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VICTIMS, PERPETRATORS AND FATAL SCENARIOS: A RESEARCH NOTE ON ANTI-HOMOSEXUAL MALE HOMICIDES

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ABSTRACT

Anti-homosexual harassment and violence are often described as 'hate' crimes perpetrated by homophobic people who act on an extreme and irrational contempt for the sexual identity of victims, and killings are regarded as the most typical form of these incidents. But there is little detailed international research evidence about the victims, perpetrators and the social aspects of such fatal violent incidents. The author's ongoing study in New South Wales, Australia, has filled some of these gaps. It has drawn evidence from 74 homicides with male victims that occurred in New South Wales between 1980–2000. Information sources were press records, police interviews with suspects, Coroner's court files and documents from the criminal trials of accused perpetrators. Analysis of the social characteristics of victims and perpetrators and the fatal scenarios reflect the significance of situational factors (such as alcohol, illicit drugs and anonymous sexual cruising) as well as the 'hate' motive in this fatal violence. Some perpetrators have serious drug use or psychological problems, whereas most killers are young men and boys from socially disadvantaged backgrounds. The major scenarios of killing indicate that these crimes are linked to commonplace issues of male honour and masculine identity that are sharpened in the perpetrators' situations by their marginal social status.

VIOLENCE AND THE VICTIMISATION OF HOMOSEXUALS

In line with a political mobilisation seeking legal equality and citizenship rights for sexual minorities, there have been claims of a marked increase in violence directed against homosexuals in various nations since the late 1980s (Van den Boogaard, 1987; Herek and Berrill, 1992; Theron, 1994; Mason and Tomsen, 1997; Jenness and Broad, 1997; Mason, 2001; Tomsen and Mason, 2001; Moran, 2001). Furthermore, some observers have even conjectured about a contemporary 'epidemic' of crimes derived from sexual and racial hatred (Levin and MacDevitt, 1993).¹ North American studies in this area include victim surveys conducted by community organisations in the 1980s and the pioneering work of Comstock (1991). Community groups also conducted initial research in Australia and Britain (Cox, 1990, 1994; Schembri, 1992; Baird *et al.*, 1994; GLAD, 1994; Mason and Palmer, 1996). Additionally, an important Australian study of victimisation was conducted under the auspices of the New South Wales Police Service in the early 1990s (Sandroussi and Thompson, 1995). Significant common findings were the comparatively high rate of criminal victimisation of the

homosexual men and lesbians surveyed when compared with the heterosexual population, and relatively low rates of reporting of offences which reflected a marked lack of victims' faith in the police and the criminal justice system. Lesbians reported victimisation in different settings than homosexual men, and in some studies, a higher proportion of harassment than physical attacks (Mason, 1993; 2001; Schembri, 1992). Little is known about the different rates of attack experienced by different groups of homosexual men and lesbians, such as the variable victimisation that may be associated with social class, age, ethnicity, residence and other aspects of lifestyle. Equally, there has been a negligible focus by mainstream researchers on the killing of homosexuals. This overall neglect seems tied to the historical origins of criminology as a research discipline which has overwhelmingly studied homosexuality as deviance. A lack of systematic monitoring has characterised the keeping of records by police agencies internationally. The widespread growth in the use of victim surveys by community groups is often due to the considerable difficulties faced when studying the official records of such attacks.

Although concerns about violent crime and victimisation have become more politically topical in many nations in the last decade, aspects of crime recording and analysis often remain very antiquated. Among relevant incidents recorded by police agencies there is often no indication that these are related to the victim's sexuality. Much of the historical under-reporting and under-recording of violence against these groups appears to be a combined consequence of general social stigma and substantial levels of complacent or hostile attitudes to victims, reflecting the traditional homophobia of police culture (Burke, 1993; Cherney, 1999). The resulting difficulty for researchers studying official records is to consider both the reluctance of homosexual victims to report matters of assault and harassment, and the shifting and regionally different ways that these are recorded; both factors make meaningful comparisons difficult. In some nations there has been increased political pressure and official determination to record victimisation on the grounds of race or sexuality. In practice, this can prove to be patchy and even consciously resisted within bureaucracies. Most importantly, violence against homosexual men and lesbians will appear to undergo dramatic rises in jurisdictions in which these offences are given greater priority. Matters such as the level of mobilisation of newly influential victim groups that affect reporting rates, and police resource allocation, will contribute to these uses (Tomsen, 2001; Moran, 2001).

Homicide records and official figures rarely mention the sexuality of a perpetrator or victim, and the real number of these killings remains unknown. For these reasons, the majority of police agencies and a number of the concerned parties have only a very rudimentary knowledge of such killings. A small number of previous international studies have begun to fill this research void. Two decades ago, Miller and Humphreys published a critical overview of the scant and very speculative nature of previous evidence on the subject (1980). They also reported on their own study of fifty-two homicide cases from the United States and

Canada. These were deaths in which the victims not only appear to have been homosexual men, but strong factual evidence or witness testimony suggested that 'the crime related to the victim's homosexual lifestyle' (Miller and Humphreys, 1980; p. 173). Killings that followed on from sexual cruising and liaison between men in everyday 'straight' settings (in bars, freeways and public streets), were found to be far more common than fatal gang attacks on homosexual victims, though all forms of these crimes were generally noteworthy for their exceptional brutality (1980; p. 179). Most importantly, this study first uncovered a variable pattern of victimisation according to the 'openness' of different homosexual lifestyles. Homicide rates were far higher among what they termed to be 'homosexual marginals'. These men were particularly vulnerable to attacks from male prostitutes and hitchhikers, and 'tend by definition to lack gay identity, engage in furtive sexual encounters, lack skills that facilitate operation in the gay world, and exist on its perimeter' (1980; p. 175).

This strong emphasis on the risks of sexual activity was even more pronounced in a study of killings in Amsterdam in the 1980s (Gemert, 1994). Despite the atmosphere of sexual liberalism that prevailed in the Dutch capital, it was accepted by police officials at this time that a large number of all murder victims were homosexual. The data sources for this study were police files on 18 homicides, official personality reports concerning seven known killers, and interviews conducted with seven men who were selected by the researcher as fitting the profile of 'potential victims' due to their regular level of contact with male prostitutes. Killings were typically perpetrated by prostitute boys and young men who attacked older clients during disputes about money or in order to steal from the compromised victims. Gemert points out the simplicity of viewing these crimes as mere robberies (1994; p. 170). But the heavy emphasis on the character weaknesses of victims and perpetrators tends to pathologise both parties without considering the wider social roots of anti-homosexual violence.²

Some balance is offered by activist surveys of violence against homosexual men, transsexuals and lesbians in Colombia and Brazil (Ordóñez, 1995; Mott, 1996). The Brazilian research uncovered evidence of the very wide extent of fatal attacks. A study of legal and press reports between 1963 and 1994 uncovered 1,260 likely killings of homosexuals (comprising 1,239 'gay males and transvestites' and 21 lesbians) (Mott, 1996; pp. 53–54).³ Many crimes were virtual executions, ... marked by extensive beating, the use of multiple weapons, bodily mutilations, in particular of the sexual organs, and disfigurement of the face and head' (Mott, 1996; p. 62). Direct and indirect evidence suggested a high level of routine involvement and complicity with police and military officials. This evidence pointed to the strong links that can exist between the assault and killing of homosexuals and the mainstream masculinist culture of state officials and the general society.⁴ These crimes were often poorly investigated, and a full or partial exoneration was common in the matters that reached a court hearing. These were typically attacks carried out by poorer youths and male prostitutes

who often blackmail or steal from victims, and find encouragement for this criminal activity in the anti-gay ideology of the whole society.

Research knowledge of these crimes and their distinctive features has been extended by a more recent Australian analysis of data from the National Homicide Monitoring Program and New South Wales Police Service records. This compared details of 454 homicides from the general male population of New South Wales and 37 'gay-hate' related homicides that occurred in the same state between mid-1989 and mid-1999 (Mouzos and Thompson, 2000). Key findings in this analysis concerning gay-hate related incidents were that a higher proportion of victims were killed by a stranger (45.4% versus 28.2%), that the most likely cause of death was beating, and that incidents were more likely to involve a high level of brutality. Additionally, the perpetrators were found to be far more likely to be teenagers (on average 5 years younger), more attacks involved multiple offenders (54.4% versus 44.2%), and victims were more likely to fall in the older age groups.

THE NEW SOUTH WALES STUDY

In 1996, New South Wales Police Service fully recorded 31 'gay-hate' killings with male victims; this record formed the initial sampling frame for this research. The process of selecting information faced the *a priori* difficulties of defining each crime as a 'hate' killing and of imputing hatred to the motives of each perpetrator prior to detailed study. It seemed likely that some of the violence may have been due to hatred or contempt, but this research set out to critically assess the notion that these killings can always be readily understood as hate crimes. To give a wide timeframe to the study, a search of press records of all 'anti-homosexual' homicides that occurred in New South Wales between 1980 and 2000 was conducted. This was directed at finding probable anti-homosexual killings in which the sexuality of the victim could reasonably be judged as having an important relationship with the fatal incident. This excluded cases of fatal domestic violence between homosexual couples, conflicts where the homosexuality of the deceased appears to be coincidental to the victimisation, and killings that resulted from conflicts between men in which terms such as 'poofter' or 'faggot' were traded as simple insults in a preceding argument. Within these parameters, 74 anti-homosexual killings that occurred over two decades were eventually uncovered in ongoing research (Tomsen, 1997; 1998; 2002a; Tomsen and George, 1997). All victims of these fatal attacks were male: 55 are currently classified as solved, the other 19 remain unsolved by the police. This sample includes the 37 gay-hate killings considered in the Australian Institute of Criminology/Police Service comparative study. Furthermore, the analysis of these 74 homicides produced results that include confirmation of the key findings of that work.

TABLE 1
Anti-homosexual homicides in New South Wales (1980–2000) (n = 74)

1980 JG 21/10/80 S; JB 2/12/80 U; RS 19/12/80 U
1981 GC 17/10/81 U; PP 20/10/81 S; CG 14/11/81 S
1982 IB 2/2/82 S
1983 BS 15/2/83 S; GR 25/9/83 S; PH 27/10/83 S
1985 JD 20/2/85 S; PO 22/2/85 S; WB 31/4/85 U; MS 23/6/85 S; PF 6/7/85 S
1986 WR Feb. U; PS 1/11/86 S
1987 RK 13/1/87 U; KR 7/5/87 S; SW 5/9/87 S; GS 23/10/87 S; PC 28/11/87 S; MJ 30/11/87 S
1988 LP 12/2/88 S; BA 29/12/88 U
1989 RP 3/2/89 U; SR 20/3/89 U; RW 22/7/89 U; GP 14/10/89 U; JR 22/1/89 U
1990 RJ 24/10/90 S; WT 21/5/90 S; KR 20/7/90 S; GW 23/8/90 S; WO 17/9/90 S; MM 7/12/90 S
1991 MM 7/4/91 S; NW 4/5/91 S; JC 20/5/91 S; FF 2/9/91 U; WD 19/11/91 U
1992 RM 11/1/92 S; RK 31/1/92 S; SM 2/6/92 S; BW 23/7/92 S; CO 22/8/92 U; RM 11/9/92 S; SH 11/9/92 S
1993 DG 19/5/93 S; KM 30/6/93 S; GT 3/7/93 S; JM 15/8/93 S; TA 31/10/93 S; BW Nov., 93 S; CD 25/12/93 U
1994 GM 15/3/94 S; SD 2/8/94 S
1995 JM 7/3/95 S; KB 13/6/95 U; CT 30/8/95 S
1996 CS 8/4/96 S; PR 25/5/96 S; GB 24/10/96 S; CS 5/11/96 U; PE 6/11/96 S
1997 RC 13/6/97 S; JZ 19/10/97 S; DR 20/12/97 U; TP 27/12/97 S
1998 DO 12/6/98 S; FA 26/6/98 S; JC 21/12/98 S
1999 BM 3/3/99 S; HJ 14/7/99 S

(S = solved; U = unsolved)

The research extended this knowledge and sought information about perpetrators' own understandings of their actions, with overlapping sources that included interviews with arrested perpetrators and the records of the criminal trials in most solved matters. Trial records (including transcripts, court exhibits, witness and expert statements, dock statements, judgments and remarks on sentencing) for 38 matters were obtained. Additionally, detailed information about 10 unsolved killings was obtained from the Sydney Coroner's Court. An archival search of official records that included post-mortem reports, forensic reports, incident narratives, police exhibits and interviews with suspects, was conducted. All of these various records of the 74 killings were summarised and analysed for basic information regarding the location and pattern of offences, relevant situational factors and the characteristics of the parties involved. Criminal trials were studied to further examine details regarding victims and perpetrators, scenarios of victimisation, and the relative importance of levels of anti-homosexual senti-

ment and of different notions of male identity suggested in the motives of assailants.

Victims and Perpetrators

Seventy-four killings from a twenty-year period were studied. These average 3.7 fatalities *per annum*, with the annual rate peaking in the years 1989–1993.

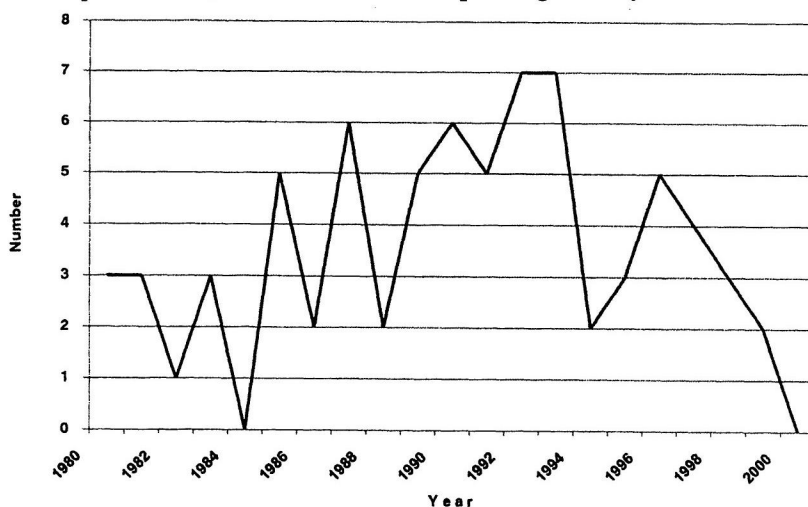


Figure 1. Anti-homosexual killings in New South Wales, 1980–2000.

The research offered further insights into the social characteristics of victims. They were generally older than other male victims of homicide. Age is often given a negative correlation to victimisation, with younger men regarded as being most at risk of fatal involvement with violence (Polk, 1994; Mouzos, 2000). This does not hold so true with these fatal anti-homosexual attacks. Most victims were middle-aged or aged males, with a peak in the age bracket 30 and 40. Thirty-six of the victims were in their 30s or 40s when killed; 21 were in their 50s or 60s. Fifteen deceased were in their 20s, and only one case with a teenage victim was found. This raises the possibility that the perceived physical vulnerability or social isolation of older homosexual men may be factors in opportunistic killings, especially in cases where the victim and perpetrator were friends or acquaintances.

The analysis of the information regarding perpetrators reaffirms the finding of American, Dutch, and Brazilian researchers and of the authors of the above Australian analysis, that the great bulk of assailants are young males. In all, four females were involved in these killings: two teenagers and two women who were in their 20s. None of the females acted without a male lead, and in all four cases they were the romantic partners of key perpetrators. One directly participated in

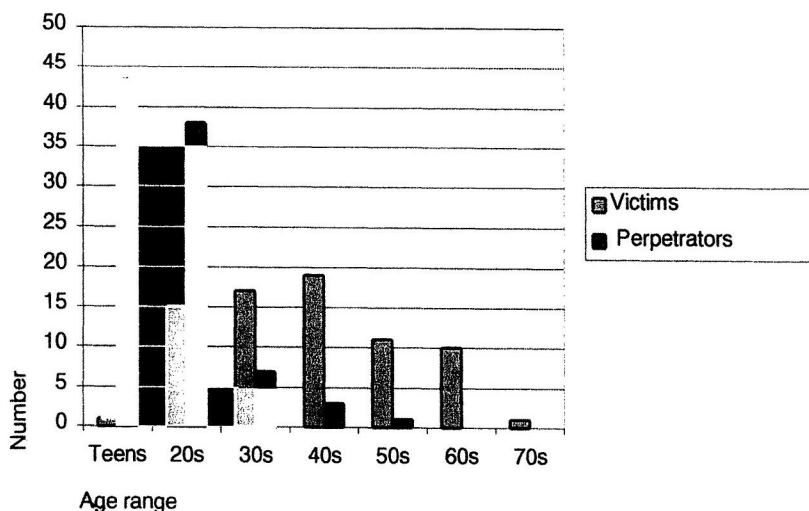


Figure 2. Age group of victims and perpetrators.

a murder by stabbing and another had a peripheral involvement in a fatal public gang attack. The other two assisted their male partners in attempts to conceal the crimes. Information on the 55 solved homicides suggests involvement by 92 perpetrators or co-perpetrators, and that 88 of these were males. At face value, the youth of perpetrators is an unsurprising result: it is the usual case with homicides between men (Polk, 1994; Mouzos, 2000). However, in contrast with other forms of homicide, and whereas many of the victims of these attacks were middle-aged or older, the killers tended to be significantly younger than is the case for other forms of homicide between men. Eleven perpetrators were more than 30 years old and 38 were aged in the 20s. A remarkable 43 were teenagers at the time of the crime.

As 23 perpetrators were aged in their early 20s the total number of 65 were aged 25 years or under at the time of the offence. These young assailants (<25 years old) also tended more to attack in groups. Forty-five younger perpetrators were involved in the 23 solved killings involving two or more perpetrators, and 20 younger perpetrators were involved in the six fatal gang attacks (those with three or more assailants). The detected key suspects in four of the unsolved matters also consisted of gangs of teenage boys who had come under police surveillance for their ongoing involvement with assaults on homosexual men. This factor of youthfulness and the greater than expected age of victims creates some very substantial age gaps. Victims were at least 10 years older than

perpetrators in 17 different killings. In a further 25 homicides they were 20 years or more older than the men and teenagers who killed them.

Notwithstanding that community concerns about anti-homosexual violence have been focused on the threat to inner-city gay men and lesbians, this form of victimisation is spread widely among men from different localities. The victims lived in a variety of areas which included both the city and non-metropolitan settings at the time they were killed. Crime researchers have constantly found that the general risk of homicide among men is heavily concentrated among those who have low socio-economic status (Wallace 1986; James and Carcach, 1997). This may be only partly true for the victims of anti-homosexual killings. The victim's occupation at the time of death is known in only 59 cases. The fact that 17 were unemployed or living on pension benefits partly reflects the older age profile of the group. Five worked in blue-collar activities, 23 in small business, clerical or hospitality positions, and a further 14 in management or the professions. It seems that a higher than usual proportion of men who are middle-class professionals and semi-professionals are at risk of victimisation in such attacks, and that the insulation from violent crime that those with higher social status generally experience is here counteracted by factors related to sexuality. The victims included a diplomat, an ex-city mayor, a physician, a dentist, an accountant, a journalist, three businessmen and five schoolteachers.

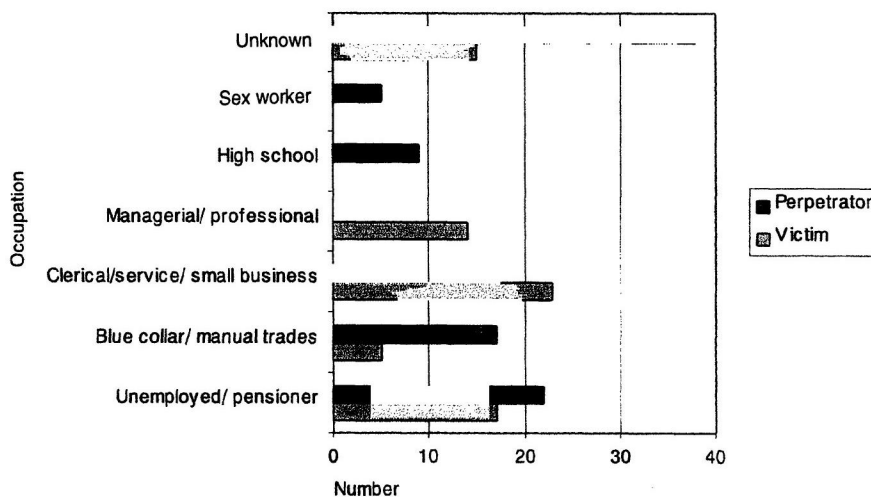


Figure 3. Occupation of victims and perpetrators.

There are pitfalls in any attempt to classify these killings according to the sexuality of victims. Designating such homicides as 'gay-hate' or even 'gay' killings constitutes a prior classification of the sexuality of each victim. From a

constructionist view of sexuality (Connell and Dowsett, 1992), a gay sexual identity is a historically recent label that increasingly describes a similar culture and social outlook among certain homosexual groups, rather than the actual sexual practices of individuals. Many of the victims studied had marginal or no apparent links to any 'gay-male' subculture. The subjectivism of the term is acknowledged in this research. However, it has some relevance to the issue of anti-homosexual motive. This is especially so given the importance of exploring any possible causal link between the increasingly public and ambiguous representation of urban gay subcultures and of violence directed at victims who are perceived as gay by their assailants.

Inner-Sydney contains one of the largest homosexual subcultures in the world (Wotherspoon, 1991; Faro and Wotherspoon, 2000). However, an analysis of victims suggests that they comprised a mix of men from city, suburban and other locations. Although they had a varied pattern of identification with any subculture, 52 victims could readily be termed as homosexual, bisexual or transsexual. Many of the remainder may have been more secretive about their sexuality or may have engaged in same-sex activity without identifying as non-heterosexual. Twenty percent of all killings occurred at sites of public same-sex cruising. Valuable ethnographic research on such locations suggests that many 'beat-users' do not identify as homosexual. These sites also attract men who, although they may be circumspect about overt displays of their sexuality, regard themselves as homosexual or gay (Hodge, 1995).

No ready assumptions can be made about the identity of victims killed at 'beats', but a fatal assault can reasonably be termed 'anti-homosexual' if the perpetrator(s) perceived a victim to be homosexual and their hostility to same-sex desire had a significant relationship to the motive for the attack. The evidence from official records suggests that some victims were not homosexual in their identity or behaviour: they appear to have been wrongly perceived as such by their assailants. In one incident, a soldier who had been drinking with friends in outer Sydney fell asleep in a park close to a public toilet known for homosexual cruising and anti-homosexual violence. He was attacked and killed by youths who offered no plausible reason for their vicious assault but in police interviews repeatedly referred to the crime scene as the 'poofster park' (*R v Turner & Nash*, NSWSC, 14/9/90). In another incident, the killing of a middle-aged man in a non-gay bar was preceded by repeated anti-homosexual abuse. When the escalating incident moved onto a city street the perpetrator tried to involve young onlookers in his conflict with a 'poofster' (*R v Gellatly*, NSWSC 22/12/95). The accused may have had little rational basis for believing his victim was homosexual. In other cases it appears that the homosexuality of the victim was real but not publicly divulged. Some friends and relatives of victims resented police suggestions that the crime may have been a 'gay' killing. In one such unsolved case, a mother learnt of her adult son's sexuality because he had been beaten to death at the end of a night of heavy drinking in gay bars. In another matter that was solved and went to trial, a locally respected and married professional was drinking with

a younger man and then killed in a dispute between the two of them. According to expert testimony, 'without reason' the victim set off the fatal dispute by attacking the perpetrator while he was in the 'vulnerable' position of urinating. The sexuality of the deceased, the sexualised aspects of this interaction, and rumours that the victim and perpetrator were acquaintances of long standing, never became openly discussed issues in the courtroom. In all, three victims could be best described as transsexual or transgender.

Other aspects of the profile of typical perpetrators fit the findings of general studies of inter-male violence and fatal violence. The majority of perpetrators and co-perpetrators have evident low socio-economic status. Details of employment status are known in 54 of 92 cases. Though the remarkable youth of nine of them meant that they were schoolboys at the time of their offence, most had a limited formal education and were either unemployed (22) or in manual jobs (17) or sex work (five) with a homosexual clientele. The highest level of occupational status among all known killers were a few cases of skilled trade qualifications (a boilermaker, a plumber, a gardener) and one killer employed in a minor clerical role.

Although official records concerning the social backgrounds of these perpetrators are fragmentary, details regarding 65 perpetrators were examined. These suggested a common pattern of young men who have experienced family breakdown, poverty, petty delinquency escalating into more serious matters, and marginality in the job market and housing.

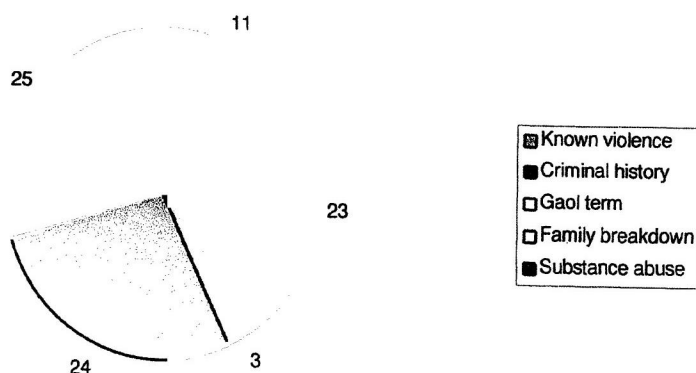


Figure 4. Trial-mentioned antecedents of perpetrators.

A high proportion of perpetrators (23) had minor or substantial criminal records; three had a known period of imprisonment. Twenty-five also had history

of drug and alcohol abuse (sometimes dating from childhood) with a likely link to episodes of personal violence. Substance use ranged from 'binge' drinking mixed with marijuana smoking and the taking of amphetamines, to serious instances of heroin addiction. Only six (including two double killers) were classified in court records as having a serious mental disturbance (such as psychosis or a borderline personality disorder) linked to their acts of killing. The profile of the great majority suggests serious social deprivation and marginality rather than a full psychological pathology. Six perpetrators carried out double-killings; two had a heterosexual and a homosexual victim. A pair of killers and two other perpetrators acting solo all killed two homosexual victims (one in 1975 and 1983). Of these six, one was a heroin addict, three were heavily involved in male prostitution (one an alcoholic) and the other two were classified as having disturbed personalities.

Fatal Locations and Scenarios

These fatal attacks took place in a mix of areas, with the bulk happening in the inner city or suburbs of Sydney, where most of the New South Wales' population resides.

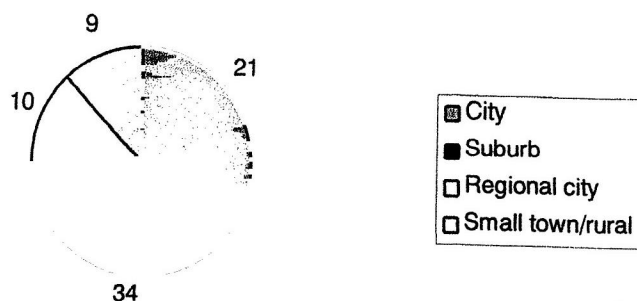


Figure 5. Region of killing.

'Hotspots' for fatal anti-homosexual violence are the Darlinghurst/Oxford Street area of the inner city where the commercial gay subculture is centred and a small number of dangerous beats with known histories as locations of vicious attacks. Five victims were killed near Oxford Street or by someone they evidently met in a bar there. Another eight were killed at three public cruising locations around the city. However, the high number of fatal attacks at beats and public locations (30) was exceeded by the number of killings occurring in the victim's or perpetrator's own residence (32).

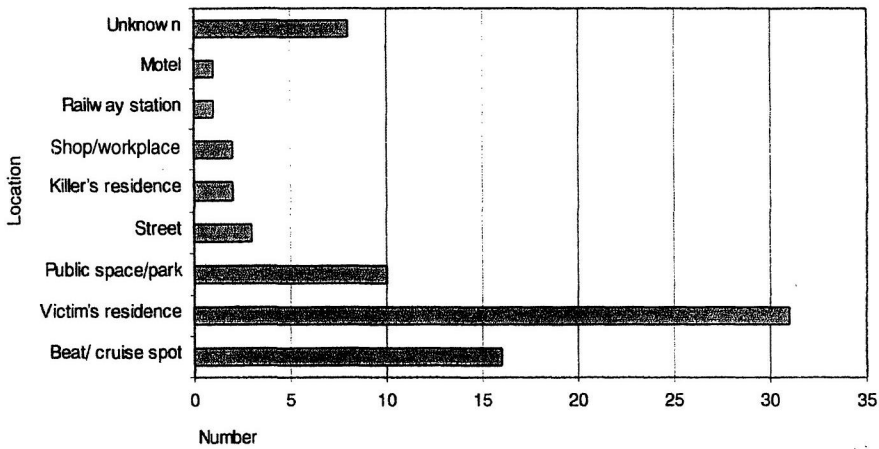


Figure 6. Location of killing.

Most assailants relied on kicking and punching with great force to kill their victims, often as a group activity. All victims who drowned were attacked before dying. The second most common means of killing was stabbing with a knife. Other perpetrators displayed creativity and adaptation in their choice of weapons. These included scissors, forks, a rock, stick, clawhammer, saw, bottle, bowling pin, fire extinguisher, metal tape dispenser, spade, auto wheel brace, ceramic money holder, plaster garden statue and a hunting bow and arrows. Possibly because very young killers have less access to such weapons, only six victims were attacked with a firearm. In the five solved instances of this shooting subcategory, seven of the 10 perpetrators and co-perpetrators were 25 years old or more.

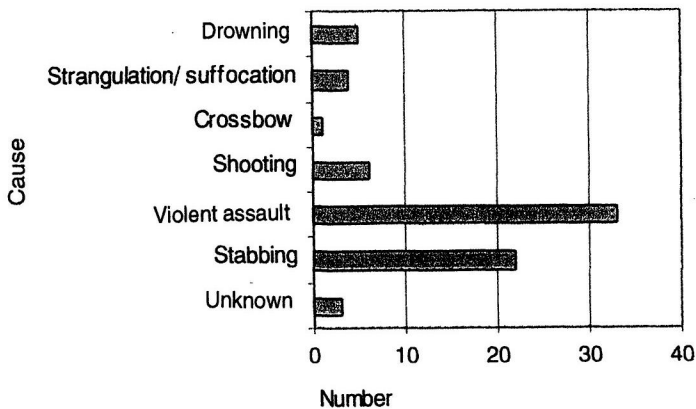


Figure 7. Principal cause of death.

In a pattern that corresponds with the results of previous research (see the specific focus on injuries in Bell and Vila, 1996) many offences were notable for their exceptional brutality and the frenzied form of attack, with victims tormented and repeatedly wounded. In one unsolved case, a victim was stabbed sixty-four times, with most blows apparently delivered after he had already died (*Sydney Morning Herald* 17/10/81). Another was stabbed forty-seven times in the face with a screwdriver wielded by a young man who engaged him in conversation at a beat (*R v Crocker* NSWSC, 7/8/98). Other extreme examples of perpetrator sadism include the castration of one victim before his death and the blinding and torture of another bound victim (*R v R* NSWSC 19/10/00; *R v Valera* NSWSC 21/12/00). Assailants either attacked in a spontaneous and frenzied outburst or as part of a planned group attack which, despite real murderous intentions or lack of thought about likely consequences, soon reached a fatal crescendo. Even though a premeditated plan to kill is unusual, most of the killings were characterised by the perpetrators' reckless indifference to the lethal results of their actions. Only 16 of the crimes appear to be the result of a conscious prior decision to kill. The great bulk of fatalities had the quality of 'poofter bashings', retaliatory assaults intended to punish a homosexual advance, or robberies which have 'gone wrong' when the victim perished. The fatal outcome often surprised killer(s) who unleashed their violence with very little appreciation of the frailty of the human body when subjected to such attacks.

The general crime scenarios that emerge from the records of these homicides reflect the dual significance of the attacks at beats/public locations and those occurring in private homes. This suggests a mixed pattern of danger from locations and relationships with perpetrators.

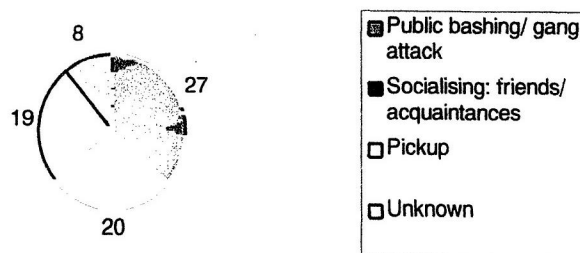


Figure 8. Social scenario of killing (1).

In almost one-third of incidents victims appear to have been killed by assailants whom they did not know. Half of the homicides in a private dwelling involved killers who were barely known to their victims. These were a mix of assailants typically met a few hours earlier in bars or the street, or male prostitutes and other 'pick-ups' contacted via telephone sex services. Given that 45

of 74 victims either barely knew or did not know their killer(s), this finding confirms a much stronger relevance of 'stranger' factors than is the case with fatal attacks on women or more general cases of homicide with male victims (Mouzos and Thompson, 2000; Mouzos, 2000).

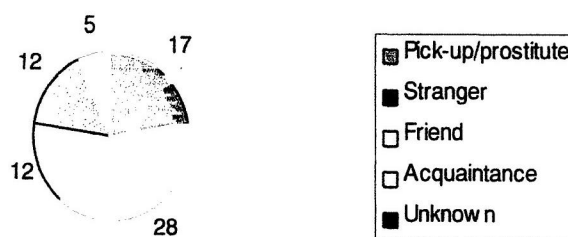


Figure 9. Victim's relation to killer(s).

A picture of the general scenarios in which these killings took place can be drawn from this evidence. The first can be characterised as a fatal attack carried out in public space on a victim who is homosexual (or assumed to be), and who is usually a complete stranger to their assailant(s) who often attack in groups. In this scenario, some victims were killed at locations that were near areas with bars, nightclubs and restaurants favoured by a homosexual clientele. However, victims seem to have been most vulnerable when attacked at well-known beats. Although the statements of a number of arrested suspects are marked by a tone of outrage concerning same-sex activities at these locations, they are often selected as places to seek homosexual victims because of their expected ready availability. Additionally, perpetrators seem to be attracted by the relative seclusion of many such locations (beachfronts, parks, trails and nature reserves which are dark and almost deserted at night), and the compromised situation of any potential victims who may have been seeking out casual sexual activity. The negative consequences of reporting attacks were a substantial fear for some victims. In two instances, men who were severely attacked at beats later died without having taken the opportunity to obtain medical or police assistance. Around one-third of the fatal attacks appear to fit the scenario of a public attack by strangers, usually operating in a group.

The second typical scenario for these crimes comprises a personal dispute which usually occurs between two men in private space and which leads to fatal violence. It is far more common for assailants in this second scenario to allege a sexual advance by the deceased. These killings comprise 33 of the 74 homicides. However, a significant internal variation exists between two different major forms of this second scenario. These comprised either situations of friendly socialising and drinking between 'mates' (12), or the more continuously sex-

ualised situations of men linking up for the ostensible purpose of a casual sexual encounter (15). The distinction between these two forms of this scenario is significant to assessing the plausibility of perpetrator claims about being subjected to a sexual advance that was unexpected and provocative, as such claims may generally be less credible in the more sexualised type of setting.

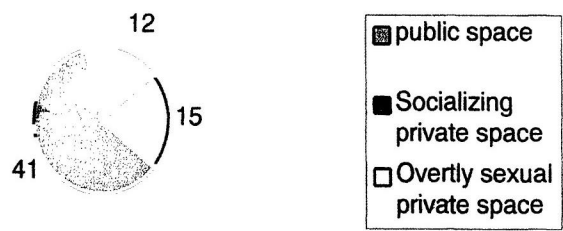


Figure 10. Social scenario of killing (2).

The frequency of joint drinking and high alcohol consumption in this second general scenario reflects the causal relevance of the ‘cognitive impairment’ which sits behind the exaggeration and regular misreading of social cues, intentions and interactions in heavy drinking sessions by male companions (Boyatzis, 1974). In 16 of the matters in this second scenario in which a sexual advance was alleged, the victim had been engaged in heavy joint drinking with the accused. By contrast, the intoxication of victims who presented as easy targets for assault was important in only three of the matters concerning group attacks at public locations.

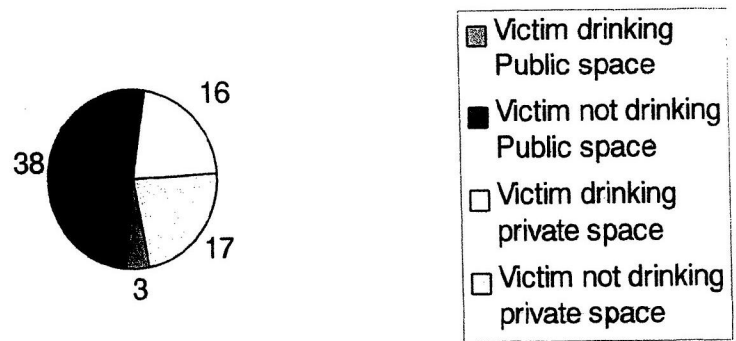


Figure 11. Drinking status of victim.

In this first scenario, it is the use of drink by perpetrators which is far more notable. The social process of constructing masculine identity by group drinking with related risk-taking and aggression was more evident in the instances of public gang attack. In 38 tried matters, 27 perpetrators had been drinking at the time of the fatal attack, six were influenced by illicit drugs and seven of these had mixed drug and alcohol use.

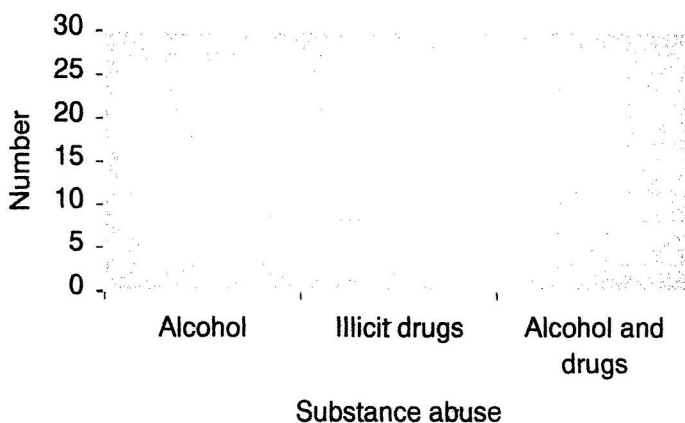


Figure 12. Perpetrator substance use in tried matters.

A reflection on this typology of scenarios leads into analysis of perpetrator motives. Forty-five percent (33 of all the 74 killings and 26 of 55 solved matters) were events marked by actual robbery or the evident intention to rob arising as a motive. Robbery cannot be dismissed as a significant element of many of these crimes, but it had a very uneven relation to the motives of perpetrators. In many instances the theft of property had an incidental relation to the anti-homosexual assault: property of little value was stolen as an afterthought or a further means of victim degradation. In a minority of killings it appeared to be a principal motive, but this operated in the expected vulnerability to attack and robbery or a reluctance to report the crime. In a few such cases, unexpected victim resistance appears to have resulted in the escalation of violence to a fatal level. But the larger number of attacks in which the fatal violence far exceeded the level needed to overpower the victim and steal property suggest that anti-homosexual sentiment still had an important role. Like the gang attacks or sudden violent response to homosexual touching or suggestiveness, these 'muggings' are mostly not pre-planned as killings, but the perpetrators' fury or contempt for the victim outweighs any sense of restraint, with fatal results.

The evidence from official records suggests that the great majority of attacks that fit the pattern of either of these two major scenarios for anti-homosexual killings are closely linked to aspects of the perpetrators' masculinity. But this takes a different form for each type of homicide. Homophobia among perpetrators must be more broadly conceived in its relation to the achievement and

protection of dominant and 'protest' forms of masculinity (Tomsen and Mason, 1991; Tomsen, 2002b). Savage gang attacks that are carried out in public locations with an expected availability of homosexual victims often closely approximate the typical pattern of hate crime. But perpetrators are also preoccupied with attaining a heightened male status for themselves and with policing the acceptable patterns of public male sexual identity. Fatal incidents that result from a dispute over an alleged homosexual advance between men who are known to each other and which mostly occur in private settings, also reflect the fundamental importance of issues of male honour among perpetrators (Tomsen, 1998).

CONCLUSION

Claiming a legitimate victimhood in regard to the experience of anti-homosexual attacks has become an important issue of legal equality and civil rights in many nations, including Australia. Such acts of harassment and violence have been termed 'hate-crimes', perpetrated by those who have an extreme or irrational contempt for strangers due to their assumed membership of a despised minority. Furthermore, these acts are said to comprise a form of intimidation of the entire group from which an individual victim may be targeted. The killing of male victims in anti-homosexual attacks has both important distinct features as a form of crime and some strong similarities to typical patterns of the killing of men by other men. The hate model may accurately describe some elements of the circumstances and the motives behind fatal attacks carried out on homosexuals. But this research indicates that this model should not discount the complexity of these motives, the significance of situational factors, and the links that such criminal acts have to the achievement and protection of masculine status by violent means among young socially marginalised men and boys.

NOTES

- 1 Others have criticised claims that there has been rapid increase in the number of what are called 'hate crimes' as being unfounded, due to the subjective nature of the recording of such incidents and unproven assumptions about criminal motivation (Jacobs, 1996; Jacobs and Potter, 1998).
- 2 Gemert notes that many homosexual men understand the dangers involved in such commercial sex relations; nevertheless, 'harshness and violence gets people excited' (1994; p. 157).
- 3 This rate appeared to have peaked in the early 1990s, with an estimated average of 114 killings per year (Mott, 1996; p. 54). The authors considered that this might reflect exacerbated stigma attached to homosexuality due to the spread of AIDS, or as a backlash against the rudimentary gains of the Brazilian gay and lesbian movement. They also note that this form of victimisation has partly risen with the general increase in violence, marked by political assassinations, drug wars, massacres, and the genocide of indigenous people; that has accompanied a contemporary social crisis. But the distinguishing feature of such crimes is the comparatively lower level of official concern that they attract (Mott, 1996; p. 55).

- 4 This victimisation also appears to be reinforced by the general public awareness of the high level of success that accused men have had in raising the 'legitimate honour defence' to explain the deaths of homosexual victims (Mott, 1996; p. 75).

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