Don’t Regulate My Body

Hello! It’s not the place, it’s the behavior

June 1, 1995 By Doug Ireland

When a small but vocal segment of the gay community begins to take on the accent of the religious right, it should be cause for worry. That’s what’s happening in the current campaign by some gay activists and journalists who demand that state and local governments close commercial sex establishments. Whether or not they’re aware of it, these worthies are objectively playing the same game as Operation Rescue does in the hard-right’s crusade against abortion clinics.

In targeting bathhouses, saunas, sex clubs, video stores, cinemas, backrooms and the like, the primary demand of these new sexual puritans is that “sexual activity on these premises shall comply with health code regulations,” to cite a manifesto from a New York City group called Gay and Lesbian HIV Prevention Activists, which adds that any establishment not in full compliance “should be closed.”

While I doubt that any rational person would oppose enforcement of codes governing cleanliness, overcrowding or fire regulations -- remember the Everard Baths fire in New York City in the 1970s that killed dozens of men? -- asking government to regulate sexual activity is both philosophically and politically dangerous. The women’s movement has long made one of its central tenets the principle that women have a right to decide what to do with their own bodies, especially since government is still controlled by men. Gay men ought to be just as ferocious in asserting the same right for themselves, particularly since the heterotyranny of government is growing new fangs in this the Age of Newt.

Just as closing abortion clinics will definitely not halt voluntary interruptions of pregnancies but only drive those seeking them into the underground, shutting the doors of sex establishments catering to gay men will simply drive those seeking sexual contact out into the night, to the parks or piers or deserted warehouses and alleyways where gay men have cruised for thousands of years, and where these days they will be more exposed than ever to the dangers of mounting street crime and mounting anti-gay violence.

Unlike these public spaces, gay sex-related businesses do usually have condoms, lube and proper washing facilities (and those that don’t should be boycotted until they do). Many of the men who frequent these places do not live gay-identified lives. Sex clubs often provide their only exposure to safer-sex education.

The Netherlands successfully stopped the spread of HIV in the 1980s not by banning its saunas but by turning them into classrooms where nonlethal sexual behavior could be taught. I take it that most state and local governments are like New York's, which makes no legal distinction between protected and unprotected oral, anal or vaginal sex. Thus, any commercial sex establishment that asks for help in providing more and better safer-sex education risks immediate closure, since admitting that sexual behavior takes place there is a confession of illegal activity. So the demand of the new puritans to micromanage sexual activity is in contradiction with their stated goal of encouraging operators of such businesses to increase access to sex education. In any case, government cannot successfully legislate sexual behavior; if it could, homosexuality would have disappeared long ago.

Asserting, as New York Newsday columnist Gabriel Rotello recently did, that sex clubs are "the killing fields of AIDS" helps promote the myth that such places have sparked the so-called second wave of infection. In fact, most unsafe sex takes place in private bedrooms. The futility of the close-'em-down approach was brought home to me recently by my 20-year-old godson, a brilliant Harvard student, who confessed that he had had unprotected anal sex with his lover, a fellow student. Fortunately, his subsequent test showed that he was still seronegative and he seems to have learned his lesson after suffering through months of traumatic waiting for his test results. Still, he says, "There's an awful lot of unprotected sex going on at Harvard."

It is, of course, not the place in which one engages in sex that puts one in danger, but the kind of behavior in which one engages. That's why padlocking commercial sex establishments makes no more sense than would shutting down Harvard.

If even intelligent and literate people with unarguable access to safer-sex literature and education -- whether young or the frustrated survivors of an epidemic in its second decade -- are continuing, however occasionally, to engage in perilous sex acts, I believe it means that there has been a fundamental failure in our approach to sex education. Writers such as The Village Voice's Michael Warner and Mark Schoofs and psychologists such as Walt Odets have begun to explore some of the reasons behind this failure. That nascent debate is eminently worthwhile.

Sexual policing by government is not the way to stem the tide of AIDS. By taking the lead in a new witch hunt aimed at the commercial sex industry, our misguided activists are providing ammunition that will certainly be used by the growing ranks of homophobes. Will we have to wait until some poor inflamed soul sprays a gay bookstore with automatic-weapon fire -- in imitation of the murderous assaults on abortion clinics and medical practitioners -- before this strategic error is recognized as such?

Only if we let it.

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