

FORUM

Meet Me in Pervert Park: Epistemology, Positionality, and Praxis in the Queer History of Policing and the Law

Steven Maynard

Department of History, Queen's University, Kingston, ON, Canada
E-mail: steven.maynard@queensu.ca

Just a stone's throw from the campus of the university in Kingston, Ontario, where I teach, is a small park. Hugging a rocky stretch of Lake Ontario shoreline, Macdonald Park, named after Canada's first prime minister, is better known by locals as "Pervert Park." Since at least World War II, Pervert Park has been the primary cruising ground in Kingston for men searching for sex with other men, a meeting place for a mix of mostly working-class men, men stationed at the nearby military base, and the occasional intrepid university student. For women, the park's name references a different kind of pervert and signals the potential danger of walking alone in the park at night. Two of the park's main features are the Newlands Pavilion, a bandstand built in 1896, and the Richardson bathhouse, which is really a public washroom and changing facility, and which, when it first opened in 1919, boasted lockers, hot-water showers, and a list of "rules that would be enforced to maintain decorum in the bathing house."¹ A paved path, punctuated by park benches, connects the pavilion and bathhouse, which, after dark, conveniently becomes an oval track for men cruising around and sometimes having sex behind the pavilion and bathhouse.

One hot, summer night, more than 30 years ago, I remember walking after midnight through Pervert Park. A dozen or so men were in the park that night, a few sitting alone on benches, the others in pairs, chatting. As I approached the east exit of the park, a police patrol car pulled into the parking lot directly ahead of me and turned on its lights, flooding the park with bright, white light. Turning away from the blinding light, I looked over my shoulder and saw men scatter, leaving the park by its other exits. But why, I wondered. No one, so far as I could see, was engaged in any indecorous behavior. It's not illegal to sit or socialize in a park at night. And so, a few of us, located at different points in the park, faced into the police lights and stood our ground,

¹ "Bathing House Opened," *Daily British Whig*, June 11, 1919, 2.



Figure 1. Richardson bathhouse at night, Macdonald Park, Kingston, Ontario. Uncredited photo uploaded to Squirrt, an online cruising site. The listing warns: “Cops sometimes check up on the area. Use common sense as it is a public area.” (https://www.squirrt.org/cruising/cruising_details.asp, accessed October 7, 2021)

strangers in an unpremeditated solidarity. It was unnerving; the police could see us but we could not see them. The standoff lasted only a few minutes. The police turned off their lights and drove away. It would only be later that I learned that the police practice of floodlighting the park to flush out the queers had a long history.

Kingston police were slackers when compared to their United States counterparts in vice during the mid-twentieth century who, sometimes selected on the basis of their good looks, were trained to wear tennis shoes and tight pants to entice queer men into sexual solicitation in “pervert parks” across the nation. These police decoys, along with the police who worked with state liquor authorities to harass gay men and women in bars, and the police who peeped on men in public toilets, are the subject of Anna Lvovsky’s deeply researched, conceptually innovative, and elegantly written book *Vice Patrol: Cops, Courts, and the Struggle over Urban Gay Life before Stonewall*.²

The police have always figured in queer historiography, of course. How could it be otherwise? But early gay/lesbian historians, in a laudable effort to place queer subjects at the center of their own histories, tended to push the police to one side. Paradoxically, these same historians often relied heavily on police and court records, but these documents were mined for what they could tell us about queer identity and community formation, not for what

² Anna Lvovsky, *Vice Patrol: Cops, Courts, and the Struggle over Urban Gay Life before Stonewall* (Chicago: University of Chicago Press, 2021).

they revealed about the institutions that produced them: the police and the courts. In this way, the police gave historians the slip, escaping critical scrutiny. That is, until *Vice Patrol*.

Lvovsky's book does not appear entirely out of historiographical thin air. Over 25 years ago, I suggested the need to reconceptualize the historical relationship between policing and same-sex subcultures through a process I dubbed "the dialectics of discovery." I argued that the practices of police surveillance and the production of police statistical knowledge were key preconditions for the public emergence of "homosexuality."³ But back in 1994, I could scarcely imagine the conceptual sophistication that Lvovsky now brings to the topic. In more recent years, queer historians have evinced a greater interest in tackling the police. However, as late as 2016, Timothy Stewart-Winter could still note that the rise and decline of anti-gay policing "has been almost totally neglected by historians."⁴

In filling this historiographical gap, *Vice Patrol* takes readers into "the daily realities of urban policing—the types of interactions that most commonly defined gay individuals' encounters with state power."⁵ With its street-level view of gay people's everyday run-ins with the police and courts, *Vice Patrol* reads less like legal history—Lvovsky is not overly interested in the formulation of laws and legal policy—and more like a queer social history of the juridical apparatus of the local state, with a discerning analysis of variation across its different branches (liquor licensing boards, police, vice patrol squads, prosecutors, and judges).⁶ That said, *Vice Patrol* has everything to do with the law: with what Lvovsky terms the "epistemology of law enforcement."⁷ Consider her fascinating discussion of "ethnographic policing." Lvovsky argues that policing "did not merely constrain queer communities but also produced novel and even accurate knowledge about them."⁸ Vice-squad decoys in parks and washrooms picked up remarkably precise knowledge about gay subcultures, adapting their tactics to cruisers' constantly changing subcultural codes and cues. But Lvovsky's point is not simply that the police, as would-be

³ Steven Maynard, "Through a Hole in the Lavatory Wall: Homosexual Subcultures, Police Surveillance, and the Dialectics of Discovery, Toronto, 1890–1930," *Journal of the History of Sexuality* 5 (1994): 207–42.

⁴ See, for example, Christina B. Hanhardt, *Safe Space: Gay Neighborhood History and the Politics of Violence* (Durham, NC: Duke University Press, 2013); and Timothy Stewart-Winter, *Queer Clout: Chicago and the Rise of Gay Politics* (Philadelphia: University of Pennsylvania Press, 2016), 6.

⁵ Lvovsky, *Vice Patrol*, 2.

⁶ I say the "local state" to distinguish *Vice Patrol* from the work of queer historians who focus more on the big institutions of the state, such as the federal government or the Supreme Court. See, for example, Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America* (Princeton: Princeton University Press, 2009); and Marc Stein, *Sexual Injustice: Supreme Court Decisions from Griswold to Roe* (Chapel Hill: University of North Carolina Press, 2010).

⁷ Lvovsky, *Vice Patrol*, 17.

⁸ *Ibid.*, 144. The emphasis on the productive rather than the repressive nature of police power/knowledge is just one of the book's fully Foucauldian formulations, despite the fact that Lvovsky mentions Foucault only once in passing (18) and distances her work from Foucault-inspired scholars on the project of governing. On the latter, see Miguel de Beistegui, *The Government of Desire: A Genealogy of the Liberal Subject* (Chicago: University of Chicago Press, 2018).

participant-observers, contributed to the ethnographic discovery of the gay world at mid-century. Rather, Lvovsky directs our attention to what she calls—and this is perhaps the book’s signal contribution—the “epistemic divides” or “epistemic conflicts” between the police and courts (and sometimes between trial and appellate courts).⁹ Lvovsky suggests that in court, police routinely downplayed their intimate knowledge of gay cruising culture in order to shield their often-dubious enticement practices from review by judges. In presenting their cases before the court, police and prosecutors counted on “the court’s continuing failure to appreciate those codes,” which were, after all, developed by gay men precisely for their unintelligibility to outsiders.¹⁰ Why explain to the court the intricacies of playing footsie under a toilet stall or finger-wiggling through a hole in its wall, whether performed by queer men or vice officers, if “judges declined to see such seemingly benign conduct as justifying judicial intervention?” Nothing to see here. As Lvovsky puts it, police and prosecutors exploited “an *epistemic gap*” between what police knew and what many judges apparently did not, “knowledge gaps that undercut potential checks on police tactics on the ground.”¹¹

The police and courts did not have a monopoly on knowledge. Men who cruised parks and tearooms also had their own forms of knowledge. In Kingston, men learned about Pervert Park from graffiti on the stall walls of Richardson bathhouse, by word of mouth, and sometimes directly from the police. One of two men cruising together in Kingston’s Pervert Park during the 1960s recalled a police constable’s warning, “You know that this park is full of perverts, don’t you?” and my friend said in all innocence, “Why officer, thank you for telling me, I’ll be sure to keep an eye out for them!”¹² Lvovsky is hip to this “humor in the shadow of the law.”¹³ With men striking a pose of *faux naïveté*, claiming to the police not to know a particular park or wash-room was a gay cruising ground, with cops denying in court that their surveillance and enticement practices gave them any expertise, and with judges failing to understand the queer doings of both cruisers and vice-patrol officers, do we not have here an especially dense historical illustration of what Eve Sedgwick called, in a discussion of sexual assault law, “the epistemological privilege of unknowing” and “the orchestration of ignorance” in the courts?¹⁴

⁹ Lvovsky, *Vice Patrol*, 179, 183.

¹⁰ *Ibid.*, 145.

¹¹ *Ibid.*, 145.

¹² I am drawing here on the work of a local lesbian artist-activist and community-based historian. Marney McDiarmid, “From Mouth to Mouth: An Oral History of Lesbians and Gays in Kingston from World War II to 1980” (MA thesis, Queen’s University, 1999), 50–55, 61–62.

¹³ Lvovsky, *Vice Patrol*, 3.

¹⁴ Eve Kosofsky Sedgwick, *Epistemology of the Closet* (Berkeley: University of California Press, 1990), 5. Sedgwick also had a few things to say about the notion “it takes one to know one,” which, as Lvovsky points out, was frequently used to cast aspersions on vice officers’ uncanny ability to attract the sexual interest of gay men. Sedgwick’s comment that the phrase’s disciplinary dimensions “are all tuned to the note of police entrapment” (100) seems especially apropos. This is also a roundabout way of posing a persistent question in the field: how does *Vice Patrol*, a

Lvovsky questions historians who see in the production of knowledge a “liberal impulse.”¹⁵ By contrast, Lvovsky detects within liberalization a strong undercurrent of policing.¹⁶ She writes convincingly, for instance, that the “pansy” craze of the 1930s “often remembered as a bubble of relative tolerance ... left a far more complicated legacy.” “Far from simply a moment of liberal curiosity about the urban underworld,” the pansy craze provided “a direct tool of legal regulation” insofar as the knowledge gathered about “the social quirks and contours” from that period was used to create “a powerful foundation for the states’ campaigns against urban queer life.”¹⁷ Or, for the postwar period, consider the increasing willingness of mainstream media to report on homosexuality. The fact that journalists, from the *New York Times* to *Life* and *Harper’s*, used vice cops as their guides to the gay underworld reveals for Lvovsky “the abiding tie between even the most seemingly liberal public discussions of homosexuality and the continuing surveillance of gay life.”¹⁸ At the same time, Lvovsky is keen to avoid reinstalling policing and the law as a monolithic machine of oppression, and so we also learn that even “outwardly conservative, often painful developments mediated the punitive impact of the law.”¹⁹ For example, the postwar period’s draconian sexual psychopath provisions “did not necessarily make homosexual offenders more vulnerable before the law.”²⁰ Rather, they had a “surprisingly liberal effect” as “often-progressive psychiatrists” became “advocate[s] for leniency” and “urged judges to treat gay men less punitively.”²¹ So, sometimes liberal, sometimes not so much.

Other scholars do not strike such an interpretive balance when assessing the postwar period. They find in it instead the ominous historical preconditions for the present-day “war on sex.”²² They point to the role of lewd conduct laws in the creation of the category of the modern sex offender and sex-offender registries; to the deployment of sex panics, particularly over the pedophile, in the expansion of the punitive state; and to sodomy statutes and how the move to decriminalize sex between consenting adults in private led to invidious legal distinctions and the creation of a criminal underclass of gay people.²³ Lvovsky discusses all of these developments but not to the same

work of *queer history*, speak to *queer theory*, old and new? See also, Sedgwick, “Privilege of Unknowing: Diderot’s *The Nun*,” in *Tendencies* (Durham, NC: Duke University Press, 1993), 23–51.

¹⁵ Lvovsky, *Vice Patrol*, 221.

¹⁶ In her discussions of how liberalization also encompassed relations of ruling, I again read Foucault between Lvovsky’s lines. See, for example, Patrick Joyce, *The Rule of Freedom: Liberalism and the Modern City* (London: Verso, 2003).

¹⁷ Lvovsky, *Vice Patrol*, 47–48.

¹⁸ *Ibid.*, 222.

¹⁹ *Ibid.*, 262.

²⁰ *Ibid.*, 120.

²¹ *Ibid.*, 121.

²² David M. Halperin and Trevor Hoppe, eds., *The War on Sex* (Durham, NC: Duke University Press, 2017).

²³ See, for example, Roger N. Lancaster, “The New Pariahs: Sex, Crime, and Punishment in America”; Scott De Orio, “The Creation of the Modern Sex Offender”; and Regina Kunzel, “Sex Panic, Psychiatry, and the Expansion of the Carceral State,” in *The War on Sex*. See also, Scott De

degree and with a different interpretive emphasis. Writing about predators and pedophiles primarily as “prototypes” or “stereotypes,” Lvovsky does not provide any detailed analyses of the actual panics over “perversion,” often involving intergenerational sex, that during this period gripped numerous cities from Miami (1954) to Boise (1955).²⁴ One wonders if doing so might have tipped the interpretive scales more in the direction of the punitive side of the state. On sodomy, Lvovsky sees a “frequent disconnect” between the harshness of sodomy laws on the books and judges who mitigated their severity by releasing defendants with probation, a fine, or psychiatric treatment.²⁵

Lvovsky reassures readers that it is not her intention to “exalt the medicalization of homosexuality in the mid-twentieth century.”²⁶ But what is at stake in adjudicating some aspects of the medicalization and criminalization of queer people as progressive and less punitive, as opposed to viewing psychiatric-legal power and its creation of “abnormal” and “dangerous individuals” as shifting strategies of normalization in punitive society?²⁷ And what accounts for these interpretive differences? I will speculate a bit about this further on. But the benefits of viewing the history of policing, the law, and gay life as the product of epistemic contestation seem clear. It supplies us with insight into why the police and the courts do what they do and, just as importantly, do not do. For example, Lvovsky demonstrates that vice squads might lay off (or step up) the arrest of men in any given month based on their knowledge of the views and mood of the judge sitting at the time. It is a simple illustration, but Lvovsky’s attention to the varying institutional locations and pragmatic uses of knowledge strikes me as a more satisfactory explanatory device for patterns of policing than recourse to generalized and ahistorical notions of homophobia or anti-homosexual prejudice that too often pass as the implicit

Orio, “The Invention of Bad Gay Sex: Texas and the Creation of a Criminal Underclass of Gay People,” *Journal of the History of Sexuality* 26, 1 (January 2017): 53–87. For a Canadian history of the postwar purge of lesbians and gay men from the federal civil service and military that employs the trope of a “war on sex,” see Gary Kinsman and Patrizia Gentile, *The Canadian War on Queers: National Security as Sexual Regulation* (Vancouver: UBC Press, 2010). For an application of the “war on sex” in the more recent legal context, see Corey Rayburn Yung, “The Emerging Criminal War on Sex Offenders,” *Harvard Civil Rights – Civil Liberties Law Review* 45 (2010): 435–81.

²⁴ Fred Fejes, “Murder, Perversion, and Moral Panic: The 1954 Media Campaign against Miami’s Homosexuals and the Discourse of Civic Betterment,” *Journal of the History of Sexuality* 9 (July 2000): 305–47; and John Gerassi, *The Boys of Boise: Furor, Vice, and Folly in an American City* (New York: Macmillan, 1966).

²⁵ Lvovsky, *Vice Patrol*, 195.

²⁶ *Ibid.*, 262.

²⁷ On medico-legal power as a shifting strategy of normalization in punitive society, see Michel Foucault, “About the Concept of the ‘Dangerous Individual’ in Nineteenth-Century Legal Psychiatry,” in *Power*, vol. 3, *Essential Works of Foucault, 1954–1984*, ed. James D. Faubion, trans. Robert Hurley et al. (New York: New Press, 2000), 176–200; Michel Foucault, *Psychiatric Power: Lectures at the Collège de France, 1973–1974*, ed. Jacques Lagrange, trans. Graham Burchell (New York: Palgrave Macmillan, 2006); Michel Foucault, *Abnormal: Lectures at the Collège de France, 1974–1975*, ed. Valerio Marchetti and Antonella Salomoni, trans. Graham Burchell (New York: Picador, 2003); and Michel Foucault, *The Punitive Society: Lectures at the Collège de France, 1972–1973*, ed. Bernard E. Harcourt, trans. Graham Burchell (New York: Palgrave Macmillan, 2015).

explanation for anti-gay policing in much historical writing. Another historiographical advance, arising from Lvovsky's focus on knowledge, is her argument that the law did not simply confront a pre-existing queer world brought before the bench. The practices of the law, she insists, were central to the production and circulation of knowledge—to the apprehension and, crucially, the misapprehension—of the very thing being policed.

Although Lvovsky does not make this link, I suggest that *Vice Patrol* is an effective demonstration of Valerie Traub's enabling concept of "sex-as-knowledge-relation" and the rewards to be reaped from "reframing the history of sexuality as an epistemological problem."²⁸ Indeed, I am going to predict that Lvovsky's book is one of the first in what will come to be known as the epistemological turn within queer historical writing, ushering in a long overdue awareness among queer historians that accounting for the biases and other limitations of our sources is not the same thing as probing how those sources construct knowledge of the thing that they purport to merely represent.

If *Vice Patrol's* focus on epistemology, on *what* queer historians can know, breaks new ground, Lvovsky has less to say about *how* we know it; that is, about methodology. I am not referring to the book's sources, which are wide-ranging (the police training manuals and the 1964 Purple Pamphlet are gems) and employed in a fashion familiar to that of social historians. Neither am I referring to reading strategies; legal narratology or the woefully undertheorized "reading against the grain" are both mercifully absent. Rather, I'm referring to what in the emerging field of queer methods goes by the name of "queer reflexivity" and "positionality."²⁹ Feminist theorists call it "standpoint."³⁰ Whatever we call it, let's be clear: it is not a question of identity, of whether, for example, straight historians should do queer history. It is, however, to refuse the standpoint of "apocalyptic objectivity," in which "historians take unusual pains to erase the elements in their work which reveal their grounding in a particular time and place, their preferences in a controversy."³¹ It is fundamentally about ethics and politics. It is the reason I started these comments by grounding myself in Pervert Park and by declaring my preferences, my commitment to resisting the sex police.³² It is why Roger Lancaster includes in the middle

²⁸ Valerie Traub, *Thinking Sex with the Early Moderns* (Philadelphia: University of Pennsylvania Press, 2016), 2–3.

²⁹ On queer reflexivity, see Amin Ghaziani and Matt Brim, "Queer Methods: Four Provocations for an Emerging Field," and on positionality, see E. Patrick Johnson, "Put a Little Honey in My Sweet Tea: Oral History as Quare Performance," both in *Imagining Queer Methods*, ed. Amin Ghaziani and Matt Brim (New York: New York University Press, 2019), 16–17, 50–55. In fact, many of the contributors to this collection make the case for reflexivity and positionality.

³⁰ See Sandra Harding, ed., *The Feminist Standpoint Theory Reader: Intellectual and Political Controversies* (New York: Routledge, 2004).

³¹ Michel Foucault, "Nietzsche, Genealogy, History," in *Aesthetics, Method, and Epistemology*, vol. 2, *Essential Works of Foucault, 1954–1984*, ed. James D. Faubion, trans. Robert Hurley et al. (New York: New Press, 1998), 379, 382.

³² On the sex police, see Pat Califia, "Sexual Outlaws v. the Sex Police," part 1 of *Public Sex: The Culture of Radical Sex*, 2nd ed. (San Francisco: Cleis Press, 2000). See also, Dangerous Bedfellows, eds.,

of his book, *Sex Panic and the Punitive State*, a chapter on his own sexual experiences (including a terrifying tale of getting caught up in a teacher friend's legal case involving accusations of sex with young students), along with a searching consideration of the "ethical dilemmas and moral hazards" of "autoethnography."³³ In a book so sensitive to the sociology of knowledge and the ethnographic tradition, the absence of self-reflexivity in *Vice Patrol* is curious.

One of the dangers in not positioning yourself is that it's left to others to do it for you. What, then, can we say about Lvovsky? Certainly, she is no apologist for the police. Indignation is made plain on the page: The vice squads' anti-homosexual campaigns are "a dark chapter of American history, one that is frequently heartbreaking and appalling." The police persecution of queer people is "painful," and Lvovsky finds no reason "to forgive the harm caused."³⁴ When it comes to the judiciary, however, Lvovsky adopts a different tone. She refers frequently to "liberal" and "progressive" judges, and one word that recurs repeatedly in discussions of them is "sympathy."³⁵ Lvovsky shows, for instance, how judicial leniency often stemmed from the sympathy that some white male judges felt for the white, often married, middle-class men who appeared in their courts, in which a race- and class-based familiarity trumped whatever qualms judges may have had about queer sex. But might Lvovsky not have some sympathy of her own? According to Lvovsky, judges, who "proved quite willing to engage creatively with the law to curtail what they criticized, privately if not publicly, as unjust laws and repulsive police methods," have gone "underappreciated."³⁶ To remedy this, Lvovsky carves out for liberal judges a rather significant historical role. Without ignoring the critique of police practices by gay activists, civil libertarians, and progressive journalists in the 1960s, Lvovsky nevertheless maintains that the "roots of resistance against the vice squads' repressive campaigns" were "built into the operation of the criminal justice system itself, rehearsed and refined a decade earlier by the judges who administered the law on the ground."³⁷ Not only does such a view shift the historical basis of resistance from queer communities to the law, it also suggests—given the characterization of judges as sympathetic, underappreciated characters and their role as instigators of resistance, to the emphasis placed on the mediating function of judicial leniency, discretion, and oversight, and to the repeated references to "the legal rights and freedoms of gay individuals"—that what we have here is not just a study of liberal legalism but one undertaken from the standpoint of that same liberalism.

Policing Public Sex: Queer Politics and the Future of AIDS Activism (Boston: South End Press, 1996); and William L. Leap, ed., *Public Sex / Gay Space* (New York: Columbia University Press, 1999).

³³ Roger Lancaster, "The Magical Power of the Accusation: How I Became a Sex Criminal and Other True Stories" and "Appendix 2: Notes on Method," in Lancaster, *Sex Panic and the Punitive State* (Berkeley: University of California Press, 2011).

³⁴ Lvovsky, *Vice Patrol*, 3, 262.

³⁵ *Ibid.*, 99, 118–19.

³⁶ *Ibid.*, 99.

³⁷ *Ibid.*, 261.

Put differently, while Lvovsky is by no means unmindful of the limits of the law, she does believe in it.

Believing in the law is often the basis for working within it, and this brings us to what the legal activist-scholar Bernard Harcourt insists on as the necessary relationship between critique and praxis. In what Harcourt calls these “times of crisis” (and remember, when it comes to sex, we’re at war), it is no longer sufficient to simply critique; we must also act.³⁸ For queer historians, perhaps the most obvious thing to do is to write legal briefs and appear as experts in court cases involving anti-gay discrimination.³⁹ But, as Harcourt argues, central to the urgent renewal of praxis is “a radical critique of law,” including “the illusion of liberal legalism,” this from someone who, as Harcourt admits, has made ample use of “liberal-legal methods.”⁴⁰ Harcourt is also a Foucault scholar—he edited Foucault’s lectures on *The Punitive Society*—and many of those whose queer histories of policing foreground the expansion of the punitive-carceral state also draw on Foucault, for both his critique and his way of mixing militancy and theory.⁴¹ This suggests that one way to understand the interpretive and political approaches to sex, law, and policing adopted by Lvovsky in contrast to the other scholars I’ve been sketching is as a difference between liberal-legalism and left-Foucauldianism.⁴²

For the radical critique of the law that Harcourt calls for, we can turn to someone like Dean Spade, a professor of law and critical trans studies and founder of the Sylvia Rivera Law Project, which provides free legal services to low-income people and people of color who are trans and/or gender non-conforming. Starting from the premise that “their laws will never make us safer,” Spade urges queer people to refuse “to be the new face of the purported fairness and liberalism” of the law and to reject “having its criminal codes expanded in our names.”⁴³ Those who adopt such a stance, one more

³⁸ Bernard E. Harcourt, *Critique & Praxis: A Critical Philosophy of Illusions, Values, and Actions* (New York: Columbia University Press, 2020). Harcourt aims to reframe the praxis imperative by turning the question “What is to be done?” on oneself to ask, “What more am I to do?” I see parallels between turning the question on oneself and the practice of queer reflexivity.

³⁹ See, for example, George Chauncey, “‘What Gay Studies Taught the Court’: The Historians’ Amicus Brief in *Lawrence v. Texas*,” *GLQ: a Journal of Lesbian and Gay Studies* 10 (2004): 509–38.

⁴⁰ Harcourt, *Critique & Praxis*, 12.

⁴¹ See, for example, the work of Lancaster, De Orio, and Kunzel cited previously. On Foucault’s political practice, see Kevin Thompson and Perry Zurn, eds., *Intolerable: Writings from Michel Foucault and the Prisons Information Group, 1970–1980*, trans. Perry Zurn and Erik Beranek (Minneapolis: University of Minnesota Press, 2021), particularly Thompson and Zurn’s introduction, “Legacies of Militancy and Theory,” 1–34.

⁴² I’m not suggesting that this formulation can account for all approaches to the subject. In *Sexual Injustice*, for example, Stein furnishes a left history of the Supreme Court’s so-called sexual revolution, fully attentive to “liberalization’s limits,” without once mentioning Foucault.

⁴³ Dean Spade, “Their Laws Will Never Make Us Safer,” an introduction to “Prisons Will Not Protect You,” part 3 of *Against Equality: Queer Revolution, Not Mere Inclusion*, ed. Ryan Conrad (Oakland, CA: AK Press, 2014), 173. See also, Spade, *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of the Law*, revised and expanded ed. (Durham, NC: Duke University Press, 2015). For the Sylvia Rivera Law Project, see: <https://srp.org/>, accessed February 3, 2023.

focused on the criminalization and incarceration of queer, trans, Black, Indigenous, people of color (QTBIPOC), often link their critical work, not to aiding the state in bringing ever greater numbers of queer people into the law's embrace, but to helping queers escape its grip by doing "people's law," police misconduct cases, and dismantling structural injustice in law enforcement.⁴⁴

One doesn't have to be a lawyer to link critique and praxis. It might be as simple as including a list of activist resources at the end of one's book.⁴⁵ For my part, I have negotiated the critique/praxis divide over the years by publishing the results of my historical research on the police in queer community-based and non-academic publications; demonstrating against and reporting for the queer press on police action against park cruisers in the present; writing about the political challenges posed by public sex; pushing police departments to release their historical records; and writing op-eds for the mainstream press on LGBTQ legal issues, such as the Canadian federal government's expungement legislation, part of the apology for its history of anti-gay discrimination.⁴⁶ I have no doubt that Lvovsky has her own ways of handling the critique/praxis challenge, but if so, they do not figure in *Vice Patrol*, representing a missed opportunity to think through the link between historical critique and political practice.

In the last few pages of her epilogue, Lvovsky does touch on the relevance of her historical research for the policing of marginalized communities today. Lvovsky's key point about understanding policing and the law as a "deeply contested space," as malleable rather than monolithic, takes us a good distance, for

⁴⁴ I pull these three examples from the author bios of Joey L. Mogul, Andrea J. Ritchie, and Kay Whitlock, *Queer (In)Justice: The Criminalization of LGBT People in the United States* (Boston: Beacon Press, 2011).

⁴⁵ See, for example, Trevor Hoppe, "Afterword: How You Can Get Involved," in *The War on Sex*, 461–64.

⁴⁶ See, Steven Maynard, "Lust in the Lavatory: Washroom Sex and Police Surveillance Have a Long History," *Xtra!*, June 27, 2012 (<https://xtramagazine.com/power/lust-in-the-lavatory-3368>, accessed February 3, 2023); Maynard, "Six Nights in the Albert Lane, 1917," in *Any Other Way: How Toronto Got Queer*, ed. Stephanie Chambers et al. (Toronto: Coach House Books, 2017), 93–95; Maynard, "Park Cruisers Feel Slap of Sex Sting: Cop Cars Have Become a Familiar Sight," *Xtra!*, May 15, 2002 (<https://xtramagazine.com/power/park-cruisers-feel-slap-of-sex-sting-45512>, accessed February 3, 2023); Maynard, "Is the Queer Community Ready to Defend Public Sex?" *Xtra!*, November 30, 2016 (<https://xtramagazine.com/power/is-the-queer-community-ready-to-defend-public-sex-72546>, accessed February 3, 2023); Maynard, "Police/Archives," *Archivaria* 68 (2009): 159–82; Maynard, "Bill C-66: Political Expediency Is Producing a Flawed Bill," *Globe and Mail*, December 12, 2017 (<https://www.theglobeandmail.com/opinion/bill-c-66-political-expediency-is-producing-a-flawed-bill/article37303098/>, accessed February 3, 2023); and Maynard, "Pride and Prejudice: With Only 9 LGBTQ Criminal Record Expungements, What's To Celebrate?," *The Conversation*, June 17, 2021 (<https://theconversation.com/pride-and-prejudice-with-only-9-lgbtq-criminal-record-expungements-whats-to-celebrate-161308>, accessed February 3, 2023). Steven Thrasher calls the moving back and forth between journalism, both community-based and mainstream, and academic writing "discursive hustling," and he argues for it as a queer method to "ferry knowledge between two worlds." See Thrasher, "Discursive Hustling and Queer of Color Interviewing," in *Imagining Queer Methods*, 230–47.

what is malleable can be remade.⁴⁷ But it remains unclear how a focus on epistemic gaps between the police and the law, for all its historical explanatory power, can be harnessed by QTBIPOC trying to resist the over-policing of their communities or by those of us trying to push back against the ongoing policing of our sexual spaces.⁴⁸ The Foucauldian in me tells me we should seize on Lvovsky's epistemic gaps as the strategic cracks or fissures in the edifice of power/knowledge that is sex, law, and policing. But this remains too abstract. And so, I extend an invitation: to all those, across different identities and diverse communities,⁴⁹ interested in fleshing out the activist implications of the historico-epistemological approach to the law and anti-queer policing that Lvovsky so impressively and crucially provides us, meet me in Pervert Park.

Steven Maynard is an adjunct associate professor in the Department of History at Queen's University. Active in the LGBTQ movement for many years, Steven is the founder and ongoing co-chair of the Canadian Committee on the History of Sexuality and book review editor of the *Journal of the History of Sexuality*. He is completing a manuscript entitled *The Perverts and the Police, 1880–1940*.

⁴⁷ Lvovsky, *Vice Patrol*, 183.

⁴⁸ Lvovsky concludes that the “mid-1960s were in many ways the high-water mark of anti-homosexual policing in the United States. In fits and starts over the latter half of that decade ... the pervasive surveillance that hung over gay life following World War II began to wind down,” *Vice Patrol*, 258. In the Canadian context, the 1969 partial decriminalization of homosexuality in private was followed not by a winding down but by the intensification of policing in public, including plain clothes cops in parks and clandestine washroom surveillance, up to and beyond the infamous 1981 police raids of Toronto bathhouses, one of the largest mass arrests in Canadian history. See, for example, Tom Hooper, “Queering '69: The Recriminalization of Homosexuality in Canada,” *Canadian Historical Review* 100 (2019): 257–73; and Steven Maynard, “1969 and All That: Age, Consent, and the Myth of Queer Decriminalization in Canada,” *The Abusable Past*, the online platform of *Radical History Review*, September 6, 2019 (<https://www.radicalhistoryreview.org/abusable-past/1969-and-all-that-age-consent-and-the-myth-of-queer-decriminalization-in-canada/>, accessed February 3, 2023).

⁴⁹ For a historical exploration of what I mean by “working across diverse identities and communities,” see Jared Leighton, “All of Us Are Unapprehended Felons’: Gay Liberation, the Black Panther Party, and Intercommunal Efforts against Police Brutality in the Bay Area,” *Journal of Social History* 52 (2019): 860–85. Of course, another name for “working across identities and communities” is “solidarity.” See Emily K. Hobson, *Lavender and Red: Liberation and Solidarity in the Gay and Lesbian Left* (Oakland: University of California Press, 2016).

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