



Queering Criminology

Edited by
Angela Dwyer
Matthew Ball
Thomas Crofts



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Angela Dwyer

Queensland University of Technology, Australia

Matthew Ball

Queensland University of Technology, Australia

Thomas Crofts

University of Sydney, Australia

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Contributors

Nicole L. Asquith is Associate Professor of Policing and Criminal Justice at the University of Western Sydney, and Co-Director of the Vulnerability, Resilience, and Policing Research Consortium. She has worked with Australasian and UK policing services for over 20 years, primarily focusing on the issues raised in the policing of vulnerable populations in culturally diverse societies, and the recruitment and retention of culturally and linguistically diverse police officers. Along with Dr Isabelle Bartkowiak-Theron, she is the co-editor of *Policing Vulnerability*, and the co-author (with Professors Rob White and Fiona Haines) of *Crime and Criminology*, 5th edition.

Matthew Ball is Senior Lecturer in the School of Justice, Queensland University of Technology, Australia. His research explores the intersections between queer theory and criminology, and he is currently writing a book on these issues, titled *Criminology and Queer Theory: Dangerous Bedfellows?* (forthcoming, Palgrave). He is the co-author of *Justice in Society* (2012), and co-editor of *Queering Paradigms II: Interrogating Agendas* (2011), *Crime, Justice, and Social Democracy: International Perspectives* (2013, Palgrave), and a special issue of *Critical Criminology* on 'Queer/ing Criminology' (2014).

Tony Butler is the Program Head of the Justice Research Program, Kirby Institute, University of NSW. Over the past 20 years, he has worked on numerous projects in the justice health area in Australia involving both adult and juvenile offenders and has authored or co-authored over 100 journal articles and reports on prisoner health. He has led studies examining mental illness among prisoners, the role of traumatic brain injury in offending behaviour, and a randomised control trial of a pharmacotherapy for impulsive-aggressive offenders. He implemented the National Prison Entrants Bloodborne Virus Survey – Australia's first national prisoner health research study.

Thomas Crofts is Associate Professor and Director of the Sydney Institute of Criminology, University of Sydney. His research in criminal law, criminology, and criminal justice centres on criminalisation and criminal responsibility, particularly the criminal responsibility of,

and for, children, comparative criminal law, and criminal law reform. He is the co-author of *Sexting and Young People* (2015, Palgrave), co-editor of *Criminalisation and Criminal Responsibility* (2015), and author of *Criminal Responsibility of Children and Young People* (2002) among other texts. In 2011 he was awarded the Australia and New Zealand Society of Criminology's inaugural Adam Sutton Crime Prevention Award.

Derek Dalton lectures in criminology at Flinders University Law School. His research interests cluster around the conflation of homosexuality and criminality. This interest culminated in the publication of *Policing Sex* in 2012 (co-edited with Paul Johnson). More recently, a project exploring tourism in sites where major crime has occurred (such as Auschwitz, the 'Killing Fields' of Cambodia, and Port Arthur in Tasmania) led to the publication of *Dark Tourism and Crime* (2014).

Basil Donovan is a Sexual Health and Public Health Physician practising at the Sydney Sexual Health Centre, Sydney Hospital. He is also a National Health and Medical Research Practitioner Fellow and heads the Sexual Health Program at the Kirby Institute, UNSW, Australia. His research and policy interests include sexually transmissible infections and HIV infection, and vulnerable populations such as gay men, youth, sex workers, Indigenous people, prisoners, and juvenile offenders.

Angela Dwyer is a senior lecturer at the School of Justice, Faculty of Law, Queensland University of Technology. Her research focus is lesbian, gay, bisexual, transgender, and intersex people's experiences with criminal justice systems, particularly policing, and young people, policing, and crime prevention. She has completed research projects on LGBTI police liaison programs, an evaluation of Police-Citizens Youth Clubs, the narrative histories of LGBT police officers, and LGBT young people and interactions with police. She is a co-author (with Sharon Hayes and Belinda Carpenter) of *Sex, Crime and Morality* (2011).

Bianca Fileborn is a research officer at the Australian Research Centre in Sex, Health and Society, La Trobe University. Her research is broadly concerned with the intersections of space, identity, and violence, and with innovative justice practices. Her recent work has explored young adults' perceptions and experiences of unwanted sexual attention in licensed venues, and the use of innovative justice mechanisms for responding

to street harassment. Her current research also includes a focus on sexual health and ageing, and she has worked on projects exploring older women's sexual well-being, and older Australians' knowledge of STIs and safe-sex practices.

Christopher A. Fox is Senior Lecturer in Sex Health Counselling at Western Sydney Sexual Health in the Sydney Medical School, University of Sydney. He has previously worked with La Trobe Rural Health School and the Australian Research Centre in Sex Health and Society, La Trobe University. His research and publications focus on sexuality, gender, and masculinity, and his work has been published in a range of journals and collected editions. He is the current National Chairperson of the Society of Australian Sexologists and maintains private practice in psychosexual therapy.

Tyrone Kirchengast is Senior Lecturer in Criminal Law in the Faculty of Law at the University of New South Wales, Australia. His research focuses on various aspects of criminal justice, including the integration of victims into adversarial systems of justice, victim rights in international law, and the development of institutions of criminal law and justice. He has published widely on the integration of victims in the criminal trial and is the author of *The Victim in Criminal Law and Justice* (Palgrave, 2006), and *The Criminal Trial in Law and Discourse* (Palgrave, 2010).

Dave McDonald is Lecturer in Criminology in the School of Social and Political Sciences at the University of Melbourne. His research explores imaginative and representational dimensions of crime, with a particular emphasis on the politics of criminological scandals. He has published in areas including post-sentence preventative detention and supervision of serious sex offenders, artistic depictions of children and the charge of obscenity, paedophilia and the politics of hate crime, and serial killing and the figuring of sexual difference. His current research examines issues of proximity, affect, and legitimacy in the context of institutional responses to child sexual abuse.

Wendy O'Brien is Lecturer in Criminology at Deakin University, Australia. Her research focuses on the intersections between sexuality theory, feminism, and human rights. She also conducts research on children's rights, with a particular focus on the rights of children in conflict with the law.

Natasha Papazian is a PhD candidate in the School of Justice, Faculty of Law at the Queensland University of Technology. Her research focuses on sexuality, gender, and intimate-partner violence. Her Honours research consisted of a state-wide survey of gay and bisexual men to determine their experiences of intimate-partner violence. Her current doctoral research focuses on relationship violence within the transgender community, for which she has interviewed both transgender people and trans-friendly service providers in order to determine the nature and impacts of intimate-partner violence, help-seeking techniques, and experiences of service provision within Queensland, Australia.

Senthoran Raj is an academic and advocate with a passion for popular culture, social justice, and law. He is currently completing his PhD and teaches at the Sydney Law School. He is a contributing writer for the *Guardian* and has published academic papers on topics ranging from refugee law to queer politics. He is also a Churchill Fellow who recently completed a comparative research project on sexual orientation and gender identity based asylum claims in the US, the UK, and Australia. He previously worked as the Senior Policy Advisor for the NSW Gay and Lesbian Rights Lobby.

Joanne Reekie is a research fellow at the Kirby Institute, UNSW, Australia. She has an ongoing interest in the epidemiology of hepatitis, HIV, and other sexually transmissible infections, with a recent focus on reproductive health outcomes and healthcare utilisation among at-risk populations. She has also worked as a HIV research statistician at University College London, where she obtained her PhD in epidemiology, looking at the long-term durability of antiretroviral therapy in a large European cohort of HIV positive people.

Juliet Richters is Professor of Sexual Health in the School of Public Health and Community Medicine at the University of New South Wales in Sydney. She has worked for 30 years in sexual health research and education, doing local and national surveys of sexual behaviour and attitudes, in-depth interview studies, and theoretical work in the sociology of sexual practice. Her current major research projects are the 'Sex in Australia' national telephone sex survey (the Australian Study of Health and Relationships), and a qualitative research project exploring women's experiences and understandings of contraception in relation to their sexual lives.

Paul Simpson is a research fellow of the Kirby Institute, UNSW, Australia. His research activities, both quantitative and qualitative, have centred on health, marginalisation, and identity within state institutional and civil society contexts, with a particular focus on people living with hepatitis C, Aboriginal and Torres Strait Islanders, and sexual and gender minorities who come into contact with the criminal justice system. As part of the Centre for Research Excellence in Offender Health and the Indigenous Offender Health Capacity Building Group, he also investigates stakeholder views on prison alternatives and the involvement of prisoners in health and medical research.

Stephen Tomsen is Professor of Criminology at the University of Western Sydney and has research interests in violent crime, masculinities, sexuality and social theory, and psychoanalysis. His publications include *Violence, Prejudice and Sexuality* (2009), *Crime, Criminal Justice and Masculinities* (2008, ed.), *Hatred, Murder and Male Honour* (2002), and *Homophobic Violence* (1997, co-ed. with Gail Mason). He first promoted queer perspectives in criminology and criminal justice with events including a queer panel at ANZSOC (1993), a queer symposium at TASA (1994), and the first international conference on homophobic violence (San Francisco, 1999).

Lorraine Yap is a research fellow at the Kirby Institute, UNSW, Australia. Her work in anthropology addresses public health issues among marginalised groups. She is best known for her ongoing public health research among adults and juveniles in contact with the criminal justice system, and drug users in Australia and China. Her work is anchored in both qualitative and quantitative research to provide the best available evidence and understanding of public health issues. She has made theoretical contributions to the sub-disciplines of applied, development, and penal anthropology, and in public health (HIV/AIDS, hepatitis C, sexual violence, injecting drug use).

1

Queering Criminologies

Angela Dwyer, Matthew Ball, and Thomas Crofts

Since the 1990s, there has been a move towards an academic articulation of the nexus between queer and criminology. This move is significant because previously criminology and queer theories/methodologies have been somewhat awkward and perhaps dangerous bedfellows (Ball *forthcoming*). This is not to say that criminological research has not engaged with issues around sexuality, gender, and sex diversity. On the contrary, people who identify as lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ),¹ and with many other fluid categories of sexuality, gender, and sex diversity, have been the subject of many research studies, but in the past these studies have been informed by a 'deficit' or 'deviancy' model (Groombridge 1999: 540; Woods 2014). Early criminological work was steeped in the notion that people who displayed characteristics of homosexuality, for instance, were considered a 'defective sexual species' (Tomsen 1997: 33) and were studied by criminologists and other social scientists in terms of how they might be cured and controlled. Legislative structures and other governmental mechanisms developed along with these ideas and resultantly criminalised behaviours that queered heterosexuality, and, in particular, sexual contact between men (LeVay 1996; Rydstrom & Mustola 2007; Gunther 2009; Nussbaum 2010). Appearance and clothing that queered gender roles was also regulated by legislation in various times and places in an attempt to shore up normative gender roles – in the United States, for instance, people were required to always be wearing three items of clothing that reflected their 'natural sex' in order to avoid prosecution (Faderman 1991). Police were the central mechanism through which these legislative controls were administered, leading to discriminatory and sometimes violent interactions between police and LGBTIQ people (Dwyer 2014). Such discriminatory treatment and harassment by police,

including, for example, frequent police raids on gay bars, infamously sparked the Stonewall riot in New York in June 1969, which arguably marked the beginning of the modern fight for LGBTIQ rights (Adam 1987; Engel 2001).

While the focus of criminology has thankfully shifted since the late 1990s, mainstream criminologies could be still characterised as heteronormative. Issues related to sexuality, gender, and sex diversity can be marginalised in research projects, whether intentionally or not. For instance, while people who identify as LGBTIQ are often included in large criminological research projects, many of those projects often remain focused on broader and more traditional criminological concerns (factors influencing offending, victimisation, and one's criminal justice experience), resulting in the unique issues related to a person's LGBTIQ status being glossed over or ignored. Further, the general heteronormativity of criminology – which might not *look for* sexuality, gender, and sex diversity – coupled with perhaps the reluctance of LGBTIQ people to *draw attention to* their sexuality, gender, or sex diversity in such studies, can leave criminologists in a difficult position when seeking to understand the experiences of some LGBTIQ people. Sexuality may be reduced to a binary of homosexual/heterosexual and gender to male/female, meaning that the experiences of those who identify outside of these binaries remain unknown, or understood only partially and through inappropriate terminologies, categories, and constructs. Again, the result is marginalisation.

Researchers who straddle the divide of criminology and queer can also be oddly situated in broader academic, disciplinary processes. For instance, researchers in this area have often found themselves scattered randomly across different, and at times strangely matched, panel sessions at major international criminology conferences (Petersen & Panfil 2014). They can also face marginalisation and trivialisation of their work (whether they identify as LGBTIQ or not) (LaSala et al. 2008). Even so, this does not mean criminological research is *not* queer – as Tomsen (1997: 35–36) notes, 'the simultaneous moral repulsion and sexual fascination with its subject matter, and the homoerotic qualities of so much crime research...are the reasons why criminology must be described as a very queer discipline.' Importantly though, as Derek Dalton demonstrates in his chapter in this volume, there can be considerable discomfort around where queer fits in criminologies.

So what does it mean to queer the discipline of criminology, or indeed to produce queer criminological research? These are not new questions, though they are being asked more frequently as LGBTIQ

people are increasingly gaining social and political visibility and enfranchisement across the Western world, and as those changes slowly influence criminology. They are also questions that underpin this collection. Broadly, criminology might be defined as ranging ‘from the “common-sense”, moralistic, conservative through the legal/classical to sub-cultural and even oppositional readings [of crime and justice]’ (Groombridge 1999: 532–533). We draw this view of criminology together with understandings of queer, not just as a noun taken up by many in a contemporary context to describe their sexuality and/or gender identity, but as a verb, to describe a particular action, set of actions, or ethos – particularly actions that might ‘defy the strictures of the dominant sex/gender/sexual identity system’ (Ault 1996: 322). Queering criminology, then, is about disrupting, challenging, and asking uncomfortable questions that produce new ways of thinking in relation to the lives of LGBTIQ people and criminal justice processes.

In so doing, we get something quite complex, amorphous, and even contradictory. As Ball, Buist, and Woods (2014: 2) suggest, doing what they refer to as ‘queer criminology’ means working through and within ‘a diverse array of criminology-related researches, critiques, methodologies, perspectives, and reflections’ (Ball, Buist, & Woods 2014: 2). Given the (at present) relatively limited range of queer work in criminology, and the significance of the injustices faced by many LGBTIQ people at the hands of the justice system, this diversity of approaches is important in order simply to build our knowledge of these experiences. The disruption that such work requires further necessitates working, in some form or another, at the margins of criminology and being driven and ‘united by a critical attitude of some kind’ (Ball 2014: 21). As such, this collection holds together in tension these sometimes incompatible concepts and approaches, and showcases research from a range of fields *outside* of but closely related to criminology, as well as different approaches *within* criminology (such as theoretical, empirical, deconstructive, and positivist approaches) that span the intersections between queer scholarship/communities and criminologies.

Research and theorising around the queer-criminology nexus is growing rapidly. While there are relatively a few researchers engaged in this scholarship worldwide, queer criminological work is at the forefront of critical academic criminology, encompassing a variety of academic projects ranging from the theoretical to the practical. In the last two years, we have seen the emergence of an international *Handbook of LGBT Communities, Crime, and Justice* dedicated to queer criminology work (Peterson & Panfil 2014), in addition to a special issue on *Queer/ing*

Criminology in a major international criminological journal, *Critical Criminology* (Ball, Buist, & Woods 2014). Specific projects dedicated to violence against, and the policing of, LGBTIQ people (Berman & Robinson 2010), and their experiences *inside* criminal justice systems (Mogul et al. 2011; Stanley & Smith 2011; Duggan 2012), and *as agents of* those systems (Colvin 2012), continue to grow. All these projects seek to directly address the heteronormativity of mainstream criminology by responding to the needs of LGBTIQ communities, and providing a space within which queer perspectives can be drawn into criminology. They hold criminology to account for its failures in this regard, and offer new ways of thinking and speaking about LGBTIQ experiences within criminological frameworks, bending and stretching these frameworks in order to make queer criminologies thinkable, possible, and productive of better futures.

Inspired by the earlier work of Mason and Tomsen (1997) and their conference on violence against gay and lesbian people, we sought to bring together scholars from around Australia in a symposium hosted at the Queensland University of Technology (QUT) to consider the current state and future directions of research at the intersection of queer and criminology. Australian scholars have long been at the forefront of efforts to queer criminology and we hoped to ensure that Australian scholarship remained central to the growing development of this field. The result is this collection of research focusing on some of the central (theoretical, practical, methodological, and political) concerns of queer criminological scholars and scholarship – a collection which considers the implications of these issues beyond the Australian context from which a number of them emerged.

Overview of the volume

This volume opens with a number of largely theoretical and conceptual contributions to the development of the amorphous field of queer criminological scholarship. The chapters in this first part, 'Queer Criminology: Past, Present, and Future', all suggest directions for this field, reflecting on the relationship between queer criminology and mainstream criminology, the assumptions about progress that are often made within such work, and the kinds of critical scholarship that queer criminological work might entail.

In the opening chapter, Derek Dalton offers a personal reflection on the current state of this field and its possible future, taking stock of where we are and where we might go. Exhibiting what might be

described as a cautious ambivalence towards both criminology and queer theory, Dalton suggests that while sitting on the criminological margins is productive for queer work, if it is to have any significant impact and not simply be dismissed, it is essential for queer criminology to engage with the 'mainstream'. Working through this tension of simultaneously wanting to be an outsider and an insider, he suggests that it is up to queer criminologists to 'charm' rather than 'smash' our way into criminology, offering criminology our own 'Queer Eye for the Straight Guy'-style 'make-better'. Perhaps, as he alludes, we may never be fully part of 'the mainstream', but it is important that queer criminologists work out exactly what kind of relationship we have to 'mainstream' criminology.

Some queer criminological scholarship, as well as reforms in the criminal justice system that seek to address injustices experienced by LGBTIQ people, are often underpinned by the assumption that expanding queer perspectives in criminology, and responding to the unique experiences of LGBTIQ people in criminal justice reforms, are progressive moves. They hold that, however incrementally, these developments edge us ever closer to the achievement of greater criminal and social justice for LGBTIQ people. Angela Dwyer and Stephen Tomsen's chapter challenges this assumption by considering a unique problem that arises when we try to, for example, improve relationships between LGBTIQ communities and police. Given that such reforms occur against the backdrop of histories of police violence towards these communities, Dwyer and Tomsen suggest that traces of these histories always remain and have the potential to re-emerge, destroying much of the work that goes into improving those relationships. They illustrate these dynamics by discussing the violent arrest of a community member at the 2013 Sydney Gay and Lesbian Mardi Gras and the community response to this, ultimately suggesting that, given the discursive circulation of these histories, interactions between the community and the police are effectively ungovernable. Such a perspective is instructive for queer criminologists, as it requires us to rethink the investments that we make in what we characterise as progressive criminal justice reforms.

The final chapter in this opening part expands these problematisations of queer investments in criminal justice institutions and explores which styles of critical scholarship may be most productive for queer criminology. By considering the 'Prison of Love' party, held during the San Francisco Pride celebrations of 2014, as well as the protests claiming that the party inappropriately celebrated unjust institutions that victimise LGBTIQ people, Matthew Ball utilises the work of Eve Kosofsky

Sedgwick to identify the 'paranoid' and 'reparative' reading practices that appeared throughout these debates. Paranoid readings, he suggests, underpin many of the arguments that the criminal justice system is inherently injurious, and hold that the exposure of this injustice will lead to a fundamental dismantling of such institutions. Reparative readings, on the other hand, underpin the position of those who maintain that there is some value in connecting to injurious objects such as the justice system, and that a repair of those injuries is possible. Ball suggests that while both approaches have limitations, there is a lot to be gained from resisting the pull of paranoid readings in queer criminological scholarship, and fostering greater opportunities for reparative readings. This may in fact be in line with many of the broader goals of queer criminological scholarship, and a useful approach to follow in such scholarship in the future.

The contributions that make up Part II, 'Uncomfortable Subjects in Queer Criminology', examine precisely those issues and individuals which, to this point, have been largely overlooked in the development of this field. These oversights may be for a number of reasons, whether due to the fact that research has not yet turned in the direction of these subjects, or because they are in themselves uncomfortable subjects to discuss. In many respects, the chapters in this section expand on those in the first, directly pushing the boundaries of queer criminological scholarship, and forcing queer criminologists to confront exactly who or what might constitute the proper objects of their work.

This part opens with Senthorun Raj's chapter examining disgust. Analysing a range of criminal law cases from across the UK, the USA, and Australia that deal in some way with queer sex, Raj points to the different methods through which disgust and queerness are connected in these cases. Through this analysis he suggests that disgust has been used both to criminalise and to decriminalise queer sex acts. That is, its mobilisation has produced at times a way of sanitising queer intimacy, and at others, a way of recoiling from unconventional intimacy. Thus, while embracing disgust might seem to be a useful and legitimate queer strategy, such a mobilisation of disgust in queer criminological politics is potentially dangerous, given that it may produce (as it has before) new ways of regulating queer sex.

In some respects, Dave McDonald's chapter extends on Raj's discussions of disgust, confronting one of the most uncomfortable (and disgust-provoking) subjects in queer criminology: the category of the 'paedophile'. In his provocative contribution, McDonald asks us to unpack the construction of this category and consider the place of the

'paedophile' as an object and subject of queer criminological investigation. Given the interest of queer scholars in non-normativity, the construction of gender and sexuality, and in disrupting conventional thought, it is almost inevitable that queer criminological attention ought to be drawn in this direction. However, there is considerable controversy around opening up the term 'queer' and expanding its applicability in this way. Explorations of these issues sit uncomfortably beside queer criminological work that seeks to achieve inclusion for LGBTIQ people, or work that seeks to ensure the respectability of queer scholarship within the criminological mainstream. By forcing us to confront some of these questions, McDonald's chapter not only pushes some of the boundaries of queer criminological scholarship, but also operates to ensure that such work remains unsettling.

Wendy O'Brien's chapter shifts the focus substantially in order to consider a topic central to queer criminological scholarship that has received less attention than many others: the legal regulatory frameworks through which sexuality and gender are policed in Australia. These have been under-explored, particularly in the context of intersex people, and O'Brien addresses this oversight. In this chapter, O'Brien identifies the ways in which lives outside of gender binaries are made liveable or unliveable. Through discussing landmark Australian legal cases such as *Toonen* and *Norrie*, O'Brien discusses the legal and criminal regulations that provide the background of (non)liveability against which some queer lives are lived and through which legal justice is produced. In so doing, O'Brien also draws out their broader relevance by pointing to the human rights and international law principles that thread through these cases, and the ways in which, though problems still remain in the implications of these laws and decisions, Australia is in many respects leading the way in this legal realm.

Part III, 'Queer Experiences of Crime and Justice', moves away in many respects from the theoretical and conceptual, and largely adds to the growing bodies of queer criminological and legal research in other ways, with the general hope of instituting some kind of social and/or legal change. This part includes chapters on hate crimes, personal safety from violence, the potential criminalisation of queer protest, sexual coercion, and intimate partner violence, painting a multifaceted picture of crime and justice issues as lived by LGBTIQ communities.

Building on similar themes explored in earlier chapters by Dwyer and Tomsen, as well as by Ball, in Chapter 8 Thomas Crofts and Tyrone Kirchengast consider some further paradoxical dynamics relating to the

policing of queer communities. Discussing the appearance, after the removal of a rainbow pedestrian crossing in the heart of Sydney's most populous gay and lesbian district, of chalk-drawn crossings all over the world in support of marriage equality, the authors ask why those drawing such crossings were not prosecuted, despite there being a myriad of applicable laws and case authorities that might be utilised to do so. Putting this down to the mainstream acceptability of the campaign for marriage equality, and the greater acknowledgement by police of the necessity for restraint in light of the violence towards revellers at the 2013 Mardi Gras, Crofts and Kirchengast suggest that historical memory (both recent and distant) plays into the decisions made by police relating to prosecutions, arrests, and general police matters. This is important, because not only does it question views that suggest the police (as an institution) are oblivious to LGBTIQ issues, but it also suggests at least one context in which police have not been used to suppress queer activism.

Nicole L. Asquith and Christopher Fox's chapter considers an issue of ongoing importance within queer criminological scholarship – hate crimes. They offer a reconceptualisation of hate crimes, suggesting that expanding our understanding of honour-based violence, and bringing that concept into our explorations of anti-queer violence, may be instructive. Indeed, this chapter does not simply contribute to our discussions of hate crimes – it also illustrates the way in which paying serious attention to the experiences of queer communities in these contexts can produce a reformulation of criminological objects, offering insights that can be of benefit beyond queer communities.

Building on some of Asquith and Fox's insights on violence and the creation of safe spaces, Bianca Fileborn's chapter focuses on the strategies used by young LGBTIQ people in order to create and maintain their personal safety from violence in the night-time economy. Pointing out that the creation of queer *safeties*, as she terms it, is fluid and shifts depending on the context, Fileborn's chapter highlights the considerable difficulty that is faced by any attempt that might be made to protect young LGBTIQ people from violence. Given the fluidity of safety and the fact that, in line with neoliberal subjectivity, individuals see it as necessary to take responsibility for ensuring their own safety, Fileborn notes the importance of further exploring what it means to create safe spaces for LGBTIQ people considering the very individualised ways people in her study created safety.

Chapter 11 by Paul Simpson, Joanne Reekie, Tony Butler, Juliet Richters, Lorraine Yap, and Basil Donovan explores sexual coercion in

men's prisons. While, of course, not all sex among men in prisons is because those men identify as part of the queer community, sexual coercion among men in prison is still a topic ripe for queer analysis. This is particularly so given that Simpson et al.'s quantitative analysis of sexual coercion in Australian prisons highlights that those most at risk of such coercion were those who identified as non-heterosexual, and those who had a history of sexual coercion outside of the prison. As the authors point out, an important and ongoing concern is the protection of those most at risk – a concern that resonates with similar analyses of the experiences of queer people in prison.

This volume closes with a chapter focusing on a key area of growth in queer criminological scholarship – intimate-partner violence among transgender people. Drawing from one of the first major qualitative studies in this area, Natasha Papazian and Matthew Ball paint a picture of the barriers that transgender people who have experienced violence in their intimate relationships encounter when seeking help and attempting to access support for such violence – barriers that need to be addressed if transgender victims of intimate-partner violence are to escape violence and live safer lives.

Queering criminology and criminal law

It ought to be clear from the overview above that a number of the contributions to this volume move slightly beyond criminology to touch on the criminal law and other legal fields, and to explore the range of historical and contemporary themes common to these disciplines. It might seem strange to anyone outside the fields of criminology and criminal law that these two obviously closely related disciplines in fact rarely meet. As Lacey and Zedner note, '[i]t is almost as rare to find a criminology text which concerns itself with the scope and nature of criminal law as it is to find a criminology text which addresses criminological questions about crime' (2012: 159). But, criminal law is, to a large degree, the subject matter of criminology and shapes the contours of the discipline. And, criminology offers its own insights into criminal law by providing frameworks for understanding crime – painting a picture of the lived realities of crime and justice. Criminology and criminal law can be drawn together in order to more fully understand the social and legal constructions of crime (Lacey & Zender 2012: 159), especially given, as Lacey, Wells, and Quick (2010) point out, that criminalisation is an elastic object of study, and a range of factors (such as historical, political, economic, psychiatric, moral, educational,

familial, normative, labelling) influence, and are interwoven with, the way in which criminal law plays out on the ground.

This volume aims to offer a unique path for queer criminological scholarship by bringing both disciplines together in a mutual queering. It does not aim to be comprehensive. As Peterson and Panfil (2014) note, it is almost impossible for any single text to fully cover the incredibly complex skein of research approaches, methodologies, issues, concepts, and ideas that work through queer and criminologies. Similarly, the book does not intend to suggest that all the topics that are canvassed here are entirely new. As discussed earlier in this chapter, work of this kind has been slowly developing for many decades. But, as it is only recently that this field has begun to coalesce as a recognisable sub-discipline of criminology and that researchers in the area have started to identify as queer criminologists, it is timely to consider the past, present, and future of this field. The works collated here, we suggest, offer key reflections on these issues and highlight their continuing importance to criminology and to LGBTIQ people. In so doing, we seek to move the field forward and to raise awareness about how the lives of LGBTIQ people are impacted by criminal justice processes, as victims, offenders, or agents of these systems, and ultimately to queer and disrupt these processes in the interests of greater social justice for LGBTIQ people.

Note

1. LGBTIQ will be utilised throughout this book, unless a particular context warrants an alternative initialism.

References

- Adam, B.D. (1987) *The Rise of a Gay and Lesbian Movement* (Boston, MA: Twayne Publishers).
- Ault, A. (1996) 'The Dilemma of Identity: Bi Women's Negotiations', in S. Seidman (ed.) *Queer Theory/Sociology* (Cambridge: Blackwell Publishers), 311–329.
- Ball, M. (2014) 'Queer Criminology, Critique, and the "Art of Not Being Governed"', *Critical Criminology*, 22, 21–34.
- Ball, M. (forthcoming) *Criminology and Queer Theory: Dangerous Bedfellows?* (Basingstoke: Palgrave Macmillan).
- Ball, M., Buist, C.L., & Woods, J.B. (2014) 'Introduction to the Special Issue on Queering Criminology: New Directions and Frameworks', *Critical Criminology*, 22, 1–4.
- Berman, A. & Robinson, S. (2010) *Speaking Out: Stopping Homophobic and Transphobic Abuse in Queensland* (Brisbane: Australian Academic Press).

- Colvin, R.A. (2012) *Gay and Lesbian Cops: Diversity and Effective Policing* (Boulder, CO: Lynne Rienner Publishers).
- Duggan, M. (2012) *Queering Conflict: Examining Lesbian and Gay Experiences of Homophobia in Northern Ireland* (Farnham: Ashgate).
- Dwyer, A. (2014) 'Pleasures, Perversities, and Partnerships: The Historical Emergence of LGBT-Police Relationships', in D. Peterson & V.R. Panfil (eds.) *The Handbook of LGBT Communities, Crime, and Justice* (New York: Springer).
- Engel, S.E. (2001) *The Unfinished Revolution* (Cambridge: Cambridge University Press).
- Faderman, L. (1991) *Odd Girls and Twilight Lovers: A History of Lesbian Life in Twentieth-Century America* (New York: Penguin Books).
- Groombridge, N. (1999) 'Perverse Criminologies: The Closet of Doctor Lombroso', *Social & Legal Studies*, 8 (4), 531–548.
- Gunther, S. (2009) *The Elastic Closet: A History of Homosexuality in France, 1942–present* (Basingstoke: Palgrave Macmillan).
- Lacey, N. & Zedner, L. (2012) 'Legal Constructions of Crime', in M. Maguire, R. Morgan, & R. Reiner (eds.) *The Oxford Handbook of Criminology*, 5th edition (Oxford: Oxford University Press), 159–181.
- Lacey, N., Wells C., & Quick, O. (2010) *Reconstructing Criminal Law: Critical Perspectives on Crime and the Criminal Process*, 4th edition (Cambridge: Cambridge University Press).
- LaSala, M.C., Jenkins, D.A., Wheeler, D.P., & Fredriksen-Goldsen, K.I. (2008) 'LGBT Faculty, Research, and Researchers: Risks and Rewards', *Journal of Gay & Lesbian Social Services*, 20 (3), 253–267.
- LeVay, S. (1996) *Queer Science: The Use and Abuse of Research into Homosexuality* (Cambridge, MA: The MIT Press).
- Mason, G. & Tomsen, S. (eds.) (1997) *Homophobic Violence* (Leichhardt: The Hawkins Press).
- Mogul, J.L., Ritchie, A.J., & Whitlock, K. (2011) *Queer (In)Justice: The Criminalisation of LGBT People in the United States* (Boston, MA: Beacon Press).
- Nussbaum, M.C. (2010) *From Disgust to Humanity: Sexual Orientation and Constitutional Law* (Oxford: Oxford University Press).
- Peterson, B. & Panfil, V.R. (eds.) (2014) *Handbook of LGBT Communities, Crime, and Justice* (New York: Springer).
- Ristock, J.L. (ed.) (2011) *Intimate Partner Violence in LGBTQ Lives* (New York: Routledge).
- Rydstrom, J. & Mustola, K. (2007) *Criminally Queer: Homosexuality and Criminal Law in Scandinavia, 1842–1999* (Amsterdam: Aksant Academic Publishers).
- Stanley, E.A. & Smith, N. (eds.) (2011) *Captive Genders: Trans Embodiment and the Prison Industrial Complex* (Oakland, CA: AK Press).
- Tomsen, S. (1997) 'Was Lombroso a Queer? Criminology, Criminal Justice and the Heterosexual Imaginary', in G. Mason & S. Tomsen (eds.) *Homophobic Violence* (Leichhardt: The Hawkins Press).
- Woods, J.B. (2014) 'Queer Contestations and the Future of a Critical "Queer" Criminology', *Critical Criminology*, 22, 5–19.

Part I

Queer Criminology: Past, Present, and Future

2

Reflections on the Emergence, Efficacy, and Value of Queer Criminology

Derek Dalton

In this chapter I wish to ruminate on my personal experiences as a queer researcher to reflect on queer criminology's place in the wider discipline of criminology. Existential questions inform my discussion: to what extent does this *thing* we call queer criminology exist?; *who* recognises it?; and what might be done in the future to ensure it captures more attention as a serious sub-discipline in the context of an already crowded field?

Some of what I will argue will resonate with other researchers – they may identify with the observations I make. Others may be provoked by what I argue because it does not necessarily accord with their experiences of making queer incursions into the discipline of criminology. Indeed, some of what I will argue may seem slightly contradictory. Part of the reason why this is the case is because I have an ambivalent relationship with the discipline of criminology. This chapter will document my ambivalence and tease out why criminology is not as receptive to queer research as it might ideally be.

A helpful starting point when considering queer theory's relationship to criminology is Groombridge's observation that when '[a]ppplied to crime and criminal justice, it [queer theory] exposes the heterosexism of criminal justice practice and much of criminological theory' (2012: 330). Having stated this basic tenet, one thing this chapter will not do is ruminate on precisely what is queer about queer criminology. Ball (2013, 2014b) and Woods (2014a, 2014b) have so painstakingly dealt with this general question that there is little to add to their respective exhaustive taxonomies of the contours of queer criminology. Rather than document the totality of queer criminological research or dwell on