

# *Gay Homicides: Activism, Victims and Law and Order*

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Since the late 1980s, there have been claims of a marked increase in violence directed against lesbians and gay men in various nations including Australia (Herek & Berrill 1992; Mason 1993). Because these attacks have only very recently become a focus of police attention or researchers' interest, there can only be speculation about their real level of increase. It seems likely that the increased concern with this violence is a result of the efforts of activists themselves. Community research, protest rallies and other publicity, have provided the catalyst for making homophobic violence into a public issue.

This change has often reflected the growing political strength and organisation of this minority group. Especially in New South Wales, the lesbian and gay community now has an increased and often open representation in party politics and sections of the state bureaucracy. Official concerns about assaults and harassment formed the political backdrop for the 1993 enactment of legislation against sexual vilification in that state.

The heightened media and political interest about this form of crime has also begun to be reproduced in other parts of Australia. From the vantage point of social researchers, we are currently witnessing the formation of another victim group demanding further responsiveness from the police and criminal justice system.

The negative impact of the long-term official silence on this violence has been very evident with regard to gay murders in Australia. Outside of occasional media sensationalism, the more general pattern of official disinterest has meant that these killings have only been of minor interest to homicide researchers in Australia.

However, political activism has also recently served to create a greater consciousness of these offences. Police officers in several states have begun to investigate fatal incidents through liaison, monitoring and cooperation with local

gay and lesbian groups. From 1988 to 1994 the NSW Police Gay and Lesbian Liaison unit has recorded the details of twenty-four cases, equal to approximately one-quarter of all stranger murders occurring in that State in the same period.

The number of cases where murder has been accompanied by robbery suggests that criminal opportunism is a frequent motive for these killings. A perception that homosexuals are 'easy marks' could be linked to the common reluctance of gay men and lesbians to seek police assistance as crime victims (Mason 1993).

But the underlying importance of heterosexism cannot be ignored in this form of violent crime. The often extreme and frenzied form of attacks in these killings (with some victims attacked at length, tormented and wounded repeatedly) also reflects their quality as 'hate crimes'—motivated by a deep loathing that is based on a simple judgment or knowledge of the victim's sexuality.

With determined police investigations a small number of these fatal attacks have gone to trial. The subsequent hearings have attracted wider media and political interest, and served as rallying points for activists. In some cases, hefty sentences imposed and judicial warnings against anyone contemplating such violence, has appeared to give a reassurance that the legal system is now more focused on punishing these crimes.

But the political interest of activists viewing these cases has dovetailed with wider concerns regarding the appropriate position of gays and lesbians in recent criminal justice politics. The international growth and spread of organised victim groups has also reached Australia in the last decade. These call for greater responsiveness to the needs of victims in the operation of the law.

But at the same time, they often articulate a conservative world-view that marginalised the interests of non-traditional crime victims (like gays, Aboriginal people and working class youth) who often experience police harassment and are still frequently stigmatised by the law.

Their mobilisation has also run in tandem with a political drift to tougher 'law and order' policies since the 1980s—involving such measures as more intensive policing of street behaviour, harsher criminal sentencing and increasingly punitive systems of prison management.

The creative borrowing of the victim mantle by gays and lesbians signals that this victim-centred politics is not inherently conservative. Projecting this new image can serve to rupture the traditional view of these marginal groups as 'deviants' deserving harsh repression by the police and courts.

But it would be ironic if this new turn towards legal activism and demands for police protection led to a quick alignment with conservative forces. Among conservative victim groups, a tendency to disregard the rights of criminal defendants and to focus on punishment and retribution, often derives from an almost exclusive concern and anger with the brutality of assailants.

For these reasons, gays and lesbians must also acknowledge the limits of the usefulness of any such 'politics of victimhood' if it is not tempered by broader educational campaigns promoting attitudinal changes to actually reduce levels of violence.

The abhorrent quality of the actions of the small number of young men who have been tried for gay murders is apparent enough. But it is also worth noting that these youths have acted out in their violence the gay-hating values that have been so thoroughly instilled in them by a heterosexist society.

## **References**

- Herek, G. & Berrill, K. 1992 (eds), *Hate Crimes: Confronting Violence against Lesbians and Gay Men*, Sage, Newbury Park, Ca.
- Mason, G. 1993, *Violence against Lesbians and Gay Men*, Violence Prevention Today No. 2, Australian Institute of Criminology, Canberra.