
THE POLITICAL CONTRADICTIONS OF POLICING AND COUNTERING ANTI-GAY VIOLENCE IN NEW SOUTH WALES

A CRIMINOLOGICAL ABYSS

The harassment, assault and murder of gay men and lesbians has always been a neglected issue in Australian crime research, official reports and policy-making. This partly reflects the degree to which researchers are very orthodox and cautious in their choice of subject matter, generally studying issues well after they feature in public, political and media concerns.

But additionally, there have been no organisational pressures to develop this field. Whether from ignorance, conservatism or conscious homophobia, funding bodies, agencies and bureaux have all variously put this issue low on their own research agendas. This perspective is well captured in the recent comment made to me by a key local criminologist, that anti-gay violence in New South Wales is “not an issue”.

There is growing evidence that this social group experiences disproportionately high levels of violence, much of it in the form of “hate crime” — attacks motivated by a deep animosity towards their group identity. However, entire books and lengthy reports on homicide make little or no mention of these killings.

Similarly, all of the recent major reports investigating the sharply increased levels of recorded rates of violence in New South Wales, particularly serious assaults in the inner-city of Sydney, use data sources and categories for types of offence and victims which cloak this form of crime.

The most striking recent example of this disinterest is found in the 1989 Report of the National Committee on Violence. With wide terms of reference, this major inquiry purported to cover all the main areas of importance with regard to violence in Australia. The Report made only scant reference, and then seemingly in the form of a tokenistic afterthought, to anti-gay violence.¹

If this group has featured at all in the study and analysis of crime in Australia, it is as offenders breaching public order and morality with their sexual practices. The shift from the status of criminal offenders to victims is a difficult path, and as argued below, it is fraught with unexpected outcomes.

Because of a widespread disinterest in what is regarded as an illegitimate victim group, a host of important recent developments with regard to anti-gay violence in New South Wales are generally unknown, although they touch importantly on wider issues of police-minority relations, community policing, and debates about public order and the legal system's response to crime victims.

1 National Committee on Violence, *Violence — Directions for Australia*, Canberra: Australian Institute of Criminology, 1990 at 42.

RESEARCH AND ACTIVISM AGAINST VIOLENCE

In recent years a spate of bashings and murders have resulted in protests by gay and lesbian activists. These have included a large rally in Sydney in 1990, the actions of a doctor arrested in 1991 for daubing red paint onto churches, courts and media buildings, and the less dramatic but critical holding of public forums and the formation of such lobby groups as the anti-violence project of the Gay and Lesbian Rights Lobby.

Some activists have suggested that the apparent recent increase in violence may be a consequence of a moral panic regarding the spread of AIDS/HIV in New South Wales, setting off a more open denigration of gays by various churchmen, conservative politicians, medical authorities, and media figures. These verbal attacks are often expressions of the same homophobic sentiments which have been used to encourage and justify anti-gay violence. But a straightforward causal relationship with bashings is difficult to demonstrate.

The attack and murder of gays and lesbians has been commonplace in a range of different societies and periods of history. Forms of state violence against gays are even now officially promoted or tacitly condoned by authoritarian and fundamentalist regimes in countries including Brazil, China and Iran, and these are generally characterised by a relative complacency about the spread of the HIV virus.

It seems instead quite likely that this recent activism and the increased police concern with this issue in New South Wales, reflects the growing political influence of the gay community since the 1970s.

This concern has been reinforced by the dissemination of the findings of research conducted by activists themselves. Violence against gay men has been documented in the *Streetwatch Report*, and the harassment and assault of lesbians in the *Off Our Backs* survey.² Although conducted on a small scale, and appearing to have focused on victims who are inner-city residents with links to gay politics or the commercial subcultures of Oxford Street and Newtown, these have produced evidence that can publicise the issue of violence and silence those who deny that this is a significant problem.

Given the history of police surveillance, arrest and prosecution of gays, it is likely that these incidents are among the least reported and officially recorded of all crimes. The possible real levels of this violence may be signalled by recent records for homicides, as these tend to be more complete than the records for other assaultive crime.

From 1989, seventeen cases of gay murder have been documented by New South Wales police, comprising one-quarter of all "stranger murders" in this state.³

This suggests that gays are among the most likely victims of a form of crime most feared by the public; that is, a sudden and ferocious attack by a stranger or group of strangers resulting in trauma, severe injuries and death.

2 Gay and Lesbian Rights Lobby, *The Streetwatch Report*, April 1990; *The Off Our Backs Report*, September 1992.

3 Gay and Lesbian Liaison Unit, 22 August 1993.

The information from victims' accounts, or from the evidence presented at several recently well publicised trials in Sydney, suggests that as with most other violent crime, these assailants are mostly ordinary and rational young men. This lack of any real "pathological" qualities is both a cause for hope about the value of educational strategies, and a source of concern as to where and how these young men acquire beliefs and values which lead to and "justify" this violence.

It is apparent that they hold notions of masculinity and acceptable sexual expression strongly similar to those often expressed and usually reproduced in less crude and violent ways by authority figures in schooling, the media, and not coincidentally, in policing and the criminal justice system.

DEVELOPMENTS IN POLICING

The recent strategies adopted to monitor and combat this violence in New South Wales suggest unexpected and complex changes in the relationship of gays and lesbians to the police service. In the Avery⁴ and post-Avery era, a concerted attempt to improve public confidence has been made with moves against corruption, towards greater professionalism, and also, by implementing the policy of community policing.

The growing size and the strength of the gay community in inner-Sydney, and state politics, has been reinforced by an increased consultation and involvement with state agencies in matters of health, law and discrimination.

The traditionally poor relations with police due to old-style repressive control deteriorated further after the 1978 Mardi Gras riot and bar raids in the 1980s. But without resort to any crudely conspiratorial model of state actions suggesting a deliberate "co-opting" of gays, it can be observed that the iron fist has been generally replaced by a softer, more conciliatory style.

In the last half decade, NSW police have become markedly more responsive to the demands and needs of articulate, politically organised inner-city gays. Since the mid-1980s the Department has established a full-time gay and lesbian liaison unit, and formed consultative committees dealing with a range of issues, particularly violence.

Private initiatives to deal with violence have included the employment of a security service by businesses in Oxford Street, the establishment of volunteer street patrols by local gay men and lesbians, as well as advertising, community education, counselling and advice and training regarding safety and self-defence.

The police response has included the introduction of more patrols in gay areas, placing a mobile police centre in Taylor Square, the approval of a full-time community police centre staffed by gay volunteers, changes to police education and training, advertisements in the gay press, and a strong presence at social events like the Mardi Gras, Leather and Glebe fairs.

4 New South Wales Police Commissioner 1983-89 (editor's note).

The activities of the liaison officer have included a serious attempt to record all attacks and killings, and the preparation of a pilot project in inner-Sydney to record anti-gay "hate" crimes on police incident reports.

CONTRADICTORY OUTCOMES

Despite the ignorance of local criminologists, the success of this new strategy of consultation is now cited informally among administrators as an international model for police-minority relations. No doubt these changes reflect a genuine attempt by the police leadership to improve relations and protect gays and lesbians.

However, police consciousness and work practices cannot change overnight. For many rank and file police the new co-operation with gays (as well working alongside an increasing number of "out" gay and lesbian officers) symbolises all that they believe is wrong with the current administration of New South Wales police. Their irritation with this is mixed up with a range of unrelated resentments about restructuring, and changes in training, education and discipline.

This more traditional police view is not just derived from a confused response to occupational reform, or the remnants of police bigotry from an earlier era. It is also a reflection of current contradictory practices and opposed legal pressures.

All of these changes have occurred during a period of increased emphasis on law and order in New South Wales politics, on the police control and regulation of public space, and those social groups and minorities which are deemed as a moral threat by virtue of their public behaviour.

Aborigines have borne the brunt of the reintroduction of harsher street offences legislation in the late 1980s.⁵ But it is less well known, that this legislation has also resulted in the arrest and prosecution of at least several hundred gay men. This has mostly happened in suburban Sydney and in country towns that are well away from the inner-city "ghetto" where official and grassroots relations with police are generally better.

This crackdown has also occurred alongside the use of new technologies of surveillance and changes to the design of public space, by local councils, businesses, and various public authorities.⁶ These have been generally introduced in close co-operation with local police, and sometimes, with small-scale moral panics initiated by media who have vilified gays as "perverts" and deviants.⁷

These New South Wales police actions directed at gays in public space in suburban and country locations have their apparent origin in the "progressive" trend towards an increased responsiveness to the key local voices calling for greater public order in these areas. This stands as a sober reminder that community policing, at least in its current form, is a slippery model for any minority group to support and work with, outside of the areas where they have real political strength.

5 Bonney, R, *NSW Summary Offences Act 1988*, Sydney: NSW Bureau of Crime Statistics and Research, 1989.

6 Swivel, M, "Public Convenience, Public Nuisance" (1991) *3/2 Curr Iss Crim Just*: 237.

7 "Park 'Infested' with Gays", *Sun-Herald* 17 May 1992.

These changes and contradictions in police practices have also occurred alongside internal tensions and the emergence of new patterns in gay politics in New South Wales. The further politicisation of the gay community in response to external attacks over the AIDS issue, the growth of a coalitionist politics with lesbians, and the unexpected increased influence in some areas of state policy, have created optimism.

But these developments have run in tandem with the rise of a more conservative form of activism, that is often led by gay business operators, lawyers, and individuals with policy and research positions within the state bureaucracy. These figures often have a greater concern with order and respectability than was previously the case.

The expansion and consolidation of the inner-city culture of more privileged upwardly mobile gays, and a tendency towards the desexualisation of gay identity in the era of AIDS and moral backlash, appear to have further fragmented gays and lesbians on the bases of class, race, ethnicity, and also by region.

The subsequent divisions and misgivings over the issues of leadership, representation and identity have been at the heart of recent debates over the reality or meaning of a gay "community" and the critiques of the processes of gay politics generated by the advocates of a more fluid and "queer" sexual and political identity.

While current police strategies may appear to exploit these political and social divisions among gays, they are not the result of any conscious central strategy aimed at greater overall control. The protection of gays from violence is now a feature of training in the police service, and younger officers are far more aware of this issue.

But police at the local level are torn between directives regarding the need to protect gays from violence and respect them as citizens, and to control any use of public space which contravenes the provisions of current street offences legislation. At this level, the requirements of protection in public have sometimes become a pretext for virtual harassment.

A further outcome of both this new rapport with the police leadership and the internal cultural and political divisions emerging among gays, is that important elements of the police and justice system regulation of gays which serve to encourage anti-gay violence are overlooked.

This logical gap also seems to have arisen with a limited understanding among some gay activists that their fight against legal repression in New South Wales is not yet over; even despite the important victories in having sodomy legislation repealed and anti-discrimination provisions enacted.

It is worth noting that the continued and dubious use of the provocation plea in gay murder trials and the lenient sentences that still frequently result from this, have attracted only a low level of public criticism. This is even though the outcomes of many cases have been manifestly unjust and appear to send a strong and irresponsible signal to the public that killing a gay person is a less serious crime than other forms of murder.

It is not surprising then, that some of the teenage defendants in recent murder trials in Sydney had reportedly bragged in detail about these killings to their friends and, for a while at least, seemed a little confused at all the fuss over their actions.⁸

Gay bashers and murderers, however loathsome, may be understood as rational social actors who believe that their attacks are the acting out of dominant views of sexuality, that are in some form condoned by current police practices and judicial findings. Accordingly, the struggle against violence cannot be separated from, and ought not replace, an ongoing struggle against any legal repression of gays and lesbians.

THE POLITICS OF VICTIMHOOD

An acknowledgment and appreciation of the genuine and good intentions of many police, including those who have risked ridicule in the workplace by volunteering to act as liaison officers in local stations, should not be allowed to inhibit the airing of complaints about harassment and protests against prosecutions for breaches of public order.

As recruits drawn largely from the “respectable” working class, Australian police officers have historically held to very rigid notions concerning sexual expression and identity, and have in the past had a pivotal role in the transmission of violent and hostile attitudes about gays among the working class and general citizenry.

Any amnesia about a repressive recent past, or turning a blind eye to the contradictions in current police practices, will only reinforce an uncritical reproduction of “law and order” rhetoric among a social group who have been, and in some ways still are, subject to repression in the criminal law.

Gays and lesbians also have very little invested in moral panics about crime, public disorder and violence. An abstract and depoliticised opposition to violence per se has no obvious relationship to gay politics. Such a position is also quite ironic, if the much celebrated place in gay and lesbian history of occasions of violence directed against repression and injustice like the Stonewall rebellion, Milk murder trial protests and Sydney Mardi Gras riot, is reflected on.

Similarly, the novelty of claiming the status of legitimate crime victims for gays and lesbians may be an effective political lever that can change state and police policies, and also may advance the push for reforms like the extension of anti-vilification laws with criminal sanctions in New South Wales. The shared status of “victims” is also symbolically attractive in a period of uncertainty about what a “gay” identity now actually comprises, in either a cultural or political sense.

But it is important to be mindful of the negative connotations of this categorisation. Paradoxically, this same label has been sharply rejected by people living with AIDS/HIV because of its overtones of helplessness and dependency. The potentially depoliticising effect of an uncritical adoption of this category, and of the reconstitution of anti-gay violence (in the current situation of ongoing inequality in the legal system) from a legal to a more exclusively psychological, educational or behavioural problem, ought to be resisted.

8 “Youth Boasted of Gay Killing”, *Outrage* March 1991.

The current complexity of gay politics in New South Wales, is evident in the closer involvement with police and state agencies, and the ambiguities of discursive claims and representations made around citizenship, legal rights or victimhood. This might induce some romantic longing for an earlier period of radicalism when the battle lines between the powerful (often in this scenario represented by police) and powerless gays and lesbians appeared to be more clearly drawn.

But even though contemporary gay politics is now moving along a more difficult and unknown terrain, and with an occasional loss of popular memory, the potential gains for the actual and likely victims of harassment and violence, are much greater.

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