

Review

***Transphobic Hate Crime* by Joanna Jamel, Palgrave Macmillan, 2017, 115 pp (ISBN 9783319578798)**

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Introduction

Hate crimes committed against transgender people are gaining mainstream attention. In 2017, popular media outlets reported that 41 per cent of transgender people in the United Kingdom ('UK') had experienced a hate crime because of their gender identity in the last 12 months (Stonewall 2017; Butcher 2018). In this context, Dr Joanna Jamel's *Transphobic Hate Crime* is a timely contribution to hate crime literature. It presents a critical opportunity to consider the attempts — and failures — of legislatures, law enforcement agencies and non-government organisations to prevent the incidence and support victims of transphobic hate crime.

This work is the first to be dedicated solely to transphobic hate crime with regard to the available literature (p. xi). This is of great symbolic significance, given the tendency for transphobic hate crime to be overlooked when compared to hate crimes committed against other victim groups, such as racial and ethnic minorities, or the gay, lesbian and bisexual communities; this work is a call for these offences to be addressed 'on an equal footing' with other forms of hate crime (p. 107). To do so, the work covers three dimensions of transphobic hate crime. It provides: an exploration of trans communities and their experiences of transphobia generally; a typology of transphobic offences and the victim-offender relationship; and a critique of state and non-government responses.

An international approach to trans identities?

Jamel begins with nuanced consideration of the complexities in understanding the trans community and hate crime, which are particularly important as a precursor to traversing the work. First, 'transgender' is used as an 'umbrella term' that encompasses 'transsexuals, transvestites, cross-dressers and gender non-confirming individuals', and is popularly abbreviated to 'trans' (p. xii). This is then compared with its antonym, 'cisgender', which refers to those whose gender identity is consistent with their gender assigned at birth (p. xii). Jamel explains the tensions inherent in the transgender-cisgender divide, which some consider enforce 'yet another socially constructed binary' (p. xii) that is 'more divisive than cohesive' (Brydum 2015 cited at p. xii). Second, Jamel provides important discussion of the linguistic implications of the suffix 'phobia' in the context of transphobic offences, being that it describes offenders as irrational. Instead, Jamel advocates for an interpretation of offences as a 'focused attack' against a minority with a view to reinforcing a 'hegemonic

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social order' (p. 58), which provides a springboard for later analysis focussing on the role of social norms in offending.

The first chapter seeks to disrupt popular understandings of trans identities and transphobia as solely Western phenomena. It does this by acknowledging the long histories of communities such as the *xaniths* of Oman, *hijras* of India, *fa'afāfine* of Samoa, *fakaleiti* of Tonga, *māhū* of Tahiti, *sistergirls* of Aboriginal Australia, and the *alyha*, *hwame*, *winkte* and *lhamana* of First Nation Native Americans (p. 2). The chapter is largely descriptive, and takes account of Indigenous writings about the differences between 'third gender' (p. 3) and 'two-spirited' identities (p. 13) as an antidote to perspectives that foreground Western trans identities. Starting the work by framing trans identities and experiences as more than Western phenomena is significant; however, the analysis that follows almost entirely focuses on the extent of the problem and responses to it in the UK, United States ('US') and European Union ('EU').

The nature and extent of transphobic hate crime

The second chapter considers the extent, nature, type and context of transphobic hate crime. It begins with an overview of statistical research into the prevalence of these offences in the UK and the US, and makes passing reference to the rates of transphobic homicide in Brazil and Mexico. The strength of this chapter lies in its succinct summary of inhibitors to reporting, including mistrust of police, fears of being 'outed' and a lack of victim support (pp. 26–7). This allows Jamel to question the reliability of police data, and corroborate Corcoran et al.'s (2015) findings that transphobic offences are the 'least commonly recorded' hate crime in England and Wales (p. 26). At times, however, this chapter tends towards assertion. For example, Jamel contends that trans people of low socioeconomic status, or trans people of colour, are more likely to be victimised (p. 22). Jamel then provides some explanation of the relationship between material wealth and 'passing', rather than appearing as 'crossing', which may allow trans people of greater socioeconomic status to avoid higher rates of victimisation (p. 24). However, evidence that trans people of colour are disproportionately victimised would have strengthened this intuitively reasonable claim.

The fourth chapter challenges popular perceptions that strangers are the only initiators of transphobic offences. The limited evidence available, largely from US sources, suggests that transphobic offenders span all levels of acquaintance and intimacy (p. 60). This explains the multiplicity of motivations that offenders report, such as a need to 'reaffirm one's heterosexuality', or feelings of 'deception' in trans people not 'declaring' their trans status (p. 61). Because these motivations emerge from deeply institutionalised gender norms, Jamel makes the argument that transphobic hate crime is the result of restrictive societal pressures, more so than the individual pathology of offenders (p. 63).

The inadequacy of state and non-government responses

In the third chapter, Jamel considers the place of legislation as a necessary, but not sufficient, limb of state responses to transphobic hate crime. The chapter provides examples of legislation in the UK, US and EU that may be useful in promoting attitude change and facilitating policy-making decisions to address transphobic hate crime. It covers legislation that may improve the lives of trans communities more generally, rather than specifically address hate crime, such as the *Gender Recognition Act 2004* (UK), *Police Reform Act 2002*

(UK), and the ‘de-gendering’ of the *Sexual Offences Act 2003* (UK) (pp. 44–5). This approach highlights the need for exhaustive research into those states with and without legislation specifically targeting transphobic hate crime.

The final two chapters critique responses to transphobic hate crime by charities, policy-makers and criminal justice agencies, and provide recommendations for reform. Jamel’s thesis here is that the limited charitable resources and resources given to law enforcement agencies, support organisations and victims results in a ‘needs-directed approach exacerbated by ... extensive underreporting’ (p. 77). This appears to be notwithstanding the development of apps such as True Vision and Self Evident, designed to provide support and reporting infrastructure to victims, and the nascent creation of specialist police services, such as queer liaison officers, to improve police responses. However, Jamel’s provision of a sizeable list of non-government support organisations in the UK and the US, as well as descriptions of the role of international organisations such as the United Nations, is at times in tension with Jamel’s broader claims of there being a lack of service provision for victims. It may be that, despite the existence of these services, resource limitations and ongoing mistrust of the state limits their efficacy.

Perhaps the most pressing recommendation for reform is Jamel’s call for improvement in reporting process and practices. Jamel argues that the criteria for the recording of transphobic offences should be expanded, and that hate motivations should be mandatorily recorded against convictions, to ensure that greater attention is given to these offences (pp. 105–6). This, combined with a more sensitive police approach alluded to throughout the work, and more effective referral processes to victim support organisations, would assist in combating severe under-reporting and make victims of transphobic hate crimes feel adequately supported.

Conclusion

Transphobic Hate Crime deals with an impressive breadth of issues in the commission of, and responses to, transphobic hate crime. Its thesis is stark: transphobic hate crimes receive too little attention from state and non-state bodies, and victims receive too little support. The strength of this work lies in its capacity to move between disciplines, covering criminology, anthropology, socio-politics, legislative analysis, and queer and gender theory. Jamel is explicit in the aim of the work, being to examine the complexities in defining and understanding the prevalence of transphobic hate crime in the Anglo-American context (p. 4), which limits its capacity to move beyond a non-Western focus. Through international examples, which remind the reader of the diverse experiences of trans people across cultures, the work highlights the need for research in non-Western jurisdictions to develop a truly international understanding of state and community responses to transphobic hate crime.

Legislation

Gender Recognition Act 2004 (UK)

Police Reform Act 2002 (UK)

Sexual Offences Act 2003 (UK)

References

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