



COMMENT

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Young and unafraid: queer criminology's unbounded potential

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ABSTRACT

Queer criminology, a fairly young subfield, deals with matters of import for sexual and gender minorities, particularly LGBTQ+ populations. Areas of interest include reducing invisibility and inequity, though these pursuits can sometimes be accompanied with potential pitfalls or unintended consequences. This article provides an overview of the goals and considerations of queer criminology, while focusing on how to cultivate queer criminology's unbounded potential to help address pressing social problems. Several global issues of immediate concern for LGBTQ+ people are identified, such as criminalization and devaluation of their lives, which has resulted in their detainment and torture, persecution when they organize for their rights, overrepresentation in criminal justice settings, and even fatal violence. Included alongside these issues are strategies to produce meaningful work during what seems to be a time of imminent crisis. The author provides strong encouragement to fiercely pursue projects that can improve our understanding, and, ultimately, the lives of LGBTQ+ people.

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Shared themes in queer criminology

Queer criminology focuses primarily on issues of import for lesbian, gay, bisexual, transgender, queer, questioning, intersex, and asexual (LGBTQ+) people, such as their experiences with crime, victimization, the criminal and juvenile justice systems, and as justice system actors. Thus, broader concepts that queer criminologists investigate include discrimination, harassment, safety, and fairness. Some would also argue for a more expansive version of “queer” that encompasses not just self-identified LGBTQ+ people, but includes anyone who is outside of society’s boundaries pertaining to sex, gender, or sexuality. This is a related reason for the plus sign (+) in the LGBTQ+ acronym, as “LGBTQ” and similar acronyms cannot meaningfully capture everyone. A major thread in queer criminological scholarship is reducing invisibility of LGBTQ+ people in these contexts, which could include: as victims, in the form of improved records-keeping and integration of news coverage; as individuals navigating risk or seeking to avoid victimization or persecution; their overrepresentation and negative experiences in the juvenile and criminal justice systems; as criminal justice professionals who may break norms of paramilitary, hypermasculine organizations; and even as offenders. Many queer criminologists directly advocate for queer people’s equity and dignity, and for resources to be allocated to improve their outcomes.

Queer criminology’s growth has occurred primarily since 2000, with exponential growth happening from 2014 onward. Several full-length edited volumes (Peterson and Panfil, 2014; Dwyer et al., 2016), special issues of journals (Ball et al., 2014), and monographs (Ball, 2016b; Buist and Lenning, 2016) address queer criminology and its relevant topics. A complete bibliography of queer criminological work is beyond the scope of this piece, but a brief review of some recent queer criminological topics will be illustrative of the range of approaches under this umbrella.

Regarding disciplinary concerns, queer criminologists have traced the history of criminology and its heteronormative origins (Woods, 2014), argued for integrating queer theory into social science discourses (Ball, 2016b), and showed the lack of engagement with LGBTQ+ topics in criminology and criminal justice curricula (Cannon and Dirks-Linhorst, 2007). Concerning victimization, topics have included hate crimes in a global context (Stotzer, 2014), how transgender women navigate their safety after experiencing hate violence (Perry and Dyck, 2014), and experiences with intrafamilial hate violence among gay men and lesbians (Asquith and Fox, 2016), but has also critiqued hate crime laws (Meyer, 2014). Research on the criminal and juvenile justice system experiences of LGBTQ+ people has explored how courts and corrections not only fail them, but cause harm (Mogul et al., 2011), the programmatic needs and requests of sexual minority youth (Belknap et al., 2014), and how transgender women housed in men’s prisons build community and experience prison life (Sexton and Jenness, 2016). Policing research is also well-represented, such as tracing the history of policing queer people and asking whether progressive policies can emerge (Dwyer and Tomsen, 2016), assessing the effectiveness of police liaison programs meant to serve LGBTQ+ communities (Dwyer et al., 2017), and describing how gay and lesbian police officers navigate their occupation (Colvin, 2012). Queer criminology has even explored contexts of offending, such as youth weapons-carrying (Button and Worthen, 2017), how gay gang members construct identity through crime and gang membership (Panfil, 2017), and the dynamics of same-sex intimate partner violence (Messinger, 2017).

Unbounded potential

Among queer criminological circles, there has been some debate about its intellectual heritage, or what branch of criminology it

falls under. For example, some might argue queer criminology is squarely within critical criminology, which “includes a variety of progressive, humanistic, and radical perspectives” (Kauzlarich, 2018, p. 14) that challenge dominant understandings of the contours of crime and criminal justice. Critical perspectives that can be queered also include cultural criminology, with its interest in subcultures, situated meanings and identities, resistance, space/place, and risk and embodiment (Hayward and Young, 2004), not to mention a very early call for a “queered criminology” originating in an edited volume setting forth agendas for cultural criminology (Ferrell and Sanders, 1995). In contrast, others might suggest that it falls within the purview of feminist criminology, since gender and sexuality have long been foci of this tradition (see, e.g., Daly, 1994), and it has arguably included LGBTQ+ people more consistently than any other criminological subfield. There are practical implications for this debate about where queer criminology “lives” within the context of a larger disciplinary structure. For example, scholars may use indicators to help guide them as to where to send manuscripts, such as to *Feminist Criminology* versus *Critical Criminology*, or for which divisions of professional organizations they should perform service. All of these streams of criminology have legitimate claims to helping develop queer criminological work.

Personally, I am not interested in figuring out one exclusive “home” for queer criminology, especially as different projects have contributions to make within critical, cultural, or feminist criminology—or elsewhere! In fact, I have argued before that queer criminology, or at least attention to the experiences of LGBTQ+ populations, is of central importance to the larger discipline (Panfil and Miller, 2014), and queer criminologists should strive to make at least some of their work accessible to and conversant with mainstream, even orthodox, criminology. Recent examples of this include queer criminologists’ integrations of recognizable criminological concepts such as the “criminal career” (e.g., Asquith et al., 2017) or testing well-known criminological theories including general strain theory (e.g., Button and Worthen, 2017). And, there are ways forward that would not abandon a critical queer criminology at the discipline’s margins, but would still be active in dialoguing with mainstream criminology in the hopes of “pointing out how its well-entrenched heteronormative and positivistic bad habits are holding it back,” such that we queer criminologists can help make criminology “a better discipline” (Dalton, 2016, p. 30; original emphasis).

Furthermore, work that makes meaningful contributions to our knowledge about the safety and well-being of LGBTQ+ people may not appear in criminological outlets. One example is research on unnecessary surgical modification of intersex infants and children: although these surgeries are advised against by patient support groups and various human rights organizations and have been shown to cause both mental and physical harm, they continue to be performed daily in the U.S. (Davis and Murphy, 2013). Part of queer criminology’s unbounded potential is its ability to answer questions of import in today’s diverse world. Thus, in a more general sense, in order to do queer criminological work, I argue that scholars should not feel constrained by deep-seated disciplinary norms or politics that have systematically excluded LGBTQ+ people from humanistic and nuanced exploration.

To assume that queer criminology only has contributions to make to academic contexts would be selling it wildly short. Queer criminological work should dialogue not just with the broader field or related interdisciplinary fields, but with the *public* and community institutions. Many LGBTQ+ people who are not academics, but who still experience what it is like to live as a queer person daily, are very interested in trends of violence against queer people or political moves to restrict their rights, and the implications this has on health and well-being. We need to

better utilize public criminology to get information out to the communities that could benefit from it, through social media, community forums, press releases, standard websites, and potentially even open access academic journals.

Related to this point of encouraging public criminology and collaboration with community organizations, work on many queer criminological topics exists largely within the public realm already. In fact, much of what we know on topics such as state mistreatment of LGBTQ+ people, fatal violence against transgender women, and experiences of queer people in the criminal and juvenile justice systems comes from the grey literature—reports from organizations that conduct research and release it on their own or outside of academic or commercial publishers. Thus, much information about LGBTQ+ populations' experiences with crime and justice, especially the experiences of LGBTQ+ people of color, comes not from academics, but from organizations or associations doing work on the ground. These include Human Rights Watch, Amnesty International, GLSEN (the Gay, Lesbian, and Straight Education Network), National Center for Lesbian Rights, Human Rights Campaign, Trans People of Color Coalition, the National Coalition of Anti-Violence Programs, Center for American Progress, the Movement Advancement Project, and Black and Pink.

The unbounded potential of queer criminology also exists at the intersection of activism and scholarship. This could be conceived of outside the academy, such as scholars engaging in community organizing or volunteerism. However, scholars can also participate in activism through traditional academic acts such as research, teaching, and service—queer criminology *as* activism (Ball, 2016a). Indeed, a diverse group of queer criminologists themselves note the importance of framing certain disciplinary acts as advocacy, and allowing our scholarship to inform our advocacy and vice versa (Dwyer and Panfil, 2017).

Of immediate concern

LGBTQ+ people have faced many challenges globally throughout history, and several contemporary revelations are particularly disturbing and concerning. For example, global news media has reported on suspected instances of queer people being systematically rounded up, detained, tortured, “disappeared,” and/or killed en masse—in modern-day Chechnya, for instance (Rainsford, 2017). Similarly, it is disconcerting when leaders of republics, such as those of Iran or Chechnya, say, “In Iran, we don't have homosexuals like in your country [the U.S.]” (Goldman, 2007), or that there are no gay people in Chechnya (Rainsford, 2017). Although these statements are likely related to issues of visibility combined with those leaders' goals for social desirability, it also raises unsettling questions about what efforts are being taken to ensure that no gay people exist in their respective locales. Human rights organizations have uncovered state torture and ill-treatment of LGBTQ+ people in countries across the world, in both the global North and the global South (Amnesty International, 2001).

In addition, it is estimated that nearly 80 countries have laws criminalizing same-sex sexual contact (Itaborahy and Zhu, 2013). Others have laws that dictate guidelines for self-presentation (such as no “cross-dressing”) or sexual contact (such as prohibiting “sodomy”) that may not explicitly mention LGBTQ+ people, but are often used to target their daily lives. In some of these countries, many of which are located in the global South, LGBTQ+ rights activists face extreme stigma and violence. They have been doxxed (their addresses/phone numbers or other identifying information released through local media), subjected to police harassment, targeted for interpersonal violence, and/or forced to flee. Several prominent activists, such as Brian

Williamson of Jamaica, Xulhaz Mannan of Bangladesh, and Eric Ohena Lembembe of Cameroon, were murdered after their pro-LGBTQ+ activities were publicized; these activists' lives and good works have been further devalued by victim blaming, and, in the latter two cases, a lack of sincere effort to bring a perpetrator to justice (for more details on each of these individuals' activism and their murders, see Asquith et al., 2018). Australian queer criminologists in particular are thus far leading the way in combining Southern criminology and queer criminology (e.g., Ball and Dwyer, 2018), but hopefully others will serve as allies and collaborators to scholars and advocates in the global South who are motivated to pursue this work.

A related concern that has received much attention in the United States is the incidence of fatal violence against transgender people, especially transgender women of color. Compared to all women, transgender women are estimated to be 4.3 times more likely to be murdered; furthermore, 93 percent of the known transgender homicide victims between 2013–2016 were people of color, three-quarters of whom were African American (HRC and TPOCC, 2016). Just over two-thirds of all victims of anti-LGBTQ+ or HIV-motivated hate violence homicides are transgender women of color (NCAVP, 2013). Factors that contribute to this violence include misogyny, false and damaging cultural stereotypes of transgender people as “deceptive,” and perceived support for so-called “trans panic” as a legal justification for homicide (Wodda and Panfil, 2015). Racist, misogynist, and transphobic cultural forces combine to create dangerous scenarios for transgender women of color, and interventions into these structural forces are vitally necessary.

Queer people, including young LGBTQ+ people, are not only overrepresented in the juvenile and criminal justice systems, but are underserved by social institutions because they are denied equal protection in education, housing, employment, and healthcare. For example, LGBTQ+ youths' percentages in the juvenile justice system are more than twice their proportion within the general youth population (Hunt and Moodie-Mills, 2012). They may end up in the juvenile justice system through mechanisms such as the school-to-prison pipeline, where LGBTQ+ youth are targeted for disciplinary infractions or exclusionary discipline (such as suspension, expulsion, or school transfer) related to their sexual orientation or gender expression (Burdge et al., 2014). They are also overcriminalized for activities such as engaging in age-appropriate sexual exploration with same-sex peers, or for their reactions to familial discord resulting from their LGBTQ+ identities (Majd et al., 2009). Criminal processing system overreach manifests in many forms, but is perhaps especially egregious in the case of “walking while trans,” where transgender people are arrested for suspicion of prostitution or other “quality of life” offenses simply for existing in certain areas or moving through space (Kellaway, 2015). Institutions similarly fail to protect LGBTQ+ people; only 19 states in the U.S. prevent employment discrimination based on sexual orientation *and* gender identity (Bellis, 2017). Transgender and gender non-conforming people are especially vulnerable to discrimination in the workplace, which perpetuates inequality and can even lead to survival crimes (Walker et al., 2018). Furthermore, the current U. S. federal administration has taken steps to allow healthcare workers to refuse services on religious grounds or “conscience” objections, and it seems likely this will include being able to refuse services to LGBTQ+ people (Kodjak, 2018). Because of the potential that LGBTQ+ people may be refused necessary healthcare services under government approval, this could soon be a state violence concern.

A caveat relevant to conducting queer criminological research is the risk of unintended consequences, such as our data being used to bolster administrative projects that further surveil,

control, or criminalize LGBTQ+ people (Ball, 2014; see also Panfil, 2014). Because of the potential criminal justice system overreach mentioned prior, it is probably best to draw from the sensibilities of penal abolition as we proceed. After all, some scholars (e.g., Spade, 2013) have convincingly argued that we as queer scholars and community members should be hesitant to place our trust or resources in the same institutions that have historically marginalized and harmed people like us.

Meaningful work

The issues and topics that queer criminologists pursue constitute inherently meaningful work. Some projects may not seem to have an immediately obvious policy implication, such as work on identities, but any project that can shine light on LGBTQ+ people's experiences is valuable. Topics such as those I note directly above are priority areas in my own estimation, but my forthcoming and in-progress projects do not align with all of them. Many of us have our own topical areas of concern that we have been pursuing for years, and I do not mean to imply that we should abandon other work we are doing and take up those particular challenges. In fact, many pressures today may make us feel as though we should be working on something else altogether. Scholars committed to social justice are understandably shaken by both existential and immediate threats to the world order, such as concerns about nuclear warfare and democracy being in crisis. A sense of crisis can accelerate time and make us feel that we must speed up our research process as we race to catch up, but taking more of a "slow science" approach can help us proceed more deliberately and reliably (Werth and Ballester, 2017). While I do not object to research being reactionary if it evaluates a legal, political, or social change, the projects we thought were crucial at one time in the very recent past are likely still crucial and should not be shelved, and research looking broadly at deeply ingrained societal power structures is still necessary. Similar and complementary sentiments have taken root among and been fostered by many scholars. For example, the 2018 Racial Democracy, Crime, and Justice Network's summer conference theme was "Staying on Course: Undertaking Crime and Justice Scholarship in an Anti-Science Era." Queer criminologists (and others) should keep doing the work we feel compelled to complete. Even if the work does not seem to be about an extremely pressing social issue relevant to the policy changes of the past couple of years, any queer criminology topic does not suddenly become unimportant in light of other crises. And, more specifically, in order to understand the potential impacts of forthcoming or unfolding policy, a baseline (of sorts) would serve us well. Learning about identities, experiences, activities, meanings, challenges, hopes, fears, personal agency, social support, and other factors in the lives of LGBTQ+ people will better allow us to make sense of how things are and how they could, or should, be. I am certain that we will value possessing diverse threads of scholarship when we are again able to weave larger tapestries.

A closing thought on privilege

Although I think the tide is turning as the discipline becomes more diverse and its boundaries are pushed, doing queer criminology is sometimes still seen as a gamble or capable of producing occupational hazards. I have met many graduate students and early career scholars who have been encouraged to "de-lavender" their CV, or advised that their work on queer people or sexuality was "career suicide," or told it was a niche topic. Clearly I do not believe these latter two to be true, and certainly would never have followed the advice provided in the former. For those of us who are able to achieve the discipline's normative markers of success (e.g., advanced degrees, publications, grants) and feel

institutionally secure, I hope we continue to use our privilege to work for us to aid others looking to contribute to queer criminology. I recognize that privilege (or the lack of it) can look very different depending on the type of academic institution, the scholar's career stage, whether they feel they are already a token, whether conducting queer criminological work would open them up to potentially damaging professional risk, and other factors. For those of us who can exercise our discretion, autonomy, and resources to pursue these lines of inquiry and have it not be to our detriment, we should recognize the advantageous position we are in and the unbounded potential that too affords us.

It is incumbent upon us to be fiercely committed and to cultivate allies where we can. Of course, I would also encourage people who have seniority and pull and who consider themselves to be LGBTQ+ allies to also become outspoken allies of queer criminology, and mentors to the primarily untenured and early career scholars who are undertaking this work. Queer criminology as a subfield is young, so I do not blame budding scholars or newcomers for feeling wary; more specifically, I do not begrudge them caution or being strategic. However, we must be unafraid enough to push forward. There is too much on the line.

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Additional information

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