender binary contains elements of risk, require a willingness to begin something without knowing where it ends. Such risk is inextricable from the openness and sense of possibility that José Esteban Muñoz argues is inherent to queer politics, or at least to its inherent potential.<sup>22</sup> Such openness to the future, however, is challenging as Judith Butler reminds us: ‘The desire not to have an open future can be strong. In political calculations, it is important not to underestimate the force of the desire to foreclose futurity.’<sup>23</sup> This desire can be particularly strong in a domain such as sex where the possibility for pleasure and the possibility for danger sit so perilously close together. The challenge of an open future is to be able to take seriously the danger and the trauma associated with sex while still being willing to attempt to construct an open future that allows for the possibility of the new and unexpected. The future for a queer response to sexual violence would still seem to me to reside far more strongly in a politics which attempts to start from the sites of ‘bodies and pleasures’ rather than a desire for regulatory and discursive closure.<sup>24</sup> There is no safe haven from the realities of sexual politics or sexual danger. A queer ethics of sexuality needs to be precisely that, an ethics, and one which works within the complex and fraught terrain of sexuality and sexual contact, recognising that a

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world where we consent to sex is not enough and that the goal of permanent safety may not only be unattainable but ultimately undesirable.

### Notes

<sup>1</sup> Gavin Brown, 'Mutinous Eruptions: Autonomous Spaces of Radical Queer Activism', *Environment and Planning A* 39, No. 11 (2007): 2685

<sup>2</sup> B. Vandelslander, 'Long Live Temporariness: Two Queer Examples of Autonomous Spaces', *Affinities: A Journal of Radical Theory, Culture and Action* 1, No. 1 (2007): 5-11, accessed February 28, 2013,

<http://affinitiesjournal.org/affinities/index.php/affinities/article/view/3/41>.

<sup>3</sup> Nicole Gavey, *Just Sex? The Cultural Scaffolding of Rape* (London and New York: Routledge, 2005), 2.

<sup>4</sup> Wendy Brown, *States of Injury: Power and Freedom in Late Modernity*. (Princeton: Princeton University Press, 1995), ix.

<sup>5</sup> See 'Camp Betty 7-11 June 2007', accessed February 28, 2013, <http://2007.campbetty.org/>.

<sup>6</sup> See *A World without Sexual Assault* (Melbourne: Self-Published, 2007), accessed February 28, 2013, <http://zinelibrary.info/files/world+without+paper+2.pdf>.

<sup>7</sup> Vandelslander, 'Long Live Temporariness'.

<sup>8</sup> *World without Sexual Assault*, 2.

<sup>9</sup> Ibid., 19; Emilie Buchwald, Pamela Fletcher and Martha Roth, eds. *Transforming a Rape Culture* (Minneapolis: Milkweed Editions, 2005); 'Critical Resistance', accessed February 28, 2013, <http://criticalresistance.org/>.

<sup>10</sup> 'Camp Betty June 7-11 Melbourne'.

<sup>11</sup> *World without Sexual Assault*, 12.

<sup>12</sup> 'Camp Betty June 7-11 Melbourne'.

<sup>13</sup> Larry Alexander, 'The Moral Magic of Consent (II)', *Legal Theory* 2, No. 3 (1996): 165-174.

<sup>14</sup> See for instance, the international 'Consent is Sexy' campaign. 'Consent is Sexy', accessed February 28, 2013, <http://www.consentissexy.net/>.

<sup>15</sup> Carole Pateman, 'Women and Consent', *Political Theory* 8, No. 2 (1980): 150.

<sup>16</sup> Kath Albury, *Yes Means Yes: Getting Explicit about Heterosex* (Sydney: Allen & Unwin, 2002).

<sup>17</sup> Celia Kitzinger and Hannah Frith, 'Just Say No? The Use of Conversation Analysis in Developing a Feminist Perspective on Sexual Refusal', *Discourse & Society* 10, No. 3 (1999): 293-316.

<sup>18</sup> Nina Philadelphoff-Puren, 'The Mark of Refusal: Sexual Violence and the Politics of Recontextualisation', *Feminist Theory* 5, No. 3 (2004): 243-246.

<sup>19</sup> Morten Ebbe Juul Nielsen, 'Safe, Sane, and Consensual: Consent and the Ethics of BDSM', *International Journal of Applied Philosophy* 24, No. 2 (2010): 266.

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- <sup>20</sup> Gavey, *Just Sex?*, 4-23.
- <sup>21</sup> *World without Sexual Assault*, 6.
- <sup>22</sup> José Esteban Muñoz, *Cruising Utopia: The Then and There of Queer Futurity* (New York: NYU Press, 2009).
- <sup>23</sup> Judith Butler, *Excitable Speech: A Politics of the Performative* (New York and London: Routledge, 1997), 161-162.
- <sup>24</sup> Michel Foucault, *The Will to Knowledge: Volume 1 of the History of Sexuality*, trans. Robert Hurley (London: Penguin Books, 1998), 157.

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**Tanya Serisier** is a lecturer in Criminology at the University of NSW, Australia. Her research focuses on cultural constructions of good sex, bad sex and sexual violence, and on the way in which feminist and queer politics and narratives are represented in popular culture.