

**'Public' Mediations in Public Parks: Equity, Planning and the  
Regulation of Behaviours**

by

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## **Abstract**

This Major Research Paper examines how ideologies of nature are manipulated by local civic actors to regulate people's behaviour in public parks and thereby plan specific demographics of people out of these spaces. Focusing on behaviours of cruising and loitering, I explore how legal, design, and urban planning tools are leveraged to control and criminalize these behaviours in two GTHA public parks: Marie Curtis Park in Toronto, and Gore Park in Hamilton. Methods of research include multiple site visits to each park, interviews with local stakeholders, as well as urban planning and mental health professionals, and a literature review. In researching the above, I address questions on how the identity of "public" is defined and constructed in public parks and argue that the current regulation of cruising and loitering in the above cases serve to constitute homophobic and classist notions of "the public".

This is a particularly pressing issue for urban planners as an increasing number of ailments within cities are linked to rising temperatures, poor air quality and psychological distress. Scholarly work has demonstrated a positive correlation between exposure to nature and the alleviation of the above conditions. As parks are a primary source of nature in urban areas, addressing how the regulation of behaviour in public parks can limit the access of certain demographics of people - particularly those that are already socially marginalized - to the health benefits provided by exposure to nature is an urgent social equity issue in today's urban environment. The paper concludes by offering alternative models for planning urban public parks that allow for more equitable access to the health benefits provided by these spaces.

## **Foreword**

Influenced by my personal experiences of seeking mental refuge in spaces of nature, coupled with my strong commitment to equity principles, this paper explores how urban public parks can be more equitably planned so that all communities have access to the mental health benefits that nature provides. In doing so, I tie together all three components of my Area of Concentration as set out in my Plan of Study: a) Environmental Psychology and Urban Green Spaces; b) The Political Ecology of Public Park Creation; c) Planning Urban Green Spaces. As an urban planner, I am interested in seeing the benefits that urban green spaces provide be physically, socially, and culturally accessible to everyone. In examining these issues, both my Plan of Study and this major research paper emphasize the role that elements such as design, policy, and gentrification have on the accessibility of urban parks to different demographics within the city.

## Acknowledgements

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## INTRODUCTION

In recent years a growing body of work has developed on the positive relationship between nature and human health. Studies in this field have shown that exposure to natural settings such as parks and tree canopy can offer benefits to one's physical and psychological wellbeing (Fuller et al., 2007; Kardan et al., 2015; Lindemuth, 2007; Lines, 2013; McKeown, 2015; Ulrich, 2008). Perhaps one of the best-known studies in this area is Ulrich's work involving hospital patients. His study found that hospital patients who had a view of nature from their window recovered from illness faster than those without such a view (2008). In urban settings, parks and tree canopy have shown to play a significant role in reducing obesity and cardio-metabolic conditions while simultaneously serving as a refuge for those seeking relief from the psychological stresses of day to day life (Kardan et al., 2015; Lines, 2013; McKeown, 2015). In fact, the construction of urban parks was born out of the desire to provide respite from the filthy conditions of industrialization that permeated cities particularly throughout the 19<sup>th</sup> century (King, 1990; Speed, 2015; Stanger-Ross, 2008). Legacies of industrialization are still felt today with two of the biggest stamps on urban environments being air pollution and the urban heat island (McLamb, 2013; Zupancic, 2015). The urban heat island is associated with negative health effects such as heat rash, heat exhaustion and heat stroke, as well as the exacerbation of pre-existing health conditions such as cardiovascular and respiratory illnesses (Bassil et al., 2010; Rinner and Hussain, 2011). In a comparison of the surface temperatures of seven urban land use types on a summer day in Toronto, Rinner and Hussain (2011) found that parks and recreation spaces exhibited the lowest surface temperature, with commercial and industrial spaces exhibiting the highest. Air pollution has similar negative effects on human health and is associated with increased incidents of cardiovascular diseases and respiratory illnesses such as

asthma (Mayer, 1999; Pope et al., 1995). Furthermore, increased mortality is also linked to air pollution with the Ontario Medical Association attributing thousands of premature deaths per year to the cause (OMA, 2008). As with the urban heat island, studies have shown that tree canopy in urban areas can play a significant role in the mitigation of air pollution and its associated health effects (Tallis et al., 2011). In light of the above evidence, it can be argued that the development of public parks in urban areas is a positive and albeit necessary thing. However, the development of public parks has not necessarily been an innocent endeavor absent of detriment.

While Frederick Law Olmsted, one of the most influential figures of public park design, advocated for parks to be freely accessible to all people so that everybody could gain the health benefits of exposure to nature, this sentiment is far from being practiced in the design and management of many urban public parks throughout North America. Instead, ideologies of nature as being pristine – which Olmsted also subscribed to - have been mobilized to do quite the opposite (Eisenman, 2013; Whiston Spirn, 1996). Historically, ideologies of nature have been used to legitimize the displacement of marginalized populations such as Black and First Nations communities during the creation of major public parks such as Stanley Park and Central Park (Kheraj, 2013; Speed, 2015).

More recently, these same ideologies have been mobilized to displace other marginalized populations. This paper examines how ideologies of nature are manipulated by local civic actors to regulate behaviour in public parks and thereby plan specific demographics of people out of these spaces. Focusing on the behaviours of cruising and loitering, this paper explores how legal, design, and urban planning tools are leveraged to control and criminalize these behaviours as

well as the individuals engaging in them. The research questions at the heart of this paper are as follows:

- 1) What can case studies of public parks in the GTHA reveal about how ideologies of nature are manipulated by civic actors to regulate behaviours and plan specific populations out of public parks? What planning tools are used to achieve this?
- 2) What is the relationship between notions of “the public” and public parks? How is the concept of “public” defined and constructed in public parks? Which demographics of people are considered members of the public, and which are excluded from this label? How does the design and management of public parks reflect this?
- 3) What are some more equitable strategies that other municipalities have undertaken to address these issues when planning public parks?

## **Methodology**

This paper employs two approaches in investigating the questions at hand. The first methodical approach, a literature review, is comprised of two themes: 1) Western Ideologies of Nature and 2) The Production of Public Space. Key scholars within the literature review include Carolyn Merchant, Neil Smith, Don Mitchell, and Susan Ruddick. The analytical approach for the literature review and the paper on the whole is concentrated within political ecology. The second methodical approach involves case studies of public parks in the GTHA to investigate how cruising and loitering are regulated. Cruising is explored through the case study of Marie Curtis Park in Toronto, where 72 people were charged in autumn 2016 with bylaw infractions related to trespassing and sexual activity. Loitering is explored through the case study of Gore Park in Hamilton, which is currently in the process of revitalization that has included the controversial installation of benches with separation arms. Additionally, the case study of Vondelpark in Amsterdam provides an alternative approach to the regulation of cruising in public parks. Each case study involved multiple site visits to the respective park by the author, extensive media analysis, and interviews with local civic actors such as planners, designers,

politicians, activists, and members of law enforcement. Three interviews were also conducted with public health experts. These included a nurse practitioner, a public health scientist, and the Executive Director of a mental health organization.

## **Key Findings**

Research findings reveal that the current regulation of cruising and loitering in the above GTHA cases serve to constitute homophobic and classist notions of “the public”. However, the case study of Vondelpark in Amsterdam, coupled with insights from public health experts in the GTHA offer alternative approaches to planning public parks that enable more equitable access to the mental health benefits these spaces are capable of providing.

## **1. CASE STUDY PROFILES: BEHAVIOURS AND PUBLIC PARKS**

This chapter introduces particular behaviours and their regulation in public parks. Two specific behaviours are examined: the first, cruising, is profiled through the case study of Marie Curtis Park in Toronto, and the second, loitering, is examined through the case study of Gore Park in Hamilton.

### **1.1 Cruising**

As defined by [squirt.org](http://squirt.org), a website listing cruising and hookup spots in cities around the world, cruising “is the ancient art of men seeking men for anonymous sex in public.” According to one of the founding members of Queers Crash the Beat, an organization formed in response to Project Marie, “cruising is a cultural practice that goes back way further than has been recorded” (Anonymous 1, 2017). Specific to gay culture and men who have sex with men, there are many reasons that men seek out sex with other men through cruising. While reasons include convenience, thrill and fun, it must be acknowledged that the emergence of the practice is simultaneously linked with shame around homosexuality (Anonymous 1, 2017; Robertson, 2017).

In this regard, it is the anonymous nature of the practice that is crucial. Although strides have been made in recent years in terms of enshrining same-sex rights in the Canadian Charter of Rights and Freedoms, legalizing same-sex marriage, and annual Pride celebrations, acceptance of homosexual identity and expression is by no means universal (Anonymous 1, 2017). The privacy that cruising affords allows individuals who may face serious repercussions from openly engaging in same-sex relationships to access their sexuality with a sense of protection from judgement and social outcast<sup>1</sup> (Anonymous 1, 2017). In the age of internet hook-up culture, information put online is rarely as private as one assumes. For individuals with much at stake if their sexual relationships are discovered, cruising offers a more private way to access sex compared to online hook-up apps or the local bar (van Grieken, 2017; Robertson, 2017; Verhoog, 2017). Parks in particular are popular sites of cruising as they are free, attract a diverse range of people, and often contain places within that are semi-private. Additionally, the natural beauty associated with parks is a turn-on for many (Anonymous 1, 2017). The popularity of cruising also hasn't been diminished by the fact that under the Toronto Municipal Code, engaging "in any form of sexual behaviour" in a public park constitutes a bylaw infraction (City of Toronto, 2018).

In the fall of 2016 the popularity of cruising in Toronto's public parks was brought to light in the mainstream media when Toronto Police orchestrated an undercover operation in Marie Curtis Park – dubbed 'Project Marie' - in which 72 people were charged for allegedly engaging in sexual acts. Given the marginalized status in Canadian society of men who have sex with men coupled with the timing of Project Marie, cruising was chosen as one of the behaviours to be examined in this research. This example was also chosen because it illustrates how

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<sup>1</sup> Anonymity can also be a turn-on for some (Anonymous 1, 2017).

behaviours and users of public parks are regulated through legislation and law enforcement. The objective of selecting cruising in particular, is to highlight the importance of public parks in providing a safe place for men who have sex with men to meet each other. The example of cruising also allows for the examination of how conflicting uses between park users are addressed when some of those users happen to be members of a stigmatized and still very much discriminated against population. The way that such conflicts are resolved in turn provides insights to how the right to space, and the right to spaces of nature in particular, are perceived.

The following section provides physical and community profiles of Marie Curtis Park and its surrounding neighbourhood. Project Marie is then profiled in further detail in preparation for more thorough analysis later in the paper.



Figure 1: Park sign at the entrance on Forty Second Street. Source: the author.

### **1.1.1. Marie Curtis Park, Toronto**

Owned by the Toronto and Region Conservation Authority (TRCA) and maintained and managed by the City of Toronto, Marie Curtis Park is located in the most southwest corner of Toronto on Forty Second Street. It is bordered by Lake Ontario to the south, Mississauga to the west, and home to the mouth of Etobicoke Creek which bisects the park into eastern and western sections.

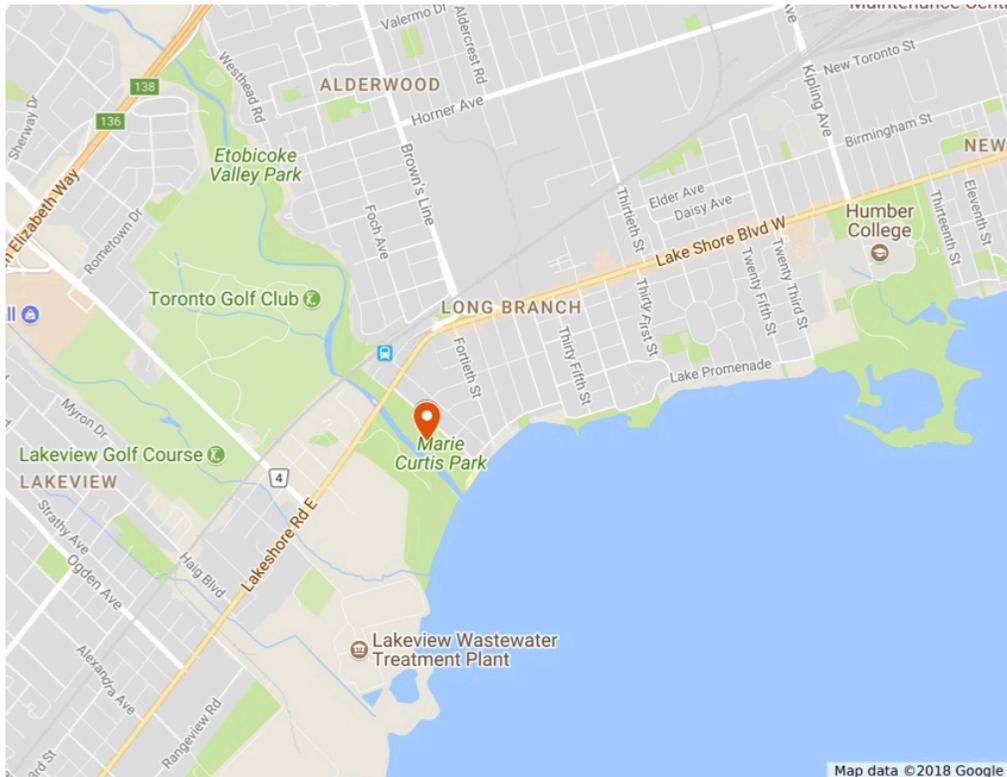


Figure 2: Location of Marie Curtis Park. Source: Google Maps

### Park Profile

Approximately 34 hectares in size, Marie Curtis Park was created in 1959 as a response to the flooding caused by Hurricane Hazel which devastated many homes along Etobicoke Creek. Comprised of a substantial forested area, the western section of the park is mostly characterized by its natural features, while the eastern side is defined by family-oriented features such as picnic areas, washrooms, and a variety of play facilities. The park also features a public swimming beach as well as connections to both the Waterfront Trail and Etobicoke Creek Trail (City of Toronto, 2017; SvN, 2018; TRCA, nd).

According to a 2011 terrestrial biological inventory done by the TRCA, Marie Curtis Park is home to twenty-five vegetation types, one hundred and fifty-one flora species, and fifty-five vertebrate fauna species. Situated within the Carolinian floristic region known for its variety

of deciduous trees, the park also contains native and exotic conifer species such as White Pine and Scotch Pine (TRCA, 2012).



Figure 3: Naturalized area on the western side of Marie Curtis Park. Source: the author.

A new Master Plan for the park was completed in 2010 which saw the establishment of a dogs off-leash area on the western side of the park and the addition of a splash pad and new playground for children on the eastern side. Enhancements were also undertaken to improve the bike trail network and protect vegetation and wildlife (Reason, 2011; The MBTW Group, 2013). More recently, the City of Toronto approved a motion to assess the feasibility of beach volleyball courts, with a geotechnical study set to commence as soon as conditions allow (City of Toronto, 2018).



Figure 4: Map of Marie Curtis Park from the 2010 Master Plan and accurate at the time of writing. Source: <http://www.markgrimes.ca/revitalization/>



Figure 5: Children's play facilities on the eastern side of the park. Source: the author.

## Community Profile

Marie Curtis Park is located in the Long Branch neighbourhood in Ward 6 of the City of Toronto and was named after a former Reeve of the area (City of Toronto, 2017). Long Branch was initially developed as an informal cottage resort community in the late 1800s, with the area seeing some permanent settlement in the early 20<sup>th</sup> century along with its incorporation as a Village in 1930. However, the destruction caused by Hurricane Hazel in 1954 spurred the beginning of change for the small village as the majority of homes along Etobicoke Creek were lost. Coupled with the introduction of GO Transit train service directly to the area in 1967, that same year Long Branch officially transitioned from a resort village to a working-class neighbourhood initially in the Township of Etobicoke, and later to the Borough of Etobicoke in 1984 before being amalgamated to its present position as part of the City of Toronto in 1998.



Figure 6: Map of Long Branch. Marie Curtis Park is shaded in green on the far left.  
Source: <https://www.toronto.ca/ext/sdfa/Neighbourhood%20Profiles/pdf/2016/pdf1/cpa19.pdf>

Preliminary data from the 2016 Census reveals that Long Branch is home to about 10,084 people, with a near even split between women and men, and over 80% of residents speaking English at home. There are approximately 1,610 families with children in the area. The majority

of the population is either working age (25-54) or pre-retirement (55-64), with 51% of households earning an annual income of \$60,000 or greater. However, roughly 17.6% fall under the poverty line. A large proportion of Long Branch residents are apartment dwellers with 37% living in buildings less than 5 storeys, and 24% living in buildings greater than 5 storeys. Comparatively, only 35% live in a house, whether detached, semi-detached, or row.

### Project Marie

With reference to cruising, the size, beauty, and natural features of the site are some of what make it an exceptionally ‘cruisable’ landscape, and it is no secret that cruising has occurred in the park for decades (Anonymous 1, 2017; Robertson, 2017; Shea, 2016; Strapagiel, 2016; Zupancic, 2017). With a large main parking lot as well as a significant forested area, part of the appeal of Marie Curtis Park is in the possibility for different kinds of cruising. The parking lot allows for what is known as parking lot cruising where participants signal interest to each other while in their car, and either continue the sexual encounter on site in the vehicle or travel to another location together. The forested section of Marie Curtis Park facilitates cruising by providing privacy and semi-seclusion. Its many trails enable individuals to easily wander through the area in search of potential partners (Anonymous 1, 2017; Robertson, 2017).

Awareness of Marie Curtis Park and its popularity as a cruising location exploded in November 2016 when media reported that a massive police sting had taken place over the previous six weeks to crack down on sex in the park. The operation, referred to as ‘Project Marie’ by Toronto Police, resulted in 89 charges being laid against 72 people, 95% of whom were men. Charges were largely in the form of tickets for bylaw infractions such as trespassing, accessing a restricted area, or engaging in sexual activity (Draaisma, 2016). Notices of trespass were also issued to a number of those targeted. Unlike a bylaw infraction, a notice of trespass is

not a ticket, and therefore does not involve a fine or a court date. Rather, a notice of trespass revokes an offender's implied right to the use a public space and is usually time-bound. In the case of Project Marie, most notices of trespass were for three years, with many of those affected being issued both a bylaw infraction ticket as well as a notice of trespass (McCann, 2017).

According to Constable Kevin Ward, the Toronto Police officer at the forefront of the operation, Project Marie was initiated “entirely in response to community complaints” of sexual activity in the park at all hours of the day (Draaisma, 2016). In describing the format of the operation, Ward claims that it began with a public education campaign in which police presence was increased in a highly visible manner by boosting patrols, riding through trails, and talking to people about the issues at hand. Toronto Police then moved into the enforcement stage of the operation which involved plain clothes officers patrolling areas of the park where sexual activity was reported to occur and issuing tickets and notices of trespass to anyone caught engaging in sexual activity or to whom officers perceived as having the intent to engage such activity<sup>2</sup> (Reason, 2016; McCann, 2017). Additionally, there were occurrences where Toronto Police acted after midnight to block the driveway entrance of the park on Forty Second Street leading to the main parking lot, with the objective of ticketing drivers leaving the park with trespassing as municipal bylaws in Toronto prohibit park use between 12:01am and 5:30am (Robertson, 2017; City of Toronto, 2018).

As reported by Draaisma (2016)., the aim of Project Marie was to “take back the park” from individuals engaging in “lewd behaviour” and return the park to a “family friendly place where adults and children can enjoy the outdoors without fear of witnessing sexual acts.” While

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<sup>2</sup> This latter component of Project Marie had many accusing the Toronto Police of entrapment. While it is possible that entrapment occurred, entrapment is very difficult to prove under law (McCann, 2017). For this reason, I have chosen not to expand on this angle in the main discussion.

Project Marie continued into the spring of 2017, this initial chapter of the operation culminated in a community event called “Walk the Beat” which was headlined by a candlelight march through the park to celebrate the success of the operation (Draaisma, 2016; Reason, 2016).

This sense of celebration was not shared by everyone. News of Project Marie was met with a huge backlash from Toronto’s LGBTQ community as well as some prominent politicians who drew parallels to the 1981 bathhouse raids, arguing that the operation was rooted in homophobia (Keogh, 2016; McGillivray, 2016b; Miksche, 2016b; Villeneuve, 2016). A number of people from the LGBTQ community as well as allies showed up to protest the ‘Walk the Beat’ event. Protestors at the event criticized the unprecedented scale and cost of Project Marie in Toronto’s public parks. They also denounced the lack of effort on the part of Toronto Police in pursuing less confrontational measures such as putting up signs in the forested area saying that cruising is forbidden, as well as their failure to consult with their own LGBTQ Liaison Officer. The use of male officers during Project Marie was further marked as an indicator of the operation’s homophobic nature. Critics believe that if the operation was as unbiased in nature as claimed, then female officers would also have participated in the undercover enforcement (Mann, 2016).

## 1.2 Loitering

**loiter** *verb* | loi-ter | to *stand or wait around without apparent purpose*.<sup>3</sup>

The next case study takes place just west of Toronto in the City of Hamilton and examines the regulation of loitering in the city’s most prominent urban green space, Gore Park. While the only mention of loitering in Hamilton’s bylaws that pertain to parks involves loitering in washrooms, change-rooms, bathhouses, or bathing stations, the case study of Gore Park

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<sup>3</sup> Oxford Dictionary (<https://en.oxforddictionaries.com/definition/loiter>)

illustrates that behaviour regulation doesn't have to take place through either legislation or law enforcement as seen with the previous example of Marie Curtis Park (City of Hamilton, 2001). In the case of Gore Park, regulation takes a more passive approach through the use of design to differentiate between those that belong in the space and those that do not. Although informal, regulation through design can have just as restrictive an impact on users as more formal methods, as spaces that may have once been familiar and functional become hostile and inaccessible. The behaviour of loitering is selected because it is a behaviour that is often regulated by design, and it offers the opportunity to question what may at first glance appear to be seemingly innocent features in public spaces such as parks. Gore Park is selected due to the controversy that ensued following the installation of benches with separation arms in the autumn of 2016. Opponents to the benches claim they prevent people experiencing homelessness from using them as places to lie down.

The next section provides physical and community profiles of Gore Park and its surrounding neighbourhood. The installation of the new benches is then profiled in greater detail in preparation for more thorough analysis in Chapter 3.



Figure 7: Benches aligning the western perimeter of Gore Park along James Street. Source: the author.

### 1.2.1. Gore Park, Hamilton

Gore Park, or “The Gore” as it is known by Hamiltonians, formally opened to the public in 1883, and is the city’s first public park. It is located in the heart of downtown Hamilton and serves as both a public park and square (Hamilton Public Library, nd). Gore Park is bordered by James Street to the west, Catharine Street to the east,<sup>4</sup> and King Street on both the north and south (differentiated as southern and northern legs of King). The following sections illustrate the Gore’s significance in Hamilton history, profile the changing nature of the local community in the park’s immediate vicinity, and introduce the controversy that erupted in the fall of 2016 over a new set of benches installed in the western precinct of the park.

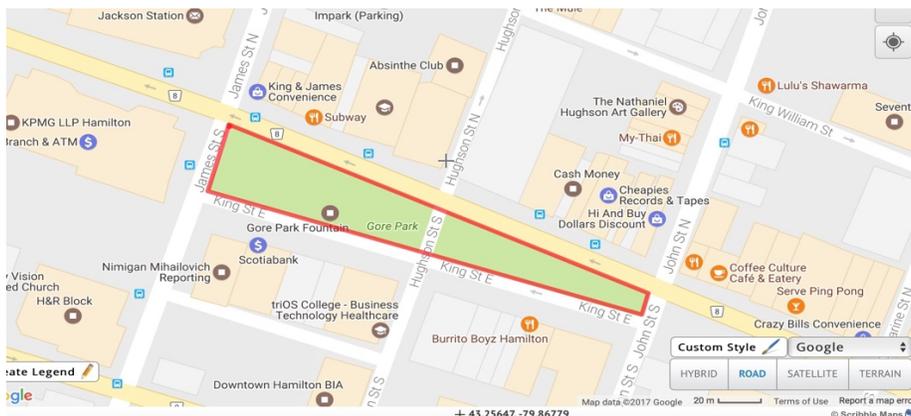


Figure 8: Gore Park in Hamilton (outlined in red). Source: Scribble Maps

<sup>4</sup> While Google and Scribble maps both display the eastern border of Gore Park as John Street, the most recent revitalization has the park’s boundary extended a block further to Catharine Street with the development of Macdonald Square.

## Park Profile

A triangular piece of land in the centre of Hamilton, Gore Park was initially owned by the city's founder, George Hamilton, who in the early 1800s, envisioned the spot as a town square with the addition of an adjacent parcel owned by Nathaniel Hughson. However, a change of tide from Hughson resulted in the land defaulting to use as a dump until 1833 when city council took possession of the land and converted it to a market. Legal battles ensued between George Hamilton and council over rightful ownership of the land, with Hamilton scoring a victory and the city being forced to cease all development. Following Hamilton's death in 1836, further legal challenges took place between Hamilton's son and the municipality, with both parties seeking to construct buildings on the land. The final decision, however, referred to the Gore's previous status as a town square, ruling that neither party had the power to shut down a square. After some more futile attempts to erect buildings on the site in the 1850s, a fountain was finally allowed to be built in 1860 to ornament the space in honour of the first royal visit to Hamilton. It was around this time that the Gore was first referred to as a park in municipal communications. At this time the park was already a green space with many trees having been established in the years prior, and with the following decade seeing the addition of flowers and shrubs. However, the park was not yet open to the public; the site was gated and locked most of the time (Hamilton Public Library, nd).

It was not until June 1883 that Gore Park would be formally opened to the public, with daily access available from 7am until 8pm. In 1898, the eastern boundary of the park was extended from Hughson Street to John Street. In 1893 a statue to commemorate Sir John A. Macdonald, who had recently passed, was added to the park. Not long after, a statue of another famous statesperson, Queen Victoria, was unveiled in the western precinct of the park in 1908.

Almost more noteworthy however was the opening of Gore Park's underground washroom facilities in 1913 (Hamilton Public Library, nd). The washrooms kept daily hours of operation from 6am to 10pm and were staffed by attendants in both the men's and women's facilities. In 1980 the lavatories were acclaimed by *Today* magazine as the best public facilities in Canada "because of their gleaming tiles, ceramic fixtures, copper pipes and wooden doors" (Hallman, 1983). The washrooms remained open until 1983 when they were formally shut down by city council the following year due to the high cost of operation and maintenance, and the fact that the stairs descending down to the lavatories were inaccessible to the elderly and physically disabled (Davies, 1984).



Figure 9: Gore Park in the 1870s. Source: Hamilton Public Library.

The 1960s brought the first Master Plan for Gore Park and with it, the park's first major overhaul. The main feature of this overhaul was the replacement of the aging fountain with a newer model. It was the second major overhaul in the 1980s, however, that will forever go down in Hamilton history as one of the biggest fiascos in park planning (Hamilton Public Library, nd).

This second revitalization of Gore Park began with the removal of all the trees, much to the shock and outrage of the public. The next disaster occurred when the City decided to use its own staff to supervise the implementation of the Master Plan, rather than allowing the Plan's designers Du Toit, to handle the work. The City's interpretation of the plan differed enormously from the original design, to the point of the construction of two concrete buildings in the park. Public protest of the buildings climbed to a level even higher than was witnessed after the removal of the trees. Council was forced to demolish the buildings and start over. This time council retained a different design firm and the new plan was formally endorsed in 1984. In the 1990s, the City began the process of replacing the fountain once again with the model currently in the park (Hamilton Public Library, nd). The present version was conceived to mimic the Victorian design of the original piece in 1860 (Hamilton Public Library, nd).

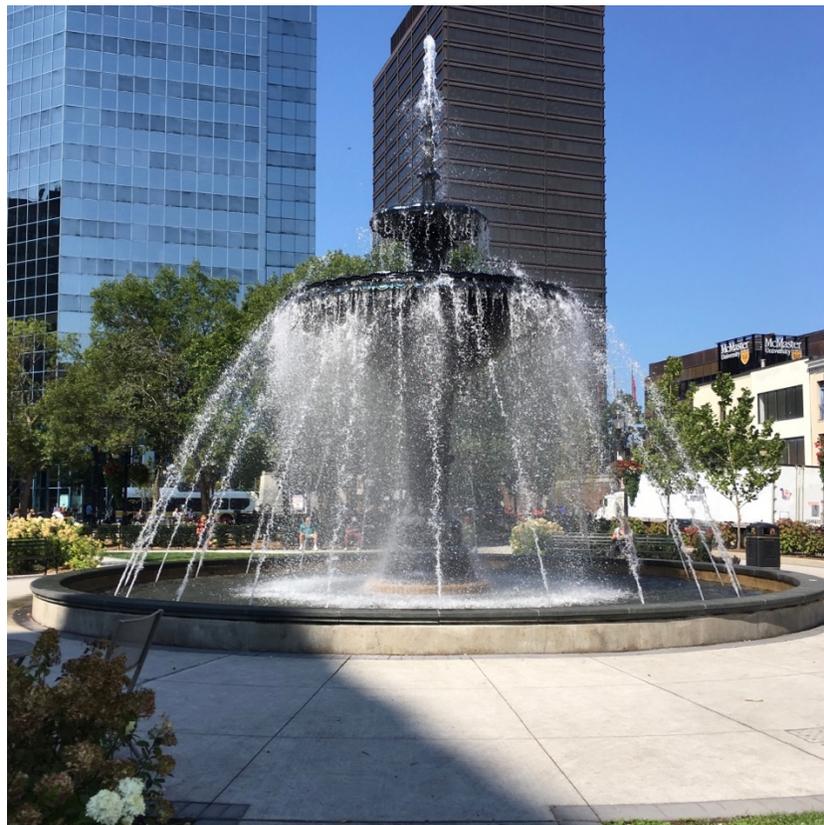


Figure 10: Fountain in Gore Park as seen in fall 2017. Source: the author.

In 2007, a new Transportation Master Plan in the City of Hamilton called for the removal of what was effectively a terminal for the city’s fleet of public buses on the south leg of King Street (Whitehouse Seely, 2018). The hub was relocated a few blocks west to McNabb Street in 2011, opening up Gore Park to new visioning and design once again. This most recent redesign brought a number of major changes to the park including the much celebrated pedestrianization and animation of the south leg of King Street. The eastern precinct of the park closest to John Street also saw some new life breathed into it with the expansion and facelift of the veterans’ memorial (Whitehouse Seely, 2018; Stewart, 2017). However, it was the installation of new benches in the most western precinct of the park closest to James Street that garnered controversy this time around. This issue is examined below in greater detail.

Community Profile

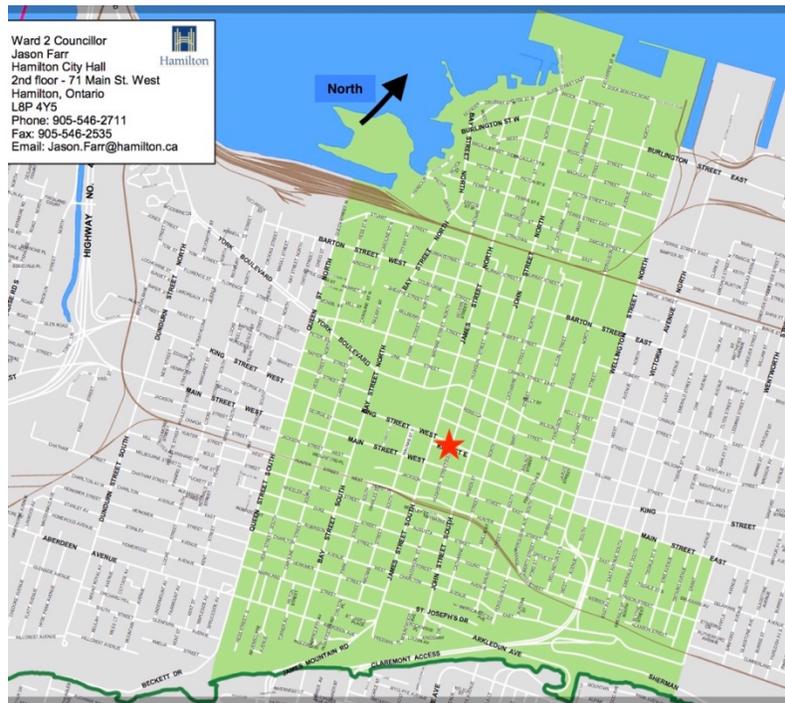


Figure 11: Ward 2, Hamilton. Gore Park is marked by a red star.  
Source: <http://map.hamilton.ca/Static/PDFs/WardMaps/Ward2Councillor.pdf>

Gore Park is situated in Ward 2 of the City of Hamilton. The most recent demographic data available is from the 2011 City of Hamilton Ward Profiles. The population of Ward 2 is recorded as 37,950. Younger adults, aged 20-34, form the largest age group at 28.7%, with the next oldest group aged 35-54, forming the second largest contingent at 21% of the ward's population. In 2011 there was a higher proportion of families without children, and of lone parent families in Ward 2 compared to Hamilton overall. While education levels in the ward are similar to the city overall, it is worthy to note that there was a slightly higher percentage (25.2%) of people with no certificate, diploma or degree of any kind - including high school compared to the percentage of people with a university degree (21.8%) (City of Hamilton, 2015). The unemployment rate in Ward 2 measured 11.3% in 2011, with over a quarter of the employed population working in the sales and service sector.

Of interest is the high proportion of families who moved in the five years prior to data collection. A significant percentage (21.7%) of newcomers to Ward 2 had recently moved compared with 10.5% in the city overall. Of this 21.7%, approximately 12.6% moved to the ward from other municipalities in Ontario. The average household income is far less in Ward 2 (\$44,515) than in Hamilton overall (\$76,742). Similarly, 34.9% of the population in Ward 2 are considered low income, compared with 15.7% in Hamilton overall. In terms of dwelling type, over half of Ward 2 (56.3%) reside in apartment buildings of 5 or more storeys, compared with 16.3% of people in the city overall. Of tenant households, almost half (47.6%) spend more than 30% of their total household income on shelter costs. As of 2013, Ward 2 has 450 condominium apartment units, with another 16 units pending approval (City of Hamilton, 2015).

While the above statistics pertain to the entirety of Ward 2, a walk around the immediate vicinity of the park reveals a juxtaposition between the concentration of social services and

businesses catering to residents in low income brackets, and new developments geared towards attracting clientele with higher purchasing power. Longstanding services and businesses such as Mission Services, Path Employment Services, the Salvation Army, and Money Mart are now being joined by hipster coffee shops, upscale ice cream parlours, artisanal boutiques and French restaurants – particularly along James Street North and King William Street. This is accompanied by an increasing number of buildings on both the north and south legs of King Street that are either for sale, have commercial or institutional units for lease, or are set to be demolished and re-developed (Anonymous 2, 2017; Downtown Hamilton BIA, 2017).

Worthy to note is that the City of Hamilton is also in the process of updating the secondary plan for the downtown core. The draft plan is currently going through revisions with the next revised draft set to go before council in April of 2018. Highlights from the most recent draft include updates to zoning to reflect new uses in the downtown core such as “arts and culture,” “microbrewery,” and “coffee roaster”. Additionally, updates are being made to height categories in tandem with updates to the city’s tall buildings guidelines. New height categories define low rise structures as between 2 and 6 storeys, mid-rise structures as between 7 to 11 storeys, and high-rise structures as between 11 and 30 storeys (with 30 storeys as the maximum under the new plan). Residential designations are also seeing changes, with many areas currently designated as low density being upgraded to medium density with commercial on ground level (City of Hamilton, 2018).

This is particularly significant as Hamilton recently began experiencing a condominium boom. Prior to 2013, Hamilton experienced very little housing development in the downtown core, with only 10 housing starts of any kind reported in 2010. Since 2013, 1,391 condominium units have been built in downtown Hamilton alone. As of December 2017, almost double that

number, 2,221, were in progress, with another 2,488 units undergoing the approval process in the downtown core (Paddon, 2017). To return to the Gore, steps away from the park at 112 King St East, lies Hamilton's most prestigious condominium development, The Royal Connaught. Originally a high-end hotel that first opened in 1916, The Royal Connaught carries special historic significance in Hamilton as foreign dignitaries and movie stars would stay there when visiting the city. Closed in 2008, developers began the process of transitioning the hotel to condominium suites shortly after. The 13-storey tower advertises its suites as "historic luxury" that "inspire...imagination for living" (The Royal Connaught, 2018). While the area surrounding the Gore appeared to be forsaken 15 years ago, today it has become a "hotspot for real estate" with skyrocketing rents (Anonymous 2, 2017). Coupled with the influx of new businesses, downtown Hamilton is at the height of gentrification. The role of gentrification and its relationship to Gore Park – and public parks in general - is explored in further detail in Chapters 2 and 3.

### **Bench Controversy**

The first benches were added to Gore Park shortly after it opened to the public in 1883. The next mention of benches in the park's history appears around the time of the first major overhaul in the late 1960s, when along with the replacement of the original fountain, all benches were subsequently removed and replaced with backless models throughout the space (Hamilton Public Library, nd). However, the park also featured more standard models of benches complete with backs and arm rests at either end, as seen in Figure 12. That all changed, however, when in the fall of 2016 these benches were replaced with 20 new models that included a separation arm in the centre. Criticism was quickly mounted by homelessness outreach workers for what they called the City's use of "defensive architecture" (Bennett, 2016). Defensive architecture is a

term that refers to the use of design with the intent to influence behaviours in urban space by designing out particular “uses of street furniture or the built environment as a form of crime prevention or protection of property” (Chellew, 2016: 18). The particular uses in this case were lying down or loitering, with opponents to the benches claiming that the new design was in effect a passive-aggressive message to vulnerable populations (particularly people experiencing homelessness) that they were no longer welcome in the park. Representatives from the City of Hamilton countered that notion stating that the design of benches was not chosen with the intent to exclude anyone from using the park (Bennett, 2016). In defending the maligned furniture, Gore Park’s current landscape architect argued that the design creates designated spaces for three people to sit down, and that the arm in the centre provides support to the elderly or those with mobility difficulties to get in and out of the seats (Stewart, 2017).



Figure 12: Benches in the eastern precinct of Gore Park in 2011 close to James St.  
Source: <http://www.thismustbetheplace.ca/tag/gore-park/>



Figure 13: One of the controversial benches with a separation arm in Gore Park.  
Source: the author.

Interestingly, the selection of the benches was not decided by City officials. The architecture of the new furniture was instead determined through a pilot project spearheaded by the Downtown Hamilton BIA. The project involved the temporary installation of approximately twelve different styles of bench in the park for twelve months. Feedback from members of the public was recorded by the BIA, and the final selection was made by the Downtown Hamilton BIA in collaboration with the citizen stakeholder group that had been established by the City to provide input on the park's redesign (Whitehouse Seely, 2018; Stewart, 2017).

Regardless of who was responsible for the selection of the benches, Greg Tedesco, a community developer with the Social Planning and Research Council of Hamilton, wonders whether the chosen design includes “a subtle message” in relation to who is welcome in Gore Park (Bennett, 2016). In terms of more overt messages, when the current redesign of Gore Park

was first announced, it didn't take long for people to start lamenting the ruin of the space due to "...the seedy souls who make the park virtually their second home..." and the park being "...a dumping ground for the worst of the worst" (Vowles, 2009; Gleeson, 2010). According to Dana Brown of the Hamilton Spectator, "...the first thing many say when asked about the park is that the loiters need to go" (Brown, N.D.). When such sentiments are taken into consideration along with the rapid gentrification of the downtown core and the lead role of the Downtown BIA in the final selection process, the installation of benches with separation arms in Gore Park warrants further scrutiny regarding their relationship to the right to space. Chapters 3 and 4 present an in-depth analysis of this relationship and its influence on access to the mental health benefits of nature in urban environments for vulnerable populations.

## **2. PLACING PUBLIC PARKS WITHIN WESTERN IDEOLOGIES OF NATURE AND THE PRODUCTION OF SPACE**

This literature review discusses the political ecology and economy of public parks by framing public parks within discourses of nature and the production of space, as public parks can be said to be the lovechild of both. In doing so, this chapter explores the cultural representations that dominate ideologies of nature and public space in North America. Subsequently, the power deployed in maintaining and reproducing such representations in public parks is also investigated. Finally, the relationship between dominant representations and the deployment of power on how notions of "the public" in public parks are constituted is discussed.

### **2.1 Ideologies of Nature in North America**

As a point of departure, ideologies of nature are examined as social constructions fueled by cultural context. The primary cultural context in North America is revealed by the literature to be associated with Judeo-Christian narratives and ideologies. These are seen to manifest most

strongly in terms of what Candace Slater (1996) has termed “Edenic narratives.” The practical manifestations of such narratives in North American society is marked both through attempts to replicate Eden when designing places of nature, and also by performances of mastery over it. The mastery of nature receives particular encouragement from another major player of modern cultural context in North America: colonialism. Another theme brought forth in the literature is the connection between nature and nation-building, and in turn, the construction of a binary between “natural” and “unnatural”. Finally, the relationship of these themes to public parks is illustrated in the example of Stanley Park in Vancouver.

While the meaning of nature may seem so obvious as to be almost trivial on a superficial level, once one takes a moment to delve a little deeper, it becomes clear that the meaning of nature is anything but trivial. In defining nature, Neil Smith (2008: 11) identifies the term as being a complex myriad of competing ideas and entities and writes:

“Nature is material and it is spiritual, it is given and made, pure and undefiled; nature is order and it is disorder, sublime and secular, dominated and victorious; it is totality and a series of parts, woman and object, organism and machine. Nature is a gift of God and it is a product of its own evolution; it is a universal outside history and also the product of history, accidental and designed, wilderness and garden.”

To simplify things, Smith (2008) organizes this cornucopia of conceptualizations into what he describes as an underlying essential dualism of *external* and *universal* realms of nature. *External* nature, Smith (2008) writes, is comprised of objects and processes that exist outside human society such as trees, rocks and minerals. *Universal* nature, by contrast, encompasses the human social behaviours that are deemed to be every bit as inherent to human beings as raw materials are to the forests (Smith, 2008: 11-12). Such categorizations of nature raise questions pertaining to the origins and reasons behind the diverse and overlapping forms of nature presented by Smith

(2008) that not only include physical models, but also involve realms of the abstract, the ethereal, and the social.

One of the most prominent thinkers to theorize nature was Karl Marx, who stated that rather than being an entity inherent to humankind, nature is in fact an ideological construction crafted to represent the historic, social, and economic circumstances of the day (Tulloch, 2015; Smith, 2008: 31). Adding to this, contemporary scholars such as William Cronon (1996), Carolyn Merchant (1996) and Kenneth R. Olwig (1996) reject the existence of a singular universal nature, instead arguing that nature is formed by a multitude of constructions which shift over time, are socially configured, and informed by the prevailing cultures, values and history that society marks as “natural.” This manifold essence of nature’s construction is likewise witnessed in Smith (2008), who in turn agrees with the authors above, noting that his categorizations, far from being inherent, are reflective of the prevailing historical and philosophical narratives of our time.

Therefore, accepting that constructions of nature and the “natural” are premised on cultural context, and in the case of North America, its repeated references to Judeo-Christian influence (Merchant, 1996; Smith, 2008; Tulloch, 2015; Geisinger, 1999). This reference is primarily expressed in two ways. First, through “Edenic narratives” or “presentations of a natural or seemingly natural landscape in terms that... evoke the biblical account of Eden (Slater, 1996: 15). Second, through God’s granting of dominion over all of the contents of the Earth to human beings (Slater, 1996). What follows is an examination of how narratives of Eden and dominion influenced constructions of nature in North America.

Introduced at the onset of The Old Testament, Eden is widely referred to as a pristine paradise (Merchant, 1996; Olwig, 1996; Tulloch, 2015). The term paradise takes its roots from the

Persian word for enclosure, evolving over time to denote any type of enclosed pleasure ground such as an orchard, garden, or park (Merchant, 1996; Olwig, 1996). Created by God, the Garden of Eden was filled with abundant resources to be enjoyed without the necessity of labour (Merchant, 1996; Olwig, 1996; Tulloch, 2015). Eden is further depicted as a place of serenity and comfort, characterized by the harmonious co-existence of humans and animals (Tulloch, 2015). Unfortunately, this harmony was disrupted when Eden's human inhabitants decided to partake in the forbidden fruit. Cast out of their paradise, Adam and Eve were left to fend for themselves in Eden's binary - the wilderness. Although both were spaces of nature, the landscape of the two sites were the complete opposite. Whereas Eden was an "orderly paradise", what lay outside of it was a "dark, disorderly wasteland"; a desert in which Adam and Eve had to labour in order to survive (Merchant, 1996:134, 137).

From this original narrative, its primary manifestation in North American constructions of nature lies in the image manufacturing of Eden (Worster, 1993:10). This is witnessed from the onset of 17<sup>th</sup> century colonization when Europeans believed that they had stumbled upon a pristine landscape, unsullied by human interference. While this untouched quality later proved to be a myth,<sup>5</sup> the pristine-ness of the pre-colonial landscape became a prominent North American symbol. The need to preserve the Edenic qualities of the American landscape therefore became paramount (Denevan, 1992). This manifested in the abundant creation of enclosed pleasure grounds in the form of botanical gardens, parks, and zoos (Merchant, 1996; Soper, 2005; Tulloch, 2015; Worster, 1993). In terms of park creation, Crantz (1982) historicizes the advent of the parks movement in the United States as beginning with what she terms "pleasure grounds" in

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<sup>5</sup> Indigenous nations had already been present for thousands of years, altering and even destroying much of the landscape. It was only due to the stark decline of indigenous populations resulting from Old World diseases that had spread from the southern part of the hemisphere, in combination with the terrain's subsequent ability to regenerate and recover, that gave the landscape the appearance of being pristine (Denevan, 1992).

the mid 1800s. Of British inspiration, pleasure grounds were conceived in order to combat the noise and smog of industrialization in cities (Crantz, 1982; Martin, 1997; Speed, 2015). They were to bring features of the countryside such as “fresh air, meadows, lakes, and sunshine” to the city (Crantz, 1982: 5). Prominent examples of pleasure grounds in the United States include Central Park in New York and Golden Gate Park in San Francisco (Crantz, 1982). The design of pleasure grounds was based on picturesque theory which again takes influence from European gardens such as the Palace of Versailles. One of the most notable tenets of picturesque theory is the rejection of “uncultivated naturalness”. Pleasure gardens were to be designed according to a specific set of rules which rendered a very artistic and calculated ordering of space (Crantz, 1982).

The adherence to the Edenic image is similarly echoed in the naming of cities and towns throughout the United States with Eden’s moniker such as Eden, Michigan; Eden, Mississippi; Eden, New York; Eden, Wyoming. Likewise, Edenic references are also found in Garden City, Kansas; Garden City, Long Island, the Garden of Gods, Colorado, and New Jersey as the “Garden State” (Worster, 1993). Quoting Leo Marx’s *Machine in the Garden*, Neil Smith (2008: 24) points to examples such as those above as illustrative of the American desire to create “a society in the image of a garden.” As Kate Soper suggests, Americans became obsessed with “reinventing the Garden of Eden in the New World” (2005: 1). The obsession with reinventing the Garden of Eden in America can also be linked to the notion of recovery. As scholar Carolyn Merchant (1996: 134) discusses in “Reinventing Eden: Western Culture as a Recovery Narrative”, the concept of recovery first emerged in the 17<sup>th</sup> century and concerns recovery from the banishment from Eden where redemption is pursued through labour, seeking a return to Eden through the cultivation and domestication of “earthly wilderness.” It is through such labour that a

reunification of the “earthly garden” with “heavenly paradise” is envisioned (Merchant, 1996: 134).

Facilitating the re-creation of America’s landscape in the image of Eden, is the other biblical allusion to hold significant influence in the formulation of North American relationships to nature: that of the gendered dominion of man over nature (Geisinger, 1999; Tulloch, 2015). According to the Bible, having created the physical world including all of the animals, fish and fowl, God then creates human beings, granting them dominion over all living things, with instructions to multiply, replenish, and subdue the earth. This in turn provided justification for colonialism as European settlers envisioned colonization as an extension of their God-given mission to subjugate the earth (Merchant, 1996; Smith, 2008). This translated into the taming of a wilderness that included in its definition both the physical terrain as well as its indigenous inhabitants (Merchant: 1996; Smith, 2008). Such activities were further aided by the philosophies of science as well as capitalism, with prominent scientists and thinkers such as Francis Bacon and John Locke voicing their support for man’s [sic] inherent dominion over the earth, while the innovations of technology provided tools for its subjugation (Geisinger, 1999; Merchant, 1996; Smith, 2008; Tulloch, 2015). With science and capitalism as its executors, Judeo-Christian ideology forms the head of a trinity that is arguably the basis of dominant North American interpretations of nature (Merchant, 1996).

Stemming from imperial domination (and the imperialist history of Judeo-Christian religion) is also the theme of nation-building and in direct relation to it, concepts of the natural versus the unnatural. Returning to the discussion of the origin and meaning of the word “nature”, both the words “nature” and “nation” are derived from the Latin *natura* meaning birth (Olwig, 1996: 386). As Kenneth R. Olwig (1996) argues, while the birth of a human being requires the

making of physical love, the birth of a nation requires cultivation of the love that binds a nation together. Smith (2008) echoes the link between the two words, observing the extent to which nationalism is present in the American image of nature. In exploring the mobilization of nature in nation-building, Smith's (2008) organization of nature into *external* and *universal* realms provide some insight. By deeming social behaviours every bit as natural as trees and mountains, the creation of a "moral geography" is enabled, and with it all of the dominant cultural beliefs and norms infused (Smith, 2008: 11; Olwig, 1996). In this way, rather than all human behaviour being considered natural, only behaviours which are in service to ruling ideologies and objectives are naturalized or accepted as natural (Smith, 2008). Soper (2005) challenges readers to consider the roots of notions of "natural" and "unnatural", arguing that there is nothing natural about the way that either of these notions are conceived. Just as the concept of nature is seen to be a social construction, so too is the concept of 'natural' and its opposite the 'unnatural' (Smith, 2008; Soper, 2005). Soper (2005) further questions the grounds that both of these notions are being conceived on, as well as their determining criterion between 'natural' and 'unnatural'. Smith (2008) offers further insight on the subject with his reference to "Christianized naturalism". Discourses of "Christianized naturalism" come into play in two ways: first, that God is in nature and that nature, therefore, has moral truths; and second, through the concept of Manifest Destiny (2008: 23). Therefore, in answering Soper's questions regarding the basis on which the natural and unnatural are conceived, as well as their determining criterion, Christianized naturalism can be seen as the grounds on which both are derived, with biblical scripture acting as the determining criterion. This reveals itself in terms of Manifest Destiny which perceived colonial expansion as a divinely sanctioned mission from God, which in turn was motivated by the recovery narrative with its objective of returning to the Garden of Eden

(Smith, 1996). Therefore, while the recovery narrative was enacted on the physical landscape through cultivating *external* nature in the image of Eden, it was simultaneously acted out on the moral landscape via a Christianized nation-building in which definitions of the natural and unnatural were taken to be moral truths of a *universal* essence (Smith, 2008: 29). The return to Eden therefore, is dependent on the fusion of both the physical and moral branches of the recovery narrative (Merchant, 1996). As mentioned earlier, the creation of enclosed parks and gardens is one vehicle through which the physical manifestation has been sought. Whereas the moral manifestation is witnessed in terms of the regulation of sexual and spiritual practices through dictating which of these qualify as ‘natural’ and acceptable, and policing those that are rendered ‘unnatural’ or undesirable (Smith, 2008).

What follows is an examination of this phenomena through the ways in which same-sex relationships are constituted as unnatural, as well as how public parks are often brought into the service of both branches of the recovery narrative. For example, biblical allusions to dominion over nature in conjunction with the recovery narrative were very much at play in the creation of Stanley Park in Vancouver.<sup>6</sup> While the park’s creators wished to preserve much of the physical landscape of the area, the land still represented a wilderness to be tamed, with wilderness taking the form of the park’s First Nations inhabitants<sup>7</sup> that were still living on the land at the time of

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<sup>6</sup> Stanley Park stands on a peninsula along the southern shores of Burrard Inlet and appears as an appendage to the City of Vancouver. Prior to being developed as a public park, the peninsula that Stanley Park was inhabited by Squamish, Musqueam, and Tsleil Waututh populations for at least three thousand years and in fact it was home to one of the most substantial indigenous populations in the lower mainland area of what is now British Columbia (Kheraj, 2013). In 1858 the Stanley Park peninsula was incorporated into the colony of British Columbia. The concept of a park on the peninsula sprung from the loss of the majority of the forested land around Burrard Inlet from heavy logging and mining extraction. In 1886, Vancouver was formally established and wanted to protect the still forested peninsula from experiencing the fate of its neighbours. While the protection of the forested land was a prime feature in the decision to create Stanley Park, it must be noted that this was not for aesthetic reasons. The aesthetic regarding nature instead favoured colonial representations such as English gardens (Stanger-Ross, 2008).

<sup>7</sup> As Smith (2008: 20) describes in *Uneven Development*, the wilderness and “the savage” were thought of inseparably. As indigenous populations were labeled ‘savages’ by European colonizers, First Nations were included in the wilderness that needs to be tamed.

the park's inception (Smith, 2008). In *Uneven Development*, Neil Smith (2008: 20) describes wilderness as the antithesis of civilization, and in the case of Stanley Park, the wilderness became the antithesis to "the public." Indeed, it was the definition of "public" that played a crucial role in the displacement of First Nations inhabitants from Stanley Park.

The adoption of a "public" status with regards to Stanley Park legally entailed that consumptive uses of the land were now prohibited, and that there was to be no private property in a park designated as public (Kheraj, 2013). The prohibition of consumptive use meant that the Coast Salish residents could no longer engage in traditional cultural practices of hunting, gathering or fishing, nor could they build shelters from any wood in the area (Kheraj, 2013). By displacing cultural practices, the new law also served to displace those that engaged in such practices as Coast Salish residents would either have to continue their activities illegally or leave the park to assimilate into either one of the nearby reserves or into the city (Kheraj, 2013). Ironically, while the indigenous inhabitants were told that there was to be no private property in a "public" park, they were also viewed as squatters on the land with the Indian Reserve Commission employing the discourse of *terra nullius* to argue that they had no ancient connection to the land due to the absence of European style agriculture (Kheraj, 2013).

This argument formed part of the ways in which ideology and power were deployed to remove indigenous residents from Stanley Park. While some residents were physically forced out when construction of the park interfered with their village, it was primarily through the use of legal means that First Nations inhabitants were displaced from Stanley Park (Kheraj, 2013). In partnership with the need to prove an ancient connection to the land, Coast Salish residents also had to contend with the legal issue of Aboriginal title (Kheraj, 2013). As per the Indian Act, Aboriginal status was patriarchal. This meant that Aboriginal women who married non-Native

men were not eligible for Indian Status, nor were the children produced from such unions (Barman, 2007). The Department of Indian Affairs denied Indian Status to seven of the eight families residing in Stanley Park because they were not of pure Aboriginal blood.<sup>8</sup> Without official Indian Status the question of Aboriginal title was eliminated, thus enabling Vancouver City Council to pursue legal action to have the families officially evicted (Kheraj, 2013).

Through the taming of the literal and figurative wilderness to re-present the landscape of Stanley Park in the colonial image, the creation of Stanley Park can be viewed as being in service of both the physical and moral branches of the recovery narrative. Providing an example of the cultural representations that dominate spaces of nature as they relate to public parks, the story of Stanley Park in Vancouver also illustrates how the public is constituted in such spaces and how power is deployed to uphold both of these constructions.

## **2.2 The Production of Public Space**

As seen in the case of Stanley Park, public parks are socially produced through the physical and moral branches of the recovery narrative. This section of the literature review examines how public space is constructed, and how notions of ‘the public’ are constituted with particular reference to urban green spaces in North America. While the word ‘public’ is defined as “being open to all persons”, the historical and contemporary contexts of public space creation suggests otherwise. Spaces labeled as ‘public’ are in fact often premised on exclusion and capitalist commodification. The relationship of these themes to the planning and management of public parks is illustrated below with examples from Toronto and Manhattan.

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<sup>8</sup> The eighth family was that of Aunt Sally and her daughter Mariah Kulkalem who were granted Indian Status because they could prove that they were “full-blood” and were therefore able to keep their house in Stanley Park. However, the Park Board was eager to see the property become public and eventually purchased the house from Mariah Kulkalem after Aunt Sally’s death (Kheraj, 2013).

In order to frame the following conversation around public space clearly, it is first necessary to define what is meant by “public space”. Public space refers to social locations that are often, but not always represented by physical sites. Physical examples range from streets to parks to shopping malls, while intangible examples manifest through the likes of the media and the internet (Mitchell, 1995; Smith and Low, 2006). The emphasis of “social locations” in the definition is not merely to suggest that these are places where social interactions occur, but rather to give weight to how public space and in turn, notions of “the public” are in fact the product of fluctuating ideologies that are very much dependent on social context and relations (Mitchell, 1995; Smith and Low, 1996). Common to such ideologies however, is their foundation in exclusion (Mitchell, 1995). To illustrate this exclusionary aspect, it is useful to return to the Greek agora, often cited as the origin of public space. The agora was a public meeting place with many functions from serving as a site of political activity, to hosting a marketplace. While the agora is praised for its role in facilitating the “unmediated interaction” of strangers from a multitude of backgrounds and perspectives, it must simultaneously be understood that although simple interactions may have been unmediated, participation in the activities of the agora was very much regulated along social (and gendered) lines (Mitchell, 1995; Smith and Low, 2006: 4). For instance, participation in any kind of political activity was reserved only for citizens, with the status of citizenship restricted to “free, non-foreign men” (Mitchell, 1995). It is possible to infer therefore, that the “unmediated interaction” between strangers of different backgrounds in the agora may have been limited to payment for goods and services, and other labour-related duties. With regard to its role in the development of Western conceptions of public space, the agora set a precedent for exclusion based along social lines of gender, class and origin (Mitchell 1995; Smith and Low, 1996: 4).

Discussing contemporary examples of public space, Susan Ruddick (1996) recognizes public space to be founded on the relational nature of social identities and the dynamics of power imbued between them. Dolores Hayden (1995) and David Harvey (1992) both suggest that urban public spaces in particular are saturated in social relations which clearly display the relationship of power across identities, as well as the struggles of the socially marginalized. While the ideal of public space represented by the agora with regards to its potential to foster new understandings between vastly different groups of people has been generally echoed by a number of urban scholars such as Jane Jacobs (1961) and Marshall Berman (1982), the reality of relations and encounters in such spaces, counters Ruddick (1996), must be acknowledged. The flaw in this thinking as Ruddick (1996) notes, is that it assumes users of public space hold equal power with one another to enable such interactions. Citing Audre Lorde's childhood experience on the subway where she sat next to a white woman who took great effort to avoid having Lorde's snowsuit touch her coat, Ruddick (1996) points to how encounters in public spaces often serve as opportunities for the re-inscription of social hierarchies on marginalized bodies. Rather than being sites of acceptance, public spaces have served as sites of exclusion both on a formal level – the fact that Lorde was even able to sit beside a white woman on the train is a relatively recent phenomenon – and informal level – although Lorde is *able* to sit beside a white woman, she is not in fact *welcome* to sit beside a white woman (Mitchell, 1995; Ruddick, 1996). Furthermore, it must also be emphasized that whatever access to public space marginalized communities possess has only been achieved through persistent struggle (Mitchell, 1995).

Ruddick (1996) also asserts the necessity of examining the historical and geographical contexts of a given space in order to fully understand the social relations woven into it. This likewise applies to urban green spaces, where, for example, the historical and geographical

contexts of public parks are often key indicators of their underlying social dynamics.

Examination through these lenses subsequently offers valuable insight in terms of how notions of ‘the public’ are constituted in these spaces. In particular, there is much literature pertaining to how urban green spaces are formulated to purposely exclude members of the public based on class. In New York City for example, the construction of Jones Beach State Park in 1929 by Robert Moses offers a clear illustration of class-based exclusion. Situated just outside the city, the park was New York’s first natural space designed as a large-scale public recreation complex (Gandy, 2002). Given its location, a journey to the park was only possible via the Northern State Parkway, also built by Moses. The catch here is that the parkway contains underpasses that Moses purposely designed to be at a height suitable only to cars. As public transit vehicles, such as buses, were therefore too tall to fit through the underpasses, members of the public without access to a car were thus excluded from visiting the park (Berman, 1982). This presents a very stark example of what Marshall Berman (1982: 299) refers to as “physical design as a means of social screening.”

A more recent and closer example of class-based social screening in urban green spaces is Toronto’s Don Valley Brick Works (Foster, 2005). In this case, class-based social exclusion occurred on multiple levels, with residents of the two neighbourhoods directly adjacent to the site appropriating ecological restoration to rally for the establishment of a green space whose geographical location rendered it difficult to access for anyone living outside of these neighbourhoods.

The Brick Works site is geographically situated within Toronto’s ravine system, between two of the city’s wealthiest neighbourhoods, Rosedale and Moore Park, to the west, and one of the city’s major expressways, The Don Valley Parkway, to the east. Historically, the site served

as a brick factory and quarry, producing bricks for most of Toronto's homes and buildings from 1889 until 1989. Of a sizeable nature, the factory consisted of 11 buildings, with the quarry spanning over 10 hectares. After ceasing production, the site was purchased by a real estate corporation that quickly re-purposed the quarry into a dumping ground for construction waste. Intent on capitalizing on the massive parcel of land, an application was initiated to develop the site with residential towers and commercial buildings. This prompted the ratepayers' associations from the adjacent neighbourhoods to form a group called 'Friends of the Valley' in opposition to the proposed development, arguing that the site held tremendous ecological value and should instead be restored for the benefit of the environment. This group stood as representative of the wider public, and public interests were limited to their perspective, preferences and interests. With the case of ecological restoration proving successful, Friends of the Valley was able to halt the new development in favour of transforming the site into an urban green space (Foster, 2005).

Although the creation of a new green space on the site of the Don Valley Brick Works held some ecological merit, its ultimate purpose was to benefit an agenda of class-based social exclusion. First, through masquerading under the guise of ecological restoration, Friends of the Valley concealed underlying motives of preserving neighbourhood integrity and protecting property values. Second, the complicated location of the new green space deterred anyone living outside of its immediate vicinity from visiting. The only means of entering the site were either through major roadways requiring the use of a car, or through attempting to navigate the winding matrix of the Rosedale neighbourhood in the hopes of stumbling upon the route to the Brick Works, which was likewise left unmarked (Foster, 2005).<sup>9</sup> Although the location of the Don Valley Brick Works pre-existed its conversion to a green space, it can still be included as an

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<sup>9</sup> Free shuttle-bus service to the Brick Works from two of Toronto's subway stations has since been initiated. The shuttles run to and from the Brick Works every 30 minutes seven days a week.

example or variation of Berman's (1982) physical or ecological design "as a means of social screening", the result of which effectively created a private park for the residents of Rosedale and Moore Park (Foster, 2005).

To further illustrate that the true motives of Friends of the Valley had little to do with environmental stewardship and much to do with private interests, the users of the park repeatedly ignored rules set out by city staff prohibiting dogs from being off-leash in ecologically sensitive areas. This had the ripple effect of intimidating small children attempting to play in the space, as well as preventing its use for any activities or gatherings due to the presence of dog droppings (Foster, 2005; Foster, 2016). Despite the fact that there were already two sites designated for dogs to run off-leash in the park, dog-owners projected their entitlement onto the space by allowing their pets to roam off-leash wherever it pleased them (Foster, 2005).

Finally, while members of Friends of the Valley held positions as public representatives in the stakeholder group guiding the planning and design of the site, they did not physically invest themselves in any of the restoration work. Ironically, whereas members of Friends of Valley acquired naming privileges to the newly restored gardens, the actual restoration work was largely performed for free by 'at-risk' youth bussed in from remote areas of the city to gain credit towards completing high school. As a testament to the inaccessibility of the site, none of the students related plans to return to the park upon completion due to the inconvenience of its location (Foster, 2005).

The historical and geographical context of the newly created Don Valley Brick Works park reveal social relations rooted in class-based screening for the promotion of private interests in public space, which has resulted in the inscription of an elite identity onto the site (Foster, 2005). In this case, rather than categories of the public being divided into 'welcome' and

‘unwelcome’, all categories of the public have been rendered ‘unwelcome’ in the space, creating what Marshall Berman (1982: 299) calls “a uniquely privatized form of public space.” Here, this can be directly linked to the desire of the Friends of the Valley to not only preserve but increase the value of their respective properties. While class-based social exclusion in public space can stem from personal or societal prejudice, prominent scholars on space relations such as Don Mitchell (1995), Neil Smith (2008), Sharon Zukin (1991), David Harvey (1992), and Susan Ruddick (1996) all agree that capitalist motivations also play a large role in the constitution of elite public space. This likewise applies to the creation of urban green spaces such as public parks. As witnessed above, concern over property values is one way that this can manifest. In what follows, the influence of capitalism on public space and in particular, public parks, is more closely examined.

In their introduction to *The Politics of Public Space*, Neil Smith and Setha Low (2006) fully attribute the contemporary Western production of public space to capitalism. Hayden (1995), citing David Harvey in her book *The Power of Place: Urban Landscape as Public History*, also recognized the profound influence of capitalism in the re-organization of spatial relations. With capitalism appearing to hold such a fundamental position with regards to public space, it is therefore important to ask, as Don Mitchell does in his 2015 piece on UC Berkeley’s People’s Park, exactly “what public space *is* in capitalist cities”. For Mitchell (1995), the relationship between the public sphere and private property proves fundamental. As Smith and Low (2006) point out, public space in modern capitalist societies is rooted in the “enshrinement” of private property, whose owners, Mitchell (1995; 1996) asserts, unite to form the public sphere, which functions as the backbone of the political realm and public democracy. The latter, Mitchell (1995) continues, developed together with the private sphere and private property in an almost

interdependent fashion. While pre-capitalist, the agora serves as an early example of the relationship between the public sphere and the political realm, where the public was narrowly defined to only include those that met specific social and class criteria (Mitchell, 1995). The public sphere was where civility – a prerequisite to participation in the political realm - could be openly displayed through socially acceptable behaviours (Mitchell, 1995). Therefore, the purpose of distinguishing the public and flaunting civility lies in its connection to the political realm and the power it brings. Again, a contemporary demonstration of this relation is presented by the Don Valley Brick Works where the private property owners, as an organized ratepayers' association, were able to garner political influence over the creation, design and use of a public park (Foster, 2005).

While residential private property ownership is still a major tenet of modern capitalist society, the expression of private interests in the public realm often manifest in the formal or informal privatization of space. Therefore, public space is in fact increasingly privatized (Zukin, 1991). Public space, as Sharon Zukin (1991) writes in *Landscape and Power*, has been to a greater and greater extent, submerged in private markets and property interests. This growing privatization, Susan Ruddick (1996) observes, has thus resulted in the exclusion of those deemed as 'others' from public space. As already brought to light by the example of the Don Valley Brick Works, both the growing privatization of space and the subsequent exclusion of 'others' also applies to public parks. Focusing on themes of commodification and gentrification, what follows is an examination of the growing pseudo-privatization of public parks, and the subsequent production of increasingly exclusive spaces. Therefore, in a re-framing of Don Mitchell's original question, the following seeks to answer what *public parks* are in capitalist cities.

During the last thirty to forty years, the character of many public parks in capitalist cities have been largely influenced by the emergence of neoliberal urban (re)development and the radical re-organization of public space (Smith and Low, 2006; Madden, 2010; Zukin, 1991). Public space has become increasingly privatized and corporatized, leading to a re-constitution of the public along similar lines, where “the only legitimate public has become the consuming public” (Mitchell, 1995: 114; Zukin, 1991: 39-54; Madden, 2010). Regarding public parks this has manifested in their re-purposing as sites of consumption (Madden, 2010). For parks located in downtown areas, this has often been coupled with gentrification and capital accumulation. In New York City, Bryant Park offers an explicit example of the corporatization of public space, while Tompkins Square Park has the added factor of gentrification. In each scenario, the re-organization of the park has involved the creation of ordered and monitored spaces, characterized by an influx of programming and a heightened attention to safety through surveillance and access restrictions.

Framed by the involvement of a Business Improvement District, Bryant Park presents a clear case of the commodification of urban green spaces. Established in 1686, Bryant Park currently sits directly west of the New York Public Library (and above its stacks) in midtown Manhattan (Madden, 2010). Although a municipal property, the park has been privately operated by the local Business Improvement District since 1980 (Madden, 2010; Bryant Park Corporation, 2018). While Business Improvement Districts are non-profit organizations that operate in partnership with state agencies, they simultaneously exist for the promotion of private interests. Revenue is generated through the collection of mandatory levies from business owners and used to finance projects to improve the shopping experience for consumers, and in turn increase profit for local businesses. A division of midtown Manhattan’s Business Improvement District, the

Bryant Park Corporation was set up to renovate the park after it gained a reputation as being a haven for crime (namely drinking and drug use) in the 1960s and 1970s (Madden, 2010). Utilizing “private sector techniques and management methods” for the park’s fundraising and operation, the Bryant Park Corporation’s management represented “the largest effort in the nation to apply private funding to a public park” (Bryant Park Corporation, 2018). Formerly embodying classical European park design complete with a large central lawn, promenade, and abundant greenery, the post-renovation Bryant Park is now a scene of commercial orientation where one can dine at the Bryant Park Grill, lounge in the Southwest Porch, or shop for gifts at the Bank of America Winter Village Holiday Market (Madden, 2010; Bryant Park Corporation, 2018) Personified by corporate partnerships, commercial activity, and ticketed special events, Bryant Park has essentially been re-fashioned from what one would typically imagine to be a public park into a pseudo-private space of consumption (Madden, 2010; Bryant Park Corporation, 2018).

While the Bryant Park Corporation (2018) states that their objective is to reclaim the park for the people, it must be asked for *which* people exactly the park is being reclaimed for. It is clear from the extensive corporate presence in the renovated Bryant Park, that the people the park is being reclaimed for are those with the intent and capability of consuming. With regards to the constitution of the public in Bryant Park, this translates to the re-fashioning of Bryant Park as a public park suited to a very specific form of the public – the *consuming public* (Madden, 2010). Linking back to corporate capitalism, the presence of so-called “derelicts” in pre-renovation Bryant Park thus presented a two-fold problem to the emerging paradigm. The first problem was that many of those dubbed “derelicts” had neither the interest nor the means to participate in

capitalist consumption; and the second problem was that that their presence allegedly drove away those that did (Madden, 2010).

The solution, as viewed by the Bryant Park Corporation, was therefore to design a space that attracted the ‘desirable’ consuming public and deterred the ‘undesirable’ non-consuming public (Madden, 2010). The rhetoric of ‘desirable’ and ‘undesirable’ has a history in dialogues around park administration, exemplified most notably by the urban sociologist William H. Whyte, who considered that “the single biggest obstacle to the provision of better spaces is the undesirables problem” (cited in Madden, 2010: 199). Here, it is the mainstream or consuming public that has been fashioned into the ‘desirable’ category, and those incapable or unwilling to consume are therefore deemed ‘undesirable’. For Whyte (1988), space was only able to be used by the mainstream public if the ‘undesirable’ public was controlled. Therefore, the way to accomplish such control, as demonstrated in Bryant Park, was through the design of ordered and monitored public spaces, characterized by an influx of programming and a focus on social surveillance (Madden, 2010).

The new Bryant Park involved, just as Low and Smith (1996: 2) stated earlier, the “radical reorganization of space.” The spatial layout of the park is now such that no part is left undesignated to a specific activity. Ping pong tables, a pétanque court, a reading room, and even a carousel are examples of the activities which now occupy the outer circle of Bryant Park, forming a ring around the central lawn with the Bryant Park Grill and Café closing the loop on the eastern end. The central lawn itself is peppered with tables and chairs when it is not being used for specific programs or events in the warmer months and is converted into a skating rink during the winter season (Bryant Park Corporation, 2018; Madden, 2010). Moreover, scheduled programming from trivia nights, to magic shows, to juggling lessons, to a variety of games

tournaments, and even “Crafts and Cocktails” on the outer ring of the park, to yoga, concerts, and musical chairs on the central lawn are a constant feature year-round (Bryant Park Corporation, 2018; Madden, 2010). The list is quite literally, endless.

This hyper-focus on programming and organized activities creates what Mitchell (1995) terms public spaces of theatre and spectacle, which serve to refine the definition of the public to those with consumptive powers, thereby declaring those without as unwelcome. The psychology behind re-orienting the park in such a fashion operates on two-levels to achieve the desired social screening. First, the attention to spectacle discourages the park’s use by ‘undesirable’ populations through attracting “everyone else” while, second, the newly attracted patrons act as “eyes on the street” to socially survey the space, while simultaneously protecting capital interests (Madden, 2010; Mitchell, 1995; 2015).

The Bryant Park Corporation appropriated Jane Jacobs’ (1961) “eyes on the street” principle from one that was meant to be “unorganized and spontaneous” to one that was planned and deliberate. Through the park’s constant activities as well as the hundreds of outdoor seating spaces of the Bryant Park Grill and the Southwest Porch, the space was “re-organized to attract the maximum number of eyes” (Madden, 2010: 198). In fact, on its website, the Bryant Park Corporation (2018) openly cites “crime prevention” through the attraction of patrons at all hours as part of its ongoing mission.

In creating what the Bryant Park Corporation (2018) terms as “the greatest public space in the world”, the site exemplifies how public parks have been commodified in modern capitalist cities through their re-purposing as sites of consumption. In turn, Bryant Park also serves as an example of how the ‘public’ in ‘public park’ has been re-constituted to signify the consuming public, and how the consuming public are called to participate in processes of social screening

through the passive, yet exceedingly organized and deliberate, surveillance of their surroundings. Therefore, it is clear that the Bryant Park Corporation's definition of the "greatest public space in the world" is one that is commercially oriented, filled with theatre and spectacle, and unofficially exclusive. Bryant Park is not the sole example of this phenomenon to occur urban parks since the 1980s. Tompkins Square Park offers another very well publicized and particularly contentious case where such a pattern exhibits itself. Further complicated by the rise of gentrification in the surrounding neighbourhoods, Tompkins Square Park employed a more violent approach to social screening in the form of a series of extremely brutal police sweeps.

Emerging around the same time as neoliberalism in the 1970s, gentrification is another prominent feature of modern capitalism. Zukin (1991: 180) defines the phenomena as "the conversion of economically marginal and working-class areas of the central city to middle-class residential use." In a similar vein as neoliberalism and corporate capitalism, gentrification is also responsible for profound socio-spatial reorganization in the quest to promote the economic and cultural value of downtown in order to attract the middle class (Smith and Low, 2006; Zukin, 1991). The economic and cultural value of downtown cannot be promoted through old scenery as such imagery insinuates decline (Zukin, 1991). In order to attract the new middle-class, the downtown landscape must be re-fashioned with a new aesthetic that symbolizes growth and success (Zukin, 1991).

Michael Hough's (2004) conception of the pedigreed and vernacular aesthetics of 'nature' from his book *Cities and the Natural Process* is useful here. Hough (2004) explains the pedigreed as encompassing the ordered and manicured elements of environmental landscape such as mown lawns and flower beds. The vernacular, on the other hand, is the opposite. Often regarded as a "derelict wasteland in need of urban renewal; the disorderly shambles of the poorer

parts of town”, the vernacular symbolizes the “plants that may be found in the forgotten places of the city” (Hough, 2004: 6, 8). Although referring to environmental landscape aesthetics, Hough’s binary can just as easily reflect the neoliberal urban landscape, with the pedigreed symbolizing the gentrified and the vernacular symbolizing economically marginal areas. Therefore, the aesthetic required to attract the middle class and the associated economic growth is one of newness and glamorized order (the pedigreed), sanitized from the reality of poverty and other social blemishes (the vernacular). Cultivating such an urban landscape however, as Hough (2004) points out, involves the reduction of diversity rather than its enhancement. In the case of gentrifying neighbourhoods, the reduction of diversity can be seen as the elimination of those without purchasing power.

With regards to the constitution of the public in public parks, this translates to the exclusion of socially marginalized members of society such as people that are experiencing homelessness or who may be street-involved. The Lower East Side in Manhattan was a scene of a gentrification boom throughout the 1980s (Smith, 1996). In the case of Tompkins Square Park, the determined presence of the homeless presented an obstacle to the project of gentrification. Tompkins Square Park was a major site of resistance to the ongoing gentrification, with anti-gentrification activists and people experiencing homelessness regularly spending the night in the park. As Neil Smith (1996) rightly points out, gentrification and villanization of the marginalized go hand-in-hand. Whereas the administration of a pedigreed aesthetic was accomplished through more passive means in the case of Bryant Park, a very vocal and violent campaign was erected in Tompkins Square to rid the park of the homeless and other ‘undesirable’ park users.

In August of 1988, the first of many police operations to evict the homeless and other park users occurred. Four hundred police officers were mobilized under the pretense of enforcing

a 19<sup>th</sup> century curfew in the park (Smith, 1996). Such operations continued for the better part of three years, finally culminating in the early hours of June 3, 1991 when three hundred and fifty police officers in full riot gear evicted the two hundred people that were sleeping in the park and arresting seven. Tents and belongings were bull-dozed, and an eight-foot high chain link fence erected. Police now patrolled the park around the clock (Smith, 1996).

Tompkins Square Park reopened the following year after a \$14 million facelift in which \$10 million was spent on policing alone. The re-designed park now featured railings to keep park users on concrete paths and benches with wrought iron separation arms in the middle (Smith, 1996). The language around the park's restoration is particularly telling with regards to the elements described above.

The closing of Tompkins Square Park fueled what was called "Operation Restore", a new policy in the Lower East Side with the mission of 'taking back' the parks and streets from those who had "stolen" it from "the public" (Smith, 1996: 99). Here again, the 'public' clearly refers only to the consuming public. Those without the interests or means to participate in the commercial activities of a gentrified Lower East Side were not included nor welcome (Mitchell, 1995; Smith: 1996). With the homeless kicked out not only from Tompkins Square Park, but from much of the Lower East Side in the period that followed, it is no surprise that twenty-five new shops opened in the year after the park's redesign. Rents began to skyrocket, and the media printed photos of young, white middle-class families enjoying the new Tompkins Square Park, now sanitized from its previous inhabitants (Smith, 1996). Now dubbed a "shining emerald" by *The New York Times*, the pedigreed version of Tompkins Square Park had succeeded in attracting its target population, and just as Hough (2004) wrote, the cultivated landscape was one of reduced diversity. Whereas the order required of a pedigreed landscape was accomplished

through programming and passive surveillance in Bryant Park, in Tompkins Square Park order was achieved through formal eviction and police violence.

Public space and by extension, public parks, are therefore not always public in the literal meaning of the word. By contrast, through processes associated with social screening and capitalism, certain demographics of people have been quite deliberately excluded from places and parks deemed public. As illustrated through the many case studies examined in this section, the exclusion of so-called ‘undesirables’ from a particular space comes in many forms ranging from geographical barriers as seen with Jones Beach State Park and the Don Valley Brick Works, to passive surveillance through physical design and programming as witnessed with Bryant Park, to violent surveillance as exemplified by Tompkins Square Park.

### **3. ANALYSIS AND DISCUSSION**

Through a combination of media analysis, primary research, and a review of scholarly works, this chapter delves deeper into the claims of homophobia in Project Marie. In doing this, links to how puritanical ideologies of nature have influenced the right to space for gay men in public parks are made. In tandem with the second case study of Gore Park, this sheds light on how notions of the public are constructed in public parks, as well as the implications of this on marginalized populations as they attempt to access the mental health benefits of nature in urban environments.

#### **3.1 Cruising and Project Marie**

Through interview data, site visits, and media analysis, the first section of this chapter illustrates how Project Marie and the rhetoric associated with it constitute homophobic notions of the public, and of belonging in public parks. To investigate the depth of this argument,

interviews were sought with representatives of organizations and communities linked with various aspects and angles of Project Marie. Included in those who agreed to an interview are a founding member of the organization Queers Crash the Beat, a lawyer involved in representing those charged in Project Marie, and a local LGBTQ urban planner.<sup>10</sup> Interviews were particularly helpful to examine two key features of Project Marie: a) the scale and scope of policing, and b) the rhetoric around children and safety. Each is unpacked to illustrate their individual role in constituting a homophobic notion of the public in Marie Curtis Park. In combination, these components work together to enforce a very homophobic notion of belonging in Marie Curtis Park. Following this, the conversation moves to consider how ideologies of nature are harnessed to provide further support for homophobic rhetoric in public parks.

### Scale and Scope of Policing

The first component that points to Project Marie as serving to constitute a homophobic notion of the public in Marie Curtis Park pertains to the scale and scope of policing. Although hesitant to attribute motive to the operation, Marcus McCann, one of the lawyers offering legal services to those affected, does assert the significance of examining circumstances. In the case of Project Marie, McCann (2017) points to serious disproportionalities on the part of police when compared to similar situations as raising a strong flag. He identifies two main flags of disproportionality with regards to Project Marie. The first flag is in relation to the number of policing hours spent on the operation. Publicly, Project Marie was a six-week operation, which to McCann's knowledge, is itself unprecedented in regard to park bylaw enforcement. However, reports also indicate that Project Marie stretched beyond the initial six-week sting, continuing for

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<sup>10</sup> Those who either declined to be interviewed or did not respond to the request include Mark Grimes, local city councillor for Ward 6 in Toronto; Meaghan Gray, spokesperson for Toronto Police Services, and the administrator of the Facebook group "Take Back the Park Long Branch".

at least another six months (McCann, 2017). As the description in Chapter One illustrates, the size of Project Marie and the resources needed to undertake such an operation were enormous, the scale of which is perhaps what might be expected of an operation targeting a high profile criminal ring rather than a campaign addressing individuals having consensual sex (McCann, 2017; Robertson, 2017). This alone points to the perception of cruising men as dangerous criminals and is itself indicative of the homophobia behind the operation. The second flag relates to the consequences experienced by those charged as a result of Project Marie. In what McCann (2017) labels a “morality sting”, many of the individuals charged by police – many of whom may not be out of the closet - face a very real prospect of having their lives ruined and families torn apart through having their private sexual lives and preferences exposed. While no criminal charges were laid, the issuance of tickets by police rather than bylaw officers means that the interaction would have been recorded in the Canadian Police Information Centre. The Canadian Police Information Centre is the national police database, and the vehicle consulted for criminal background and vulnerable sector checks. It contains records of all police interactions regardless of whether charges have been laid. Therefore, all of the individuals stopped by police during the course of Project Marie would have had their names added to this database, along with details of the tickets issued and activities alleged. The addition of one’s name to the Canadian Police Information Centre carries serious implications for individuals whose employers require them to obtain a criminal background check. In particular, such interactions will most certainly be displayed should an agency request a vulnerable sector check and could render the individual ineligible for any work involving children or the elderly. Having one’s opportunity for employment revoked is quite a severe consequence to face for being in a city park after hours, or for engaging in sexual activities with a consenting adult. The fact that participation in such

actions translates as a risk that one might sexually offend another person, and in particular a member of a vulnerable population, speaks volumes as to how same-sex relations are still perceived in today's society. It also begs the question of whether police would have been involved in issuing bylaw tickets in Marie Curtis Park had the proponents been heterosexual couples.

Further, while all of the charges, except for one criminal charge for failure to comply, resulted in tickets for City of Toronto bylaw infractions, bylaw enforcement officers were not involved whatsoever in the operation, let alone made aware that such a campaign was taking place until news of Project Marie hit the media (Draaisma, 2016; Keogh, 2016; Mudhar, 2016; Anonymous 3, 2017). The City of Toronto employs bylaw officers to enforce municipal bylaws in a variety of categories, including parks. Bylaw officers for parks are tasked with patrolling parks, "providing education and enforcing bylaws" – meaning that they have the power to issue tickets for infractions related to parks bylaws (Anonymous 3, 2017).<sup>11</sup> Bylaw officers also respond to complaints received via 311 – the City of Toronto's assistance line (Anonymous 3, 2017). The fact that Toronto Police felt the necessity to completely circumvent Bylaw Enforcement in the instigation of Project Marie further demonstrates that the sentiment behind the operation was one which equates cruising men with dangerous criminals.<sup>12</sup>

In contrast, when complaints around drinking erupted a few years earlier in Trinity Bellwoods Park in downtown Toronto, the response from authorities and the local city councillor was to hold a public meeting on the issue where representatives from all sides were given the opportunity to share their views. A public education campaign was then undertaken in the park

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<sup>11</sup> Bylaw officers do not issue notices of trespass. These can only be issued by Toronto Police or City of Toronto parks staff (Anonymous 3, 2017).

<sup>12</sup> This also suggests that complaints were not made to 311, but rather straight to Toronto Police, thus further calling into question the sentiment of the community members filing the complaints.

with police informing anyone caught drinking that they would soon be ticketed. Word of the impending enforcement was widely publicized not only within the park, but throughout local media as well, with articles announcing the campaign published in a variety of news outlets such as *The Toronto Star* and *The Huffington Post* (Gheciu, 2013; Goldbloom and Kraft, 2013; Oved, 2013; McGillivray, 2016; Shea, 2016; Xtra Spark, 2016). The enforcement stage of the operation involved both Toronto Police as well as Bylaw Enforcement officers, but did not include an undercover component (Gheciu, 2013). The distinction here lies in the active engagement of all stakeholders in Trinity Bellwoods Park, coupled with a very public education and advertisement campaign regarding the issue and its compliance. When the time came for enforcement, the campaign gained strength through the involvement of both bylaw and police officers in full uniform.<sup>13</sup> Given that both alcohol consumption and sexual activity in parks are bylaw infractions under the Toronto Municipal Code, it would be normal to imagine that engagement in either behaviour would elicit a similar response on the part of authorities. The severity of the response to one type of bylaw infraction, sexual activity, versus another, alcohol consumption, is yet another testament to how Project Marie leveraged age-old homophobic stereotypes to effectively criminalize homosexual sex as well as its participants in Marie Curtis Park.

Project Marie was even further unprecedented in comparison to the way that other parks popular for cruising are policed in Toronto. According to McCann (2017), such parks are no secret and are well known to police. The approach however is quite the opposite from that taken in Project Marie. Rather, in other parks where cruising is known to occur, the approach is for police to park their cruiser nearby and patrol the area (in full uniform) as a silent signal for

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<sup>13</sup> This campaign targeted a mainly white, middle-class presenting demographic, whereas homeless and indigenous presenting demographics consuming alcohol in parks are rarely privileged with this type of response (Goldbloom and Kraft, 2013; de la Peña, 2017).

people to move along. McCann (2017) remarks that people are generally not charged with bylaw infractions in these instances, and that to his knowledge, there has never been a six-week operation against cruising at any other park in Toronto.

The contrast of approach in how cruising is policed in Toronto's parks also highlights the selective enforcement of the city's bylaws. During the "Walk the Beat" event held by Toronto Police at the conclusion of Project Marie, Xtra writer Katie Sly (2016) challenged Constable Kevin Ward's interpretation of sexual behavior and enforcement of park bylaws during his description of the sexual advances he encountered while undercover with Project Marie, that included verbal indications of interest as well as being touched on the arm and chest. Such indications of interest, according to Ward, constituted sexual activity in a park, and thus warranted a ticket. However, when Sly asked him if she would be charged for requesting to touch his hand, or kiss him, he said she would not. That would change however, if Sly were to ask to touch his penis as such a request, in Ward's view, would constitute sexual behavior in a park. This demonstrates the existence of a completely different threshold of what is considered sexual activity for male-to-male encounters than female-to-male encounters. Moreover, this especially indicates that it is completely acceptable for enforcement officers to rely on their own discretion when determining what constitutes sexual activity in a park. As further reference, when asked to clarify the definition of sexual behavior as it is referenced in Chapter 608 of the Municipal Code, a supervisor with Toronto Bylaw Enforcement echoed the acceptability of this practice, stating that "The Officer may make a determination at the time if he/she feels that the act is considered sexual. That being said any contact of sexual nature would be deemed sexual behavior" (Anonymous 3, 2017). The lack of clear definition with regard to the constitution of sexual activity in a park enables the enforcement of this bylaw to be based purely on the

discretionary judgment and human bias present with each situation, rather than a clearly defined list of what is permissible or not in a public park. This thereby creates a double standard of law enforcement that covertly permits the disproportionate targeting of particular people. The ambiguity of the sexual activity bylaw and the double standards that ensue from it is further examined below.

The dramatic disproportionality displayed by law enforcement in Marie Curtis Park, from the unprecedented number of policing hours spent on Project Marie, to the dire consequences faced by those charged, to the stark contrast with how cruising and sexual activity is dealt with in other parks and situations, demonstrate how the scale and scope of policing in Project Marie served to constitute a homophobic notion of the public in Marie Curtis Park.

#### Rhetoric Around Children and Safety

While the above focuses on how the tangible aspects of Project Marie constitute a homophobic notion of the public in Marie Curtis Park, a particular story-line of safety was produced to disseminate and justify homophobic exclusions of the welcome public in Marie Curtis Park. As Maarten Hajer (1997: 62) explains, “story-lines are narratives on social reality through which elements from many different domains are combined and that provide actors with a set of symbolic references that suggest a common understanding.” The repeated narrative at play in the case of Marie Curtis Park utilized symbolic references of children and playgrounds to produce a common understanding of cruising men as sex offenders. Proponents of Project Marie, as well as mainstream media coverage of the operation, repeatedly emphasized the occurrence of a single incident involving a registered sex offender exposing himself within the vicinity of children as being representative of all sexual activity in the park (Amin, 2016; CTV News, 2016; Draaisma, 2016; Reason, 2016). One article in particular by *Etobicoke Guardian* reporter

Cynthia Reason (2016) reprinted in the *Toronto Star* began with: “A registered sex offender, apprehended after exposing himself within the vicinity of children” followed by “[t]wo men charged for engaging in sexual activity, in a car at a busy parking lot over the lunch hour”.

No distinction was made between the registered sex offender – whose apprehension in the park took place months prior to the commencement of Project Marie – and cruising men engaging in sexual acts with consenting adults nowhere near the children’s play area (McCann, 2017). As Marcus McCann (2017) points out, “the activities that were caught by that arrest, and the arrests during Project Marie, are categorically distinct.” The lack of distinction in this regard, McCann (2017) further emphasized in an interview with *Buzzfeed*, only serves to reproduce and endorse the homophobically rooted symbol of gay men as sex offenders, and in particular, as pedophiles (Strapagiel, 2016). While this perspective is denied by those involved in Project Marie, it is this particular story-line of the safety of children that appears at the heart of the operation’s justification.

Two elements related to the specifics of cruising, and particularly cruising in Marie Curtis Park, provide further support that a lack of distinction was at hand between the activities and motives of the sex offender apprehended (whom McCann (2017) refers to as a “red herring”) and the activities and motives of cruising men. First, as discussed previously, it must be remembered that cruising is a practice not meant to be witnessed by the watching public as identity protection is crucial for many who cruise. While cruising takes place in public places, cruising men seek out spaces that are secluded and hidden from easy view (Anonymous 1, 2017; Robertson, 2017). As LGBTQ planner Jen Robertson (2017) points out, “cruising near playgrounds goes against the nature of cruising as the appeal is in semi-secluded spots.”

Therefore, location is key. In the case of Marie Curtis Park, the majority of cruising takes place in the forested areas on the far eastern side of Etobicoke Creek (McCann, 2017; Robertson, 2017). Site visits found that the area popular for cruising is nowhere near the vicinity of the children's playground. The area popular for cruising is on the opposite side of Etobicoke Creek from where the children's play area is situated, and is further separated by a line of trees, large field, and bicycle path. The distance of the cruising area from children's play facilities was further re-iterated by Robertson (2017), who grew up beside the park. For Marcus McCann (2017), not only is there a physical distance, but there are also barriers to sightlines. "There are bushes that are at least 4 or 5 feet high, and then trees that are 30 feet tall. Especially in the summer, the sightlines from the grassy area and the children's play area is completely obstructed." McCann (2017) also pointed out that the Arsenal Lands connected to the park on the west side of the forested area as also popular for cruising. Separated by a chain link fence that has repeatedly been cut into over the years, the woods in this area offer further privacy for men looking to cruise as accessing the area requires one to trespass. Therefore, McCann points out, the chance of any unwilling viewers coming across men engaging in sexual activity would hinge on those viewers also engaging in an act of trespass. The emphasis here is that not only is this area nowhere near children's play facilities, but that while accessible from Marie Curtis Park, the area is not actually part of the park<sup>14</sup>.

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<sup>14</sup> There are plans to incorporate this area within Marie Curtis Park in the future. It is currently off-limits to the public however, and not formally part of Marie Curtis Park.



Figure 14: Cruising area in Marie Curtis Park as seen in winter, 2018. Source: the author.



Figure 15: Looking east from the cruising area. The distance between the cruising area and the children's play facilities is expressed by the bicycle path, field, and creek in the foreground. Source: the author.



Figure 16: Looking into the Arsenal Lands area to the west of Marie Curtis Park. A “No Trespassing” sign is visible on the left, while on the right, a large hole has been cut in the fence . Source: the author.

As mentioned previously, cruising also occurs in the west parking lot of the park. While located closer to the playground than the wooded area, site visits conducted by the author found that the two were still quite far from each other that one would not be able to see the inside of vehicles from the play area. It must also be remembered that parking lot cruising does not necessarily entail that sexual activities take place inside vehicles. In many instances, parties may indicate interest to each other through signals and then either drive away together or seek out a secluded spot on foot (Anonymous 1, 2017).



Figure 17: Looking toward the parking lot from the children's play area. Source: the author.



Figure 18: West parking lot, Marie Curtis Park. Source: the author.

Moreover, if the concern is truly about sexual acts taking place in the vicinity of children, the question remains why a significant portion of Project Marie took place at night. As outlined previously, a major component of Project Marie involved blocking off the entrance to the park after midnight and ticketing cars with trespassing as they exited (McCann, 2017; Robertson, 2017). The fact that a significant portion of an operation supposedly aimed at protecting children took place at a time when no children would ordinarily be in the park, further calls into question the true motive of the operation.

The repeated emphasis on sexual acts occurring near playgrounds and children by proponents of Project Marie and the mainstream media is not only false, but serves to conflate the activities of cruising men with the activities of sex offenders and pedophiles (Robertson, 2017; Strapgiel, 2016) Meanwhile, as Jen Robertson (2017) points out, pedophilia is often committed by someone known to the child. Thus, a very homophobic story-line – one which, as demonstrated earlier, can be detrimental to an individual’s personal and professional life – is produced and endorsed. As Hajer (1997: 63) contends, “[s]tory-lines fulfil an essential role in the clustering of knowledge, the positioning of actors, and, ultimately, in the creation of coalitions among the actors of a given domain.” In the case of Project Marie, the story-line of gay men as sex offenders was harnessed to justify a coalition of what Xtra writer Mike Miksche (2016) termed “a witch hunt on gay men.”

Hand in hand with rhetoric around children and playgrounds, another theme fueling the story-line of gay men as sex offenders is the concern for the safety of adult park users from being solicited for sexual activity and in some cases allegedly assaulted. Xtra writer Katie Sly (2016) recounts a conversation she had during the “Walk the Beat” event with a man who complained of having his arm touched by another man who proceeded to verbally proposition him for sex. Sly

(2016) pointed out to the man that she, “as a person with breasts and a vagina” faces such interactions on a daily basis, thus begging the question of why similar operations have not been undertaken to protect women from the sexual solicitation and assault they regularly face throughout the public realm.

In fact, Toronto has a long history of dismissing women’s safety concerns in public park specifically. In 1987 a user survey was conducted in High Park which included in its content, questions about safety. Results indicated that women were much less likely to use the park than men due to the fear of crimes such as rape and assault (Whitzman, 2002). Despite such fears being grounded in reality – with the very public examples of a woman being raped and bludgeoned in broad daylight in High Park in 1982, and the murder of another woman in an east end park in 1987 – the reality of women’s safety concerns were dismissed as irrational. Furthermore, while 53 sexual assaults reported to police in 1987 occurred in public parks, Toronto Police opted to present these as constituting only 5% of the total number of sexual assaults reported city-wide, rather than addressing the fact that 53 assaults had taken place in public parks that year. Moreover, the onus of responsibility was placed on women to keep themselves safe. For instance, in that same year, the *Toronto Star* published a checklist of things women could do to keep themselves safe in public parks. This attitude was not limited to the 1980s. In the 1990s, women who reported incidents of assault in High Park were told by police that such occurrences were common and that they should “get used it” (Whitzman, 2002). Likewise, Sly (2016) faced a similar response from the man who complained of having his arm touched, when she pointed out that as a woman, she was subject to such occurrences regularly. The man’s response was that since sexual harassment and assault of women happens all the time, there is nothing that can be done about it.

The above clearly demonstrates that women’s concerns are not prioritized even when rape and murder are involved. It is important to juxtapose this with the safety concerns presented by members of the Long Branch community regarding cruising men and the association of such men with sex offenders. This is a concern which has no basis in reality yet has been harnessed to legitimize an entire police operation. This becomes even more offensive when the history of violence against gay men in public parks is considered. In 1988, librarian Ken Zeller was the target of a homophobic hate crime when he was murdered by a group of teenagers in High Park (Whitzman, 2002). And while members of the Long Branch community worry about the safety of their children from men allegedly exposing themselves, gay and cruising men in Vancouver have had to worry about the release of a killer convicted of murdering a gay man in the area of Stanley Park known for cruising (CBC, 2009). Moreover, as detailed earlier, the safety reasons behind cruising, coupled with the long history of violence that LGBTQ community members have faced at the hands of police are very real safety concerns, that all too often go ignored (Anonymous 1, 2017; McCann, 2017). However, as Katie Sly (2016) points out, the safety concerns of straight men<sup>15</sup> are all too often prioritized and viewed as legitimate regardless of whether they are grounded in reality.

Ironically, members of Queers Crash Beat conducting outreach in Marie Curtis Park during the Walk the Beat event had conversations with a number of older women who said they actually feel safer knowing that there are men in the park at night who are not threatening to them. These women shared that they feel safer as cruising men can act as “eyes on the street” in the park at night (Anonymous 1, 2017). The fact that cruising men are not included in the surveilling public, but are the ones surveilled, endorses the notion that men who have sex with men are criminals to

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<sup>15</sup> I would also add ‘white’.

be watched out for, not members of the public. The notion that they could be protecting other members of the public doesn't even occur to law enforcement, local officials, and those lodging complaints.

Therefore, returning to the earlier argument that the scale and scope of policing in Project Marie was disproportionate, the unpacking of the safety rhetoric touted as justification for the operation lends even more support to just how disproportionate Project Marie was. The scale and scope of Project Marie indicate that perceived threats against straight men in public parks warrant the dedication of maximum policing resources, while documented cases of the rape and murder of women and gay men in the same spaces warrant very little, if any, resources.

So far, this section has discussed story-lines as they pertain to the scale and scope of policing, and the rhetoric around children and safety. However, it is also important to examine the story - lines that may lie underneath the surface as well. In the case of Project Marie, it is worth probing how story-lines around nature are harnessed to legitimize and enforce moral doctrines around sexuality (and thereby exclude queer folk from urban public parks). Of particular interest are notions of natural versus unnatural sexuality, wilderness as a site of both queer sexual exploration as well as heterosexual masculinity, and urban parks as sites of "moral fitness".

Returning to Smith's (2008) theorization of *universal* nature where certain behaviours are considered to be as inherent to human beings as trees and rocks are to the earth, it is easy to see how heterosexuality is associated with the "natural," "normal," "clean," and "pure", while homosexuality is generally perceived as "unnatural," "abnormal," "dangerous," and "impure" in mainstream Western society (Kinsman, 1987; Smith, 2008). As Gary Kinsman (1987) elaborates in *The Regulation of Desire*, sexuality has come to be defined in such essentialist terms that those engaging in homosexual activities are further labeled as "deviants," "perverts," "gender

non-conformists,” “sexual psychopaths,” and “dangerous sex offenders”. The story-lines around nature and sexuality contend that homosexual relations are absent from the natural and God-given order of things (Kinsman, 1987). This is often articulated through the Judeo-Christian argument that the first humans were “Adam and Eve, not Adam and Steve”, thereby dismissing the possibility that homosexual relations can exist in nature. However, this is challenged not only by the fact that nature itself is a social construction, but by the fact that homosexual relationships are quite common throughout the animal kingdom. Evidence exists demonstrating that over 300 species of mammals and birds such penguins and manatees exhibit homosexual tendencies (Alaimo, 2010). Some insects (notably spiders) as well as crustaceans have also been found to exhibit homosexual behaviour, thus increasing the total number of animal species to well over one thousand. Such evidence therefore rejects the notion that same-sex relationships are “against nature” (Alaimo, 2010).

Therefore, the portrayal of homosexuality as being “against nature” allows for the justification of specific moral doctrines around sexuality that exclude homosexuality. Kinsman (1987) is quick to point out that sexuality is just as much a social construction as its counterpart nature, with actors such as political and religious institutions at the helm of its conceptualization and regulation. By labeling sexuality along essentialist lines, the phenomena of social construction is veiled behind associations with nature and the natural.

In light of this, competing claims to wilderness and nature as sites of sexual expression are therefore also at work here. As detailed earlier, spaces of nature and the wilderness have long been a prime site for cruising as the anonymity offered in spaces enclosed by trees and removed from the watching eye offer a safer space for the expression and exploration of same-sex desires (Anonymous 1, 2017). However, the wilderness has simultaneously been appropriated as a site

of heterosexual masculinity with colonial and capitalist practices of “taming the wilderness” (Merchant, 1996; Mortimer-Sandilands and Erickson, 2010; Smith, 2008). With regard to Marie Curtis Park, the forested area of the park in particular represents a wilderness where cruising men can explore and express their sexuality. Yet in direct opposition to this use lies the fact that Marie Curtis Park is a public park. It is an ordered pleasure ground with moral regulation at the heart of its creation (Mortimer-Sandilands and Erickson, 2010). As Cate Mortimer-Sandilands and Bruce Erickson (2010) write in the introduction to their anthology *Queer Ecologies*, public parks as institutions emerged at the same time as “the naturalization of heterosexuality.”

The purpose of urban park creation was to “tame the wilderness” of urban society so to speak, that is to subdue degenerate behaviours (including homosexuality) and people through the cultivation of virtue via ordered and regulated activity in a naturalized setting (Crantz, 1982; Mortimer-Sandilands and Erickson, 2010). In fact, as Mortimer-Sandilands and Erickson (2010) argue, urban parks were designed to encourage the public expression of heterosexuality, albeit in very controlled and conservative manners. Features such as two-seater benches, open-walled gazebos, and wide “lovers’ lane” promenades were specifically designed to encourage public displays of heterosexual courtship. Therefore, urban parks are sites of a tamed wilderness that seek to cure degeneracy and recover the natural moral order that went astray with the advent of urban living (Mortimer-Sandilands and Erickson, 2010).

To tie all of the above to cruising, in the eyes of morality and regulation, cruising men not only commit a “crime against nature” when engaging in sexual activity but are a further threat when partaking in such deviances in actual spaces of nature (Hogan, 2010). In the case of Marie Curtis Park, this was amplified by the fact that as a public park, Marie Curtis Park has an Edenic image. It is a pleasure ground where heterosexual families partake in ordered activities

such as swimming and picnics. Cruising men disrupt this ordered paradise by engaging in activities that challenge the perceived “natural order” of “reproductive and sexual norms”, thereby triggering fear and anxiety among local residents that the “family friendly” status of the park is under threat (Kinsman, 1987). To follow the Edenic parable, it is as if homosexual sex represents the forbidden fruit, and having partaken in such fruit, cruising men are shamed and cast out of the Garden by Toronto Police through the issuing of trespass notices. Additionally, with Project Marie continuing past the initial six-week period, it is as if Marie Curtis Park is being guarded by Toronto Police in a similar vein as the Garden of Eden was protected by a wall of fiery swords once Adam and Eve were cast out. To add another dimension, the Walk the Beat event can be viewed as reminiscent of a recovery narrative where Long Branch residents seek a return to Eden through augmenting the moral clean-up of the park (aka the police sting) with a physical clean-up by labouring to remove garbage, and concluding with a candle-lit march to mark the success of the park’s moral and physical clean-up. After all, the return to the sacred Garden is not possible if degenerate and wild behaviour is present.

Subsequently, it can be seen how story-lines around safety and the protection of children are deployed in this setting to legitimize and enforce moral doctrines around sexuality that in turn serve to disseminate and justify homophobic exclusions in Marie Curtis Park.

### **3.2 Loitering and Gore Park**

This section applies the public space literature to the primary data collected on the current revitalization of Gore Park to demonstrate the link between neoliberal capitalism and the constitution of an exclusive public in Gore Park through the process of gentrification . The initial focus between the regulation of loitering in Gore Park and the installation of the new benches has now been widened to include the central role of the Downtown Hamilton BIA in the

revitalization and management of the park, and more particularly, the programming that has developed in recent years. Drawing parallels to Bryant Park to illustrate how such involvement, projects, and programming are carried out with the underlying motive of capital gain, such endeavours require not only the regulation of loitering but the redefinition of the welcome public in Gore Park.

As with Bryant Park, the local Business Improvement Association (BIA)<sup>16</sup> has played an instrumental role in the revitalization and management of Gore Park, and they have been publicly acknowledged as a partner with the City of Hamilton (Hamilton Chamber of Commerce, 2013). Notably, the involvement of the Downtown Hamilton BIA includes their membership on the stakeholder committee - the de facto decision-making body for all matters relating to the park – thus rendering them in a position of significant influence over the future of Gore Park.

Apart from spearheading the bench project, the BIA also organizes the programming of the Gore Park Summer Promenade. Although programming in Gore Park has been ongoing for years, the scale to which the space is programmed became amplified with the pedestrianization of the south leg of King Street, which enabled the expansion of the annual Gore Park Summer Promenade. The Promenade currently takes place every Tuesday through Friday afternoon from the end of May until the end of August, filling the park with a variety of vendors, food trucks, games, activities, and live performances each day between 11am and 4pm (Downtown Hamilton BIA, 2018). While such programming sounds fun and lively at first mention, when placed alongside the example of Bryant Park, deeper motivations and implications quickly become evident.

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<sup>16</sup> (or Business Improvement District in the case of Bryant Park)



Figure 19: Ad for the 2018 Gore Park Summer Promenade. Source: Downtown Hamilton BIA.

Like its New York counterpart, Gore Park has a reputation for being a haven of drugs and crime, as well as a favourite hangout of people experiencing homelessness (Stewart, 2017). As stated earlier, such individuals or “loiterers” have long been viewed as a major problem in both Gore Park and downtown Hamilton. In fact, concerns about people “loitering” all over downtown Hamilton was an issue brought forward during one of the early stakeholder meetings (Whitehouse Seely, 2018). According to Bob Bratina, mayor of Hamilton from 2010-2014, the presence of such people in conjunction with the condition of some of the buildings in the area gives the impression that Hamilton is in “dire straits” (Hamilton Chamber of Commerce, 2013). As Don Mitchell (1995: 118) writes, the homeless have “become something of an ‘indicator species’ to much of society, diagnostic of the presumed-ill health of public space.” With regard

to capitalist pursuits, this perception of the downtown Hamilton and Gore Park area presents a huge problem because such a perception denotes a vernacular landscape that is not attractive to investors nor to the consuming public. The solution to such problems as Mitchell (1995) observes, is to “gain control” and privatize these spaces – to turn vernacular landscapes into pedigreed spaces that exclude the vernacular public, such as the homeless, by design. In Bryant Park, this ‘privatization’ was done by reorganizing the spatial layout of the park so that no area was left undesignated to a specific activity or unsponsored by a particular corporation. This is in addition to the creation of constant spectacle from year-round scheduled programming that also acts to socially survey the space.

In Gore Park, the pedestrianization of the south leg of King Street and the installation of benches with separation arms are major steps in the transformation of the park into a pedigreed space through the expansion of an increasingly corporatized annual Summer Promenade. Both of these measures contribute to the regulation of loitering and control of the vernacular public by sending the message that this space is no longer for them. In turn, this also aids in both the creation and maintenance of a pedigreed landscape that is now attractive to the consuming public. The Gore is “no longer an empty space with nothing happening” says the current project manager for the park’s revitalization, adding that “now Gore Park is a space used by all different groups for all sorts of reasons, which has changed the whole perception” (Stewart, 2017).

As urban redevelopment rhetoric would have it, it might be possible to see the revitalized Gore Park as promoting a broader inclusivity rather than the opposite. The current project manager for the park’s revitalization was adamant about the fact that there was no intent to exclude anyone experiencing homelessness in the park’s programming and re-design. Rather, she asserts that the programming gives people who would not normally interact a chance to get to

know each other and “see that they are not so different”. In turn, she elaborates that this provides an opportunity to change one’s perspective of someone who one may have been fearful of before (Stewart, 2017). Anonymous 2 (2017) is also in support of the new programming in Gore Park. She points out that the music featured as part of the Promenade provides an opportunity for someone dealing with homelessness to experience free entertainment. She believes that it is fantastic to have this integration of culture and nature available to everybody. As a further testament to the inclusivity of the programming in Gore Park, Stewart (2017) points out that at a recent art opening in the park that was also attended by the mayor, a man who ‘appeared’ to be experiencing homelessness was proceeding to set himself up to sleep in the park for the night.

However, when one considers programming such as the Promenade in a greater socio-economic context, doubts still remain as to how socially inclusive and interactive such programming is truly intended to be. The installation of benches with separation arms provide one clear example that calls this into question. While there is no concrete evidence that the new benches were installed to deter street-involved individuals or people experiencing homelessness from using the park, the current project manager for the park’s revitalization agrees that design does play into how comfortable people feel in a space (Stewart, 2017).<sup>17</sup> In that light, Anonymous 2 (2017) says that the benches are a passive-aggressive way of “keeping less people in the park”, including the homeless. She states: “The benches mean move along in my opinion. Don’t get comfortable here. You can sit here for a bit. But this is not really an open public space for everyone.” It is interesting that the pressure to move along is mentioned, as interview data reveals that encouraging people to move through the park rather than spending the day in it was a

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<sup>17</sup> While Stewart (2017) states that separation arms in benches do not form part of the City of Hamilton’s Crime Prevention Through Environmental Design (CPTED) audit, a paper authored by the International CPTED Association on homelessness and CPTED lists separation arms as a measure to counter sleeping and lying down on park benches by people experiencing homelessness (Saville and Atlas, 2016).

theme of the re-design. In the words of the initial project manager for the park's revitalization: "it's not that we don't want people to hang out there, what we want is to invite more people to naturally move through the space...and that tied nicely into this desire to pedestrianize the south leg of King. I love going down now to see how people are just moving through and you get a lot of motion, a lot of animation, instead of someone just going to the space and plunking themselves down for hours" (Whitehouse Seely, 2018). Stewart (2017) further explains that "the community wanted the seating to enable people to stay briefly and then move on. With the separation arm in the middle, one can argue that the benches play a significant role in the transformation of Gore Park into a space that people move through rather than rest in. As Anonymous 2 (2017) says: "The benches are not comfortable; they are not. I think they are built to be uncomfortable; to keep people from enjoying."

In her comments above, Anonymous 2 (2017) states that the benches suggest that Gore Park is "not really an open public space for everyone." Therefore, the question remains as to which public the park has been re-designed and programmed for. The benches provide an initial indicator that perhaps this new version of Gore Park does not promote as inclusive of a rendering of the public as its advocates claim. Returning to the greater socio-economic context of the park's re-design, LeAnn Whitehouse Seely in a Hamilton Chamber of Commerce (2013) video about the park's revitalization, states that the promotion of business was a major driver behind the re-design. This motive is directly in line with the gentrification of downtown Hamilton. The push to gentrify downtown Hamilton is purely about business promotion and capital gain as gentrification creates a pedigreed space which attracts the consuming public. Examples near Gore Park include the recent transformation of James Street into an arts district, as well as the redevelopment of the Royal Connaught Hotel into luxury condominiums (Stewart, 2017). Hence,

the production of a pedigreed Gore Park goes hand in hand with the production of a pedigreed downtown Hamilton. Additionally, gentrification relies on a pedigreed Gore Park in order to raise property values. Interestingly enough, the redevelopment of the Royal Connaught and the revitalization of Gore Park took place at the same time, with these two projects coordinating with each other in terms of construction schedules (Whitehouse Seely, 2018).

In response to the question of which public the newly revitalized Gore Park caters to, one can say that despite the potential for positive interactions, the emphasis on business promotion and the installation of benches with separation arms prioritize the consuming public and in doing so, re-defines the welcome public in Gore Park along exclusive and classist lines. To illustrate even further, while the seating in Gore Park was designed to keep people moving, it was also provided so that patrons had a place to sit during programmed events such as the Promenade (Stewart, 2017). Thus, while it is perfectly acceptable, and one can argue *encouraged*, for members of the consuming public to occupy a seat in the park for an entire afternoon, the opposite can be said for individuals that may be street-involved or experiencing homelessness.

The current revitalization of Gore Park therefore reinforces the theory that public space is rooted in exclusion. One of the prominent ways in which this manifests lies in the array of power gifted to a specific set of the public within Gore Park. While all members of the public at large are permitted in the park, like the example of Audrey Lorde on the subway, this does not denote that all members of the public are *welcome* in the park. The latest revitalization of Gore Park has created a power dynamic in which members of the public who are on the economic fringes of society are unable to access the park in an equal capacity as their economically privileged counterparts. The presence of food trucks and vendors in Gore Park during the Promenade effectively serve to regulate would be “loiterers” from taking up space in the park as such

individuals likely do not have the means to participate in the consumptive activities that now occupy a large swath of the park on a near daily basis. The installation of benches with separation arms do the same thing, clearly signalling that there is a time limit associated with enjoying Gore Park. The separation arm in the middle of the new benches convey the message that unless one is a member of the consuming public, Gore Park is not a place to spend the day. Individuals that are not members of the consuming public are welcome to “move through” the space but are not welcome to spend an extended amount of time, or “loiter” in the park. This therefore, regulates and limits the use of the space by the vernacular public while encouraging and supporting its use by the pedigreed. After all, capitalism relies on pedigreed spaces and an exclusionary definition of the public in order to generate profit -- and Gore Park provides a vivid example of the influence that contemporary capitalism has on constituting an exclusionary nature of public space.

Finally, here we have another recovery narrative. This time one in which the previous iteration of Gore Park was the wilderness: barren and desolate due to the presence of beasts and savages in the form of street-involved individuals and people experiencing homelessness, where moral confusion abounds through the likes of alcohol and drugs. The presence of such elements prevented the virtuous – represented by business owners and consumers – from taking root and prospering. However, the BIA and City of Hamilton came together and laboured to create a new Gore Park; a new pleasure ground characterized by food trucks, vendors, and live entertainment. In this fashion, the BIA and City of Hamilton have sought and achieved a return to Eden. Yet, within this new Eden lies the constitution of a classist notion of the public where programming and design measures are used to regulate loitering and plan the beasts and savages out.

## **4. PUBLIC PARKS AND EQUITY: CONSIDERING ALTERNATIVES**

Returning to the motivation behind this major research paper, this final chapter builds on the case studies and literature review by examining ways to plan more equitable public parks for mental health. Incorporating data from interviews with public health experts, the discussion begins by addressing the significance of urban public parks to marginalized communities such as people experiencing homelessness and men who have sex with men. This is linked with how constituting homophobic and classist notions of the public in urban parks prioritizes the safety of mainstream park users at the expense of more vulnerable populations. In turn, the impact that such situations can have on the mental health of vulnerable park users is also considered. Finally, alternative models and methods of public park regulation are presented with examples and ideas from the City of Amsterdam, and urban planners, activists, and public health experts from the GTHA.

### **4.1 Importance of Public Parks for Underhoused Individuals**

While evidence pertaining to the overall health and social benefits of urban parks is becoming mainstream knowledge, such benefits become amplified for marginalized populations. The importance of these spaces to such communities must be acknowledged in order to plan for more equitable public parks. The case study on Marie Curtis Park already illustrates how crucial certain parks are for men seeking to explore their sexuality with other men. Similarly, public parks also play a vital role in the lives of underhoused individuals. Alexandra Blight (2017), a Nurse Practitioner who has done extensive work with underhoused and street-involved communities in Toronto, points to the dangers and risks of the shelter system when discussing the significance of public parks. Shelters, Blight (2017) explains, have high rates of tuberculosis, scabies, ringworm and bedbugs due to overcrowding, while also being notorious for theft and

violence. She adds that some shelters also require individuals to pay \$2 to stay overnight. Therefore, while it is common to view shelters as a place of rest for people experiencing homelessness, the fact is, according to Blight (2017), that shelters are not safe, leaving people to seek out alternatives. She says that for many, being outdoors, in a park, in nature, feels safer and more relaxing. For those that do opt to spend the night in a shelter, Blight (2017) notes that many may spend the night awake due to the stress of overcrowding and fear of theft and violence. Public parks thus become an important space of rest whether during the day or night, for people experiencing homelessness (Blight, 2017). Furthermore, it is important to remember that shelters require individuals to leave as early as 7am each morning. Therefore, those who rely on the shelter system must find places to go during the day. Such an endeavour becomes difficult when one has little to no money to spend in places like cafes or restaurants (Blight, 2017). Moreover, there is always the risk of removal from corporate establishments by security. Anonymous 2 speaks of how many people experiencing homelessness who attempt to hang out in Jackson Square Mall, just opposite from Gore Park on the northwest side, are routinely removed by security (2017). On a social level, Tara Zupancic, a public health scientist and the Director of Habitus Research, an environmental and health equity research organization based in the Greater Toronto Area, points to the passive social support networks that develop among users of public parks and the importance of this for people experiencing marginalization and isolation (2017).

While both nearby residents and business owners in the case studies of Marie Curtis Park and Gore Park complained of the behaviours occurring in these spaces, the use of public parks for controversial activities such as sleeping, or sex, shouldn't be approached as unacceptable, Zupancic (2017) says. Instead, such uses should be viewed as indicators that there are no alternatives (Zupancic, 2017). Interestingly, the previous mention of indicators in this research

paper pertained to the homeless as being indicative of the health of public space from a capitalist standpoint. Zupancic's point flips this on its head however, to open up a discussion on the health – both physical and mental – of the homeless and other marginalized users of public parks rather than of the capitalist capabilities of the space they occupy. Zupancic (2017) says that if the activities occurring in public parks are approached as indicators, it allows for a whole new discussion to occur that hasn't happened before.

#### **4.2 Impact of Cruising and Loitering Regulation on Mental Health**

In performing the research for this major paper, one discussion that arose in both case studies was that of safety. However, in both instances, discussions of safety centered more around the residents and patrons of the homes and businesses in the immediate vicinity of each park rather than the vulnerable users of the parks. While discussions around the safety of the pedigreed public is one that is common, discussions around the safety of vernacular members of the public are rarely had. Therefore, hand in hand with the formation of homophobic and classist renderings of the public is the value of certain people's safety over others. Although parks can present a safer alternative to spending the night in a shelter or exploring one's sexuality in a bar or online, this safer experience becomes compromised when others begin to feel threatened by the presence of people sleeping or cruising in public parks (Foster, 2010). In the case studies of Marie Curtis Park and Gore Park the safety and comfort of the consuming and sexually conforming public is given priority. Whereas members of more deviant or vernacular publics are faced with the possibility of being arrested or forcibly removed from these spaces and charged with such offenses as trespassing, loitering, or sexual activity. As a result, some face a further risk to their safety by being "outed" to their social and professional networks (McCann, 2017). Additionally, the use of defensive architecture in public parks such as the installation of benches

with separation arms that serve to design specific users out of these spaces, can be said to pose a safety risk when the shelter system is unsafe, and a bench is the only place one may have to access rest (Blight, 2017). In the name of safety, certain demographics of people therefore have had their use of public parks – and by extension, themselves – criminalized. Therefore, vulnerable populations are not actually safe in our public parks, and parks are not actually public in the true sense of the term.

Returning back to mental health, despite the growing body of evidence indicating the positive impact that exposure to spaces of nature can have on mental health, one has to question how this may be compromised, or even fully reversed, if someone is afraid for their safety in such spaces or afraid that they are going to be ostracized (Zupancic, 2017). The installation of benches with separation arms for example, send a message to street-involved and under-housed individuals that they are not welcome (Blight, 2017). This is further amplified by the fear that at any moment they may be hassled by the police (Blight, 2017). For men who have sex with men, there is the fear of not only being hassled by police, but the exposure that such interactions would bring (Anonymous 1, 2017). Such experiences raise questions as to who is truly able to access mental, as well as physical health benefits that urban spaces of nature provide. In relation to this major research paper, how does the constitution of classist and homophobic notions of the public impact access to the mental health benefits of public parks?

Applying Zupancic's indicator approach to the use of public parks therefore allows for new discussions to be had around safety and mental health, both in terms of supports that are missing for certain populations, as well as the role that public parks can have in filling these gaps when the safety and mental health needs of vulnerable users is understood and planned *for* rather than *against*. In what follows, alternative models of public park regulation are presented with

examples and ideas from the City of Amsterdam, City of Victoria, British Columbia and urban planners, activists, and public health experts from the GTHA.

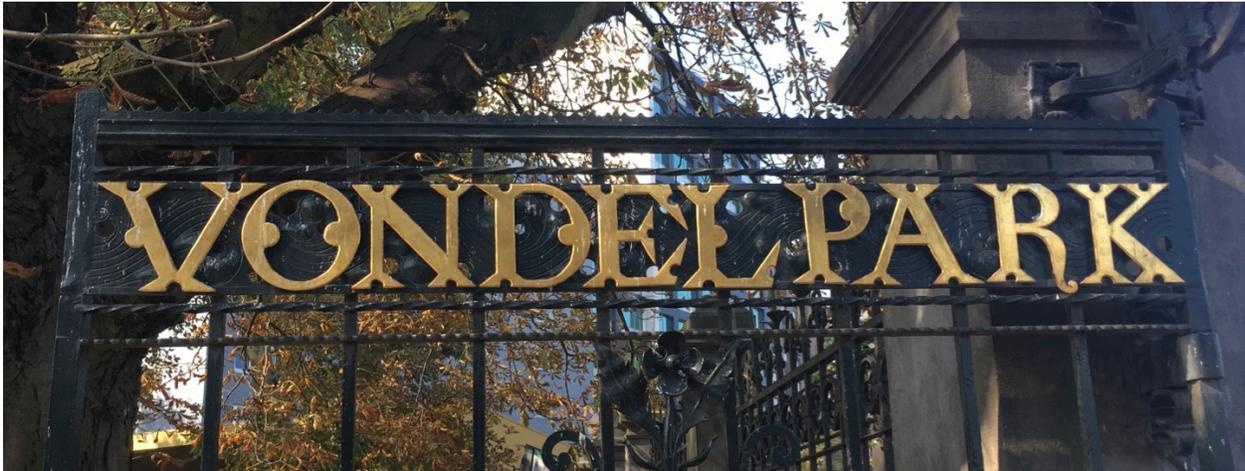


Figure 20: Gate at the main entrance of Vondelpark. Source: the author.

#### **4.3 Vondelpark: A Different Approach to Cruising**

When news of Project Marie broke in Toronto, some articles and social media posts made comparisons with how cruising is regulated in Toronto versus how it is regulated in Amsterdam. Articles used the example of Vondelpark, Amsterdam’s most central and visited park, and gave the impression that cruising – and public sex in general - is legal in Vondelpark, as long as certain rules are followed (McLeod and Robertson, 2016). Therefore, primary research was conducted in Amsterdam to investigate the validity of such claims and to assess whether planners and policy makers in Toronto can benefit from learning about how cruising is regulated in Amsterdam. Research included multiple site visits to Vondelpark and interviews with local civic actors. Three separate interviews were conducted. Participants included Paul van Grieken a former alderman for the area encompassing Vondelpark; Quirijn Verhoog, an urban designer for Vondelpark with the City of Amsterdam, and Ronald Fijbes, a police officer whose jurisdiction includes Vondelpark.

Established in 1864, Vondelpark is located very close to the centre of the city (Verhoog, 2017). Approximately 45 hectares in size, the park receives over 10 million visitors per year, which is more than 10 times the population of Amsterdam (Fijbes, 2017; van Grieken, 2017; Amsterdam.Info, 2018; Centraal Bureau voor de Statistiek, 2018). Its popularity began to surge in the 1960s during the hippie movement, when Vondelpark became an international destination and travel agencies started selling tickets to Vondelpark rather than to Amsterdam (Verhoog, 2017). In addition to the park's international fame, Vondelpark has long been a favourite spot for cruising. Interviewees speculate that cruising has occurred in Vondelpark for at least 50 years and as many as 100 (van Grieken, 2017; Verhoog, 2017). All three interviewees attribute the park's popularity as a cruising spot to its central location. Vondelpark sits in the middle of Amsterdam, connecting the eastern and western parts of the city, and is easily accessible within minutes by foot or bicycle (Fijbes, 2017; van Grieken, 2017; Verhoog, 2017). Verhoog and van Grieken also emphasize the park's ability to afford privacy; a point that will be elaborated on shortly (2017).

Contrary to what has been printed in the media, public sex is not legal in Amsterdam.<sup>18</sup> While there is no law or bylaw specifically forbidding it like in Toronto, there is a law that prohibits violation against "good habits" ("goede zeden" in Dutch), which legislates against open sexual behaviour such as the exposure of one's genitals in public (van Grieken, 2017). However, van Grieken explains that cruising does not violate this law because cruising takes place at night and is not seen by outsiders (2017). The majority of cruising in Vondelpark occurs around the rosarium, near the middle of the park. Site visits to the rosarium area found that it is surrounded by a ring of thick bushes inside of which is an enclosed open space not visible from the outside.

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<sup>18</sup> <https://www.dailytelegraph.com.au/travel/public-sex-fine-roaming-dogs-not/news-story/f2a11f59573c069252380fafedcfc75>

This enclosed area is where the majority of activity takes place. On a walk through the area during the daytime, Verhoog (2017) indicated that many of the trees and shrubs were planted about 15 years ago with the twofold goal of beautifying the area and increasing privacy for cruising men. As mentioned earlier, anonymity according to van Grieken (2017) is one of the main reasons that men choose to cruise in spaces such as Vondelpark. While there are many gay cafes and bars in Amsterdam, van Grieken points out that one can easily be recognized in such places. The planting and maintenance of a thick cover around the rosarium allow men seeking sexual experiences with other men to remain anonymous – a crucial factor, van Grieken echoes, if one has a family, or is not yet out in public. In addition to the dense greenery encompassing the rosarium, the anonymity of the cruising area is also enhanced by the lack of lighting in the park. Unlike in Toronto and other municipalities throughout North America, park design in Amsterdam does not prioritize lighting at night (Verhoog, 2017). Site observations found lampposts to be sparse throughout Vondelpark except along major pathways. Regarding the cruising area, only one lamppost was spotted on the opposite side of the bushes where the cruising takes place. However, the area is large, and it is unlikely that a single lamppost would have much impact. Further, there are no lampposts at all within the rosarium itself. Verhoog (2017), the urban designer in charge of Vondelpark, believes that the design of the park, including the lack of lighting, offers a safer experience than internet hookups for men seeking sexual encounters with other men because of the anonymity it affords<sup>19</sup>.

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<sup>19</sup> It is important to note that efforts were made to interview a representative from the COC, one of Amsterdam's largest advocacy organizations for LGBT individuals. However, after being bounced around to three different people, no one from the organization accepted my request for an interview. Additionally, it was beyond the scope and ethics approval for this paper to interview cruising men.



Figure 21: Rosarium in Vondelpark. Note the lack of lampposts. Source: the author.



Figure 22: Clearing in the bushes along the periphery of the rosarium that serves as the cruising area. Source: the author.



Figure 23: Some of the thick shrub and tree cover concealing the cruising area. Source: the author.



Figure 24: Single lamppost in the vicinity of the cruising area. Source: the author.

Regarding attitudes towards cruising, each of the three interview participants were asked if residents living nearby Vondelpark had ever complained about cruising, and if cruising is viewed

as a problem in Vondelpark or elsewhere in Amsterdam. All three participants answered no to both of these questions, with van Grieken (2017) adding that City Council also has never had a problem with cruising. When probed as to why this is, when attitudes in Toronto and around Marie Curtis Park in particular, are so different, the response from all three was that cruising has always been accepted. As long as it done out of sight, no one seems to mind or give it a second thought. From Verhoog's (2017) perspective as a caretaker of the park, cruising would only become a problem if the activity were to physically damage the park somehow. As a police officer in Vondelpark, Fibjes (2017) is far more concerned with dog owners that fail to pick up after their pets and boot camp groups. He says: "Cruising is not a problem at all in Amsterdam. We don't have discussion on it. Nothing. Because it's normal." There is one exception to that statement however, and that involves garbage left behind. The reason behind the media frenzy about cruising in Vondelpark was due to the release of a policy document in 2008 that detailed the rules and regulations of the park. Included within this document was mention of cruising, and that the activity was acceptable so long as it remained unseen and garbage was removed (van Grieken, 2017). Van Grieken (2017), one of the authors of the document, says that cruising was only mentioned in the document because cleaners in the park kept arriving in the morning to find used condoms and tissues littering the area where cruising had taken place the night before. The cleaners wanted official clarification on the rules of the park and an end to the mess each morning. Garbage is not just a problem in the cruising area however. With over 10 million visitors annually, crowding has become a major issue in the park, and as a result garbage left behind from all park users has become a problem (Fijbes, 2017; van Grieken, 2017). The other major problem that has occupied the time and resources of park officials in recent years is that of barbequing. Since most people in Amsterdam do not have backyards or balconies on which to

barbeque people began bringing their grills to Vondelpark. The char from all of the barbeques in the park led to the grass becoming damaged and in need of replacement. In turn, the smoke and smells from the barbeques polluted the air so much that people living in the vicinity of Vondelpark were no longer able to open their windows. At first officials tried to limit the barbequing to specific areas of the park, but when the same problems emerged the decision was made to ban barbequing in Vondelpark all together (Verhoog, 2017).

In terms of what planners and policy makers in Toronto can learn from the way cruising is handled in Vondelpark, education and dialogue were the main themes that arose from the interviews. Van Grieken (2017) says that if cruising is seen as a problem in Toronto it is important to question where those attitudes are coming from and separate any personal bias from lawmaking. He emphasizes the importance of policy makers and community members to be educated on the background and significance of cruising for men who have sex with men. He recommends liaising with LGBTQ organizations to help out in this capacity. His message to policy makers in Toronto is that:

Cruising itself is not a problem. In fact, it might be a good activity for some people who need to explore their feelings, and that it is very important that cruising is not seen the same way as public sex – it is a kind of sex in public space, but it is not the same as public sex. I think that is a big difference. Since cruising men are looking for anonymity, it should not be a problem in public space because other people are not confronted with that behaviour.

While advocates of Project Marie in Toronto claim that people were being confronted with sexual behaviour in that park, there is no way to know the validity of such allegations, especially given the moral rhetoric that accompanied many of these claims. Additionally, much of what was reported in the media regarding sexual behaviour in Marie Curtis Park came from police officers

who were engaged in an undercover operation that involved venturing into the very spaces that cruising occurs. As already discussed, the cruising spots in Marie Curtis Park are well-hidden from the view of those that do not wish to encounter such activities. Finally, the desire for anonymity has been repeated at nauseum in this paper. In the event that there is a conflict of use between cruising men and other users of the park, Verhoog says that “people need to deal with each other and their own problems in public space” (2017).

In addition to education and dialogue, proper police liaising with cruising men is something that Toronto can learn from Vondelpark. The Amsterdam Police Department has several anti-discrimination groups, one of which is Pink In Blue, of which Fijbes is a member. Pink In Blue is the police department’s official liaison network between the police and the LGBTQ community. Officers within this team respond to discrimination complaints related to sexual orientation and work directly with LGBTQ individuals and communities, as well as with other officers that may be handling cases involving LGBTQ issues or individuals (Fijbes, 2017). According to Fijbes (2017), the LGBTQ community asked for police presence near the rosarium for safety. Officers patrol the area on foot or bicycle, close enough for cruising men to see the officers, but not close enough for officers to see the cruising men. This distance creates a feeling of security in knowing that police officers are nearby should something go amiss, while also establishing trust between the two groups.

At the end of the day, what sets Vondelpark apart from Marie Curtis Park therefore, is not how cruising is regulated, but how it is planned for. In Vondelpark cruising is actively planned for with park authorities having established rules and guidelines for engaging in sexual activities in the park and liaising with both LGBTQ organizations and cruising men themselves. By actively planning for the inclusion rather than the exclusion of cruising, the case study of

Vondelpark is an essential example of how public parks can include behaviours generally viewed as disorderly in an equitable and safe fashion.

#### **4.4 Planning Equitable Public Parks: A Public Health Framework**

In terms of how public parks can be more equitably planned in Toronto, Zupancic (2017) says that “we need to move our view of public parks beyond recreation...and root them smack dab into community health models [and] essential services for the vulnerable”. She continues,

Currently we fund parks through Parks and Recreation. They are not rooted in Public Health. I think we need to have Public Health dollars invested into parks and a public health lens put on them because that’s what they are. Right now parks are categorized as recreation. Instead include parks as public health and acknowledge them as an essential service.

Blight (2017) agrees, citing the many health benefits that nature provides:

Exposure to nature is a necessary part of many people’s mental and physical wellbeing. Nature trails for cardiovascular health, exposure to fresh air for those with respiratory problems, an appreciation of a nature outside of one’s own mental space for those suffering from anxiety or depression. Investment in public park space would be healing to all of these ailments. Park space and wellbeing are undeniably linked; just go outside for 2 [sic] minutes in spring as the weather warms and watch the hoards of people who are drawn to the public parks. Nature is therapeutic and I absolutely believe it makes sense to have public health dollars to develop park spaces to build this connection further.

Zupancic (2017) observes however that access to green space is not currently part of a lot of public health models. She posits that if access to green space was included in public health frameworks then planning for equity in public parks would be at the forefront. She further notes that it would be much more difficult to remove people from public parks if they were classified as an essential service under the public health model.

#### 4.5 Alternative Approaches: Bylaws and Planning for Inclusivity

In addition to rooting public parks within a public health framework, Blight (2017), Zupancic (2017), and Anonymous 2 (2017) each spoke to the negative effect that sexual activity and camping bylaws have on the mental health of vulnerable park users, agreeing that such laws target the vulnerable and criminalize park users that are in most need of the space.

With regard to camping, in 2008 the Supreme Court of British Columbia struck down a Victoria bylaw that prohibited people experiencing homelessness from erecting tents or other structures in public parks for the purpose of sleeping (Meissner, 2015; The Canadian Press, 2008). While the case studies in this paper do not directly deal with camping in public parks by the homeless, the installation of benches with separation arms in Gore Park as a deterrent for those seeking a place of rest has been discussed. Further, both Hamilton and Toronto have bylaws that prohibit camping as well as the erection of tents and structures in public parks<sup>20</sup>. Additionally, both municipalities also have bylaws restricting use of public parks overnight, which McCann (2017) labels as an anti-vagrancy measure<sup>21</sup>.

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<sup>20</sup> **City of Hamilton**, *By-law no. 01-219 To manage and regulate municipal parks*:

Camping and Lodging 17. Unless authorized by permit, no person shall dwell, camp or lodge in any park.

Tents and Structures 18. Unless authorized by permit, no person shall place, install or erect any temporary or permanent tent or structure in any park.

**Toronto Municipal Code**, Chapter 608, Parks:

§ 608-13. Camping and lodging. Unless authorized by permit, no person shall dwell, camp or lodge in a park.

§ 608-14. Tents and structures. Unless authorized by permit, no person shall place, install, attach or erect a temporary or permanent tent, structure or shelter at, in or to a park.

<sup>21</sup> **City of Hamilton**, *By-law no. 01-219 To manage and regulate municipal parks*:

Hours of Entrance 3. No person shall enter into, or be in any park between the hours of eleven in the afternoon (11 :00 p.m.) and six o'clock in the forenoon (6:00 a.m.), except where after hours use of a park has been approved by the City.

**Toronto Municipal Code**, Chapter 608, Parks:

§ 608-9. Access. ARTICLE III Parks Use B. Unless authorized by permit, no person shall use, enter or gather in a park between the hours of 12:01 a.m. and 5:30 a.m.

The Victoria bylaw was struck down on the grounds that it was unconstitutional to prohibit people experiencing homelessness from sleeping in parks if shelters are full. Specifically, the bylaw was ruled to violate section 7 of the *Canadian Charter of Rights and Freedoms* with Justice Carol Ross stating that “sleep and shelter are necessary preconditions to any kind of security, liberty or human flourishing” (cited in Woodvine, 2015). The bylaw was also criticized on a public health level for causing potentially fatal health effects through impeding homeless individuals from protecting themselves from the elements (The Canadian Press, 2008). In 2015, Justice Christopher E. Hinkson followed suit, striking down the City of Abbotsford’s camping bylaw, again on constitutional grounds related to obtaining the basic necessities of life (Woodvine, 2015). In his decision Justice Hinkson noted that being homeless should not be treated as a crime, and that the ability to sleep is a basic requirement for an individual’s health and safety (Woodvine, 2015).

The defeat of camping bylaws in Victoria and Abbotsford does come with stipulations however. The ability to camp overnight in public parks only applies to individuals experiencing homelessness (not tourists) and is expressly tied to the unavailability of shelter beds. Therefore, like shelters, homeless individuals must be out of the park by 7am in Victoria and 9am in Abbotsford, and likewise cannot set up any sleeping structures until the evening (Meissner, 2015; The Canadian Press, 2008). While there is still much room for improvement, cities such as Toronto and Hamilton would do well to learn from Victoria and Abbotsford as a starting point.<sup>22</sup> In her interview, Blight (2017) goes further to suggest that public parks should be open 24 hours a day with 24-hour access to washrooms and areas that are well-lit, as well as funding for mental

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<sup>22</sup> This is especially relevant for Toronto as after much public pressure, Mayor John Tory was forced to open the Moss Park Armoury for the homeless in January of 2018 amidst bitter cold and a severe shortage of shelter beds (see: [https://www.thestar.com/news/city\\_hall/2018/01/03/tory-now-willing-to-open-moss-park-armoury-to-homeless.html](https://www.thestar.com/news/city_hall/2018/01/03/tory-now-willing-to-open-moss-park-armoury-to-homeless.html)).

health nurses in some parks. Blight (2017) also emphasizes that benches with separation arms need to cease. Zupancic (2017) echoes Blight's suggestions, adding access to water to the list.

Finally, Zupancic (2017) emphasizes the need for inclusivity and participation when it comes to planning for equity in public parks, saying that "true equity is participation".

Distinguishing participation from public consultation, Zupancic (2017) speaks to the need to involve members of marginalized communities in leadership and decision-making roles in ways that cater to the safety needs and uniqueness of each community and make people feel like they belong.

## **CONCLUSION**

The case studies of Marie Curtis Park and Gore Park demonstrate how the regulation of cruising and loitering in public parks within the GTHA constitute homophobic and classist renderings of the public. The troubling nature of these constitutions is amplified by the increasing significance of public parks in providing physical and mental health services for the general urban population, but in particular for marginalized demographics such as underhoused individuals, that may not have access to such services otherwise.

In examining public park creation and management in North America, this paper also uncovers a dichotomy in regard to relationships between nature and mental health. While examples from contemporary scientific literature view mental health through the lens of mood enhancement and stress reduction, in other avenues mental health has also been wielded as moral discipline (Foucault, 1980; Fuller et al., 2007; Lines, 2013; Ulrich, 2008). This is particularly true in the case of North American public parks which since their advent, have been designed as an antidote to the moral decay that developed in tandem with urbanization and industrialization

(Crantz, 1982; Mortimer-Sandilands and Erickson, 2010). Using this lens, public parks have been sites of mental health as it pertains to the promotion of morality in the wake of perceived degeneracy (Mortimer-Sandilands and Erickson, 2010). Through exploring how dominant Western ideologies of nature have been manipulated by local civic actors to exclude specific demographics of people from public parks, this paper offers a glimpse into how parks are still managed as sites of moral discipline.

Furthermore, the case studies in this paper have demonstrated how relationships with nature have been disrupted through mediation in the form of planning, design, and law enforcement. Public parks in North America are mediated experiences with nature. In particular, the case study of Gore Park and example of Bryant Park are reflective of how planning and design fills space in order to empty it.

The importance of public parks for men who have sex with men and people experiencing homelessness has been outlined in detail throughout this paper. As a result, the consequences for being emptied out of these spaces -whether it be through physical design, programming, or police presence – can have dire consequences for many. As an increasing number of ailments within cities are linked to rising temperatures, poor air quality and psychological distress, and scholarly work has demonstrated a positive correlation between exposure to nature and the alleviation of the above conditions, the re-organization of public park planning along more equitable lines should be an urgent issue for urban planners and policy makers. This paper offers suggestions on how public parks can be more equitably planned for through ideas such as rooting public parks in a public health rather than recreation model, and giving members of marginalized communities decision-making roles in the planning and management of urban public parks. Ultimately however, equitable planning and management will have to involve a shift in attitude

from one of exclusivity to one of inclusivity. This paper ends with the words of Anonymous 2 (2017) who has this to impart:

We need to push the envelope to say that the park belongs to everyone. If it's public, it's public. And that means for most of us, we need to look around our community and realize that the person you just stepped over top of is your neighbour. And that may make you uncomfortable, and maybe that's a good thing. But that person is part of the neighbourhood as well. And they don't need to be moved on.

It's time for the regulation and planning of urban public parks to shift their focus from moving people on to moving people *in*. And that means all people.

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## APPENDIX A: LETTER OF INVITATION

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### Consent Letter Regulation of Behaviours in Public Parks

**Researcher:** Ms. Zoi de la Peña, Masters Candidate  
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#### **About the study:**

In recent years a growing body of work has developed on the positive relationship between nature and human health. Studies in this field have shown that exposure to natural settings such as parks and tree canopy can offer benefits to one's physical and psychological wellbeing. In urban settings, parks and tree canopy play an important role in mitigating the negative health effects of the urban heat island and air pollution, as well as offering relief from the psychological stresses of day to day life. With this in mind, I am interested in how behaviours commonly viewed as disruptive, such as cruising, drug-use, and homelessness are regulated in public parks. Responses to these behaviours have included police sting operations, Crime Prevention Through Environmental Design (CPTED) standards, and neighbourhood revitalization initiatives. In tandem with this, I am also interested in understanding the ideological underpinnings that drive the solutions that are chosen, which may include nature as pristine, but may also include other ideological frameworks such as access to nature, and safety. Given the benefits of public parks to mental and physical health, the goal of my research is to formulate equitable strategies to regulate behaviour in public parks that consider the comfort and safety of all users and potential users of public parks.

The methodological approach of this research is diverse and includes a review of publications related to the socio-cultural dimensions of urban planning – in particular, planning for public parks, and documents released by governments, non-government organizations and industry associations. Additionally, I will conduct case studies of the following parks in the GTHA: Gore Park and Marie Curtis Park. These case studies will include multiple site visits to each park, and interviews with people who may have personal, planning, or policing insights into one of the parks.

This research is being conducted by Ms. Zoi de la Peña under the supervision of Professor Jennifer Foster, and will form the basis of Ms. de la Peña's Major Research Paper for the degree of Masters of Environmental Studies at York University.

#### **About the interview:**

You are being contacted because you have been identified as a local expert or stakeholder in Gore Park. I would like to interview you about your knowledge and experiences with Gore Park. The length of the

interview will be approximately one hour or less. Interviews will be audio-recorded with no one except the researcher having access to the audio-recording. Participation in this study is completely voluntary. There are no risks or benefits to you associated with this research, and you may withdraw, not answer questions, or terminate participation at any time without prejudice. Should you decide to withdraw, any data generated as a result of your participation will be destroyed. Unless you agree otherwise, your confidentiality and/or anonymity will be maintained. Records will be kept in password protected files on an external hard drive, and pseudonyms or job titles will be used as identifying measures depending on your preference. All data associated with this research will be destroyed two years after its completion. No one except the researcher will have access to the data. A report of the study may be submitted for publication, and/or presented at academic conferences such as the Canadian Association of Geographers conference and/or the Environmental Studies Association of Canada conference. However, individual participants will not be identifiable in such a report or presentation.

**More Information:**

If you have any questions about the research you may contact the principal researcher, Ms. Zoi de la Peña at the phone or email listed above. You may also contact the research supervisor, Professor Jennifer Foster by email at [jfoster@yorku.ca](mailto:jfoster@yorku.ca) or by telephone at 416-736-2100 x 22106. This research project has been reviewed and approved by the Faculty of Environmental Studies Human Participants Research Committee on behalf of York University. However, if you have any questions about York University's research policies concerning human participants, please do not hesitate to contact the Senior Manager & Policy Advisor for the Office of Research Ethics, 5th floor, York Research Tower, York University, 416-736-5914 or [ore@yorku.ca](mailto:ore@yorku.ca).

Your insights into this case study are valuable to my research, and I am grateful for your participation.

## **APPENDIX B: SAMPLE INTERVIEW QUESTIONS**

### **General**

- 1) How would you describe your connection to Marie Curtis Park/Gore Park/Vondelpark?
- 2) In your opinion, what is the purpose of having public parks? / What is a park for?
- 3) What kind of benefits do you feel public parks provide?
- 4) How do you feel public parks should be used and not used?
- 5) What kind of individual behaviours do you feel are acceptable and unacceptable in public parks?

### **Marie Curtis Park**

- 1) Why do you think public parks are popular spots for cruising? What makes parks such as Marie Curtis Park a cruisable landscape?
- 2) Whose preferences, or ideals do you think were reflected in the choice to go forward with Project Marie?
- 3) What are some planning and policy initiatives that you feel could better address cruising in public parks?

### **Gore Park**

- 1) Gore Park has been revitalized a number of times already in the past. What prompted the park's revitalization this time around?
- 2) Regarding the Stakeholder Committee that was formed, what kinds of stakeholders were selected to be on the committee, and what kinds of interests and communities did they represent?
- 3) Why do you think benches with separation arms were chosen in Gore Park as opposed to other designs?
- 4) Which community's preferences, or ideals do you think were reflected in the choice to install benches with separation arms in Gore Park?
- 5) Do you think the design fulfills the intended use (re: two people sitting on one side of the arm, one person on the other)?
- 6) Gore Park is a public park, and the word "public" is defined as being "open to all persons". With regards to the installation of the new benches in Gore Park, what does this suggest about how the identity of "public" is defined in this park?

### **Vondelpark**

- 1) How is Vondelpark used today, and how has the use and function of Vondelpark changed over the years?
- 2) Why do you think Vondelpark is a popular spot for cruising? How long do you believe that Vondelpark has been a popular spot for cruising?
- 3) Is cruising seen as a problem in Vondelpark, or other parks in Amsterdam?
  - a. Have the residents that live around Vondelpark ever complained about cruising in the park to your knowledge?
  - b. Have attitudes changed over time?
- 4) There have been a few media articles stating that sex in Vondelpark is legal as long as certain rules are followed. What is the law in Amsterdam regarding sex in public parks?
- 5) What advice or suggestions would you give to planners and policy makers in Toronto

around the issue of cruising in public parks?

### **Public Health Experts**

- 1) Why do you think street involved and/or under-housed folks choose public parks as places to rest?
- 2) What is your perspective on bylaws prohibiting loitering and sleeping in public parks? Do you feel they are necessary? What effect, if any, do bylaws such as these have on the mental health of park users, or potential park users?
- 3) *(There is currently a growing body of evidence suggesting a positive relationship between nature and mental health. In the case of urban environments, nature often takes the form of public parks.)* How can the mental health benefits of public parks be made more accessible to marginalized populations such as the people experiencing homelessness?

## APPENDIX C: INTERVIEW CODING

<b>Date</b>	<b>Role</b>	<b>Name /Identifier</b>	<b>Notes</b>
05/12/2017	LGBTQ urban planner	Jen Robertson	
10/23/2017	Lawyer; represented many affected by Project Marie	Marcus McCann	
10/23/2017	Member of Queers Crash the Beat – founded in response to Project Marie	Anonymous 1	
09/12/2017	Executive Director of a mental health organization in the Hamilton area	Anonymous 2	
10/17/2017	Current landscape architect for the current revitalization of Gore Park (with the City of Hamilton)	Meghan Stewart	
01/26/2018	Initial landscape architect for the current revitalization of Gore Park for the City of Hamilton	LeAnn Whitehouse Seely	
11/24/2017	Bylaw enforcement supervisor for the City of Toronto	Anonymous 3	
09/22/2017 and 09/29/2017	Urban designer with the City of Amsterdam for Vondelpark	Quirijn Verhoog	
09/23/2017	Former alderman and city councillor in the City of Amsterdam. His jurisdiction included Vondelpark.	Paul van Grieken	
09/25/2017	Police officer with the Amsterdam Police Department. His jurisdiction includes Vondelpark and he is a member of the Pink In Blue LGBTQ police liaison group.	Ronald Fijbes	
12/06/2017	A nurse practitioner in Toronto	Alexandra Blight	
12/12/2017	Public health scientist and the Director of Habitus Research, an environmental and health equity research organization based in the Greater Toronto Area	Tara Zupancic	