

“He had to be a poofter or something”: violence, male honour and heterosexual panic

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“KILLED BY A GNOME”

On the thirtieth of June in 1993, Kevin Marsh, a sixty-year-old invalid pensioner who lived alone in public housing in the Wollongong district of New South Wales, was sitting on the balcony of his modest home. T, a local seventeen year old who had been drinking with a friend, walked past and spoke to him. Marsh gave him a smoke and invited him inside to share some drinks. The pair may have been drinking for as little as twenty minutes, when an alleged sexual pass by Marsh resulted in a physical confrontation and his violent death. In the year following, this whole fateful episode was summarised by the presiding judge at T’s trial as follows:

At about 7.30 pm on 30 June 1993 the prisoner visited a friend L at his home... While amusing themselves with a computer they consumed some drinks which were based upon a liquor called Tropical Ice. Tropical Ice contains 21.5% alcohol by volume. The consumption was significant but did not extend over a long period of time and the prisoner had separated from L and another companion by about 8.40 pm. Shortly thereafter the prisoner was walking along Matthews Street where he encountered Kevin William Marsh who was passing the time smoking whilst standing on the verandah of the block of flatettes in which he resided. Mr. Marsh—who was to become the victim—invited the prisoner to come in for a couple of beers, which invitation was accepted and they proceeded. There is no evidence that they were previously acquainted. Subsequent to conviction the prisoner has told a probation officer that “although he was aware of the victim’s reputation he succumbed to the victim’s offer of a few free drinks.”

After consuming some liquor the prisoner sought to leave... at some stage the prisoner became concerned that his exit from the flat may have been going to be impeded. This concern was magnified into a loss of self control that followed the victim coming behind the prisoner and grasping him on the buttocks ... the prisoner’s reaction to molestation was to grasp a concrete object which was used as a door stopper and which was referred to as a garden gnome. It was not constituted of light plaster The prisoner struck the victim on the head with the gnome, thereby crushing his skull and causing death. Immediately thereafter—

although death had already been caused—the prisoner acquired a kitchen knife and stabbed the deceased many times. (R v T, 14/7/94, pp. 1–2)

After this attack, T removed a set of keys from Marsh's pocket and left with the remaining cigarettes. A neighbour later told police that he had seen "a baby-faced teenager" leaving the building with a knife in his left hand. T threw this weapon under a tree in a nearby dwelling and then went to his parents' house where he lived. He hid his shoes because of the amount of blood on them, and took his mother's car and drove about the local area in a confused state. When meeting up with friends at a local motor service station, he said that he had assaulted a man who had made a sexual pass at him and that he had just "freaked out" in response to this (R v T, 6/4/94, p. 39).

T cleaned his shoes while at home the next day. His jeans and a coloured sweatshirt with "baseball" inscribed on the front, were sent over to his grandparents' house for washing and then later recovered from there by investigating police. Officers were first called to the crime scene after Marsh's neighbours noticed a pool of congealed blood coming from under the front door of his flat. The injuries to the deceased were very extensive. A post-mortem report indicated that he had been punched about the head and then died of the severe injuries he sustained from being struck with the plaster gnome. The victim had probably already died when he was then stabbed twelve times with the knife. Despite the gravity of the crime, subsequent press reports looked for the lighter side of the death of the eccentric "bachelor recluse" ("Killed by a Gnome," *Sydney Morning Herald* 2 July 1993).

T was interviewed by police a few days after the killing and immediately claimed that it was a homosexual advance from Marsh which entirely provoked this violence:

I done it, but I done it in self-defence. I came down the alley way, then went into Kev's place and had a couple of beers. He tried to crack on to me. (Interview with T, 2/7/93, p. 4)

KILLINGS AND "HOMOSEXUAL PANIC"

Since the late 1980s, there have been claims of a marked increase in violence directed against homosexual men, lesbians and other sexual minorities in a variety of nations (Comstock 1991; Herek and Berrill 1992; Theron 1994; Ordóñez 1995; Mott 1996; Mason and Palmer 1996). Some observers have even conjectured about a new epidemic of such "hate" crimes that reflects recent hysteria about the spread of HIV/AIDS and the further mobilisation of extreme Right organisations in North America and Western Europe (Levin and MacDevitt 1993; Hamm 1993, 1994). Conservative sex panics do not assume a uniform pattern across different parts of the globe, but Australia's culture, political life and criminal justice system are also characterised by elements of the homophobia and heterosexism which these events reflect. A

growing body of local research signals that high levels of assault and harassment are experienced by Australian homosexual men and women, and that low levels of official reporting and monitoring reflect histories of general community indifference and police and legal hostility towards victims (Cox 1990, 1994; Schembri 1992; Baird et al. 1994; GLAD 1994; Sandroussi and Thompson 1995).

These same major features of the historical response to assaults—indifference and hostility—have marked the popular and official reactions to attacks which result in death. In the recent past, this issue only surfaced in the public arena with sensationalised media accounts of the lifestyles and sexual behaviour of homosexual victims and iconic though uncommon cases of slaying by an apparently homosexual offender. Alongside this lurid voyeurism, the great bulk of these fatal attacks, in which the sexual identity and marginal social status of an apparent homosexual victim had a significant relation to the motives of offenders, have been disregarded or downplayed. Not uncommonly, the social inferiority of homosexuals has resulted in lax policing, unjust legal findings and even a disturbing degree of Australian community sympathy for the brutality of offenders.

It is these killings and the links to the various forms of masculinity reflected in these violent acts and in the social and legal response to them, that have been studied in detail by the author since 1994 (Tomsen and George 1997). The sources of data for this ongoing research have comprised New South Wales Police Service records of “gay-hate” killings, press records concerning homicides that have occurred since 1980, Coroner’s records for unsolved incidents, and the official transcripts of the criminal trials of accused killers. From these, a larger picture of the many cases in which victims are killed on the basis of motives shaped around the belief that they are homosexual was drawn.

The general finding of the analysis of this material is that these killings have mostly occurred in two typical social settings. The first of these fatal scenarios comprised a vicious gang attack in public space. Most often these were carried out at homosexual “beats” or in a known gay precinct such as the Oxford Street/Darlinghurst area of inner-Sydney. The second general type of these crimes resulted from personal disputes and resulting violent conflicts that usually occurred between two men. Most typically, the survivor alleged that he was subjected to a sexual advance or sexual attack by the deceased. These incidents tended to occur in private settings and often after episodes of drinking and socialising between male friends or acquaintances. T’s killing of Kevin Marsh is just one of the better known examples of these homicides.

Community research, protest rallies and other publicity, have provided the catalyst for making anti-gay violence and harassment into a public issue in Australia. But it is now also apparent that a major obstacle to having these crimes taken more seriously, and to the attainment of legitimate victim status

and equality in criminal justice systems, is the emergence of the so-called "homosexual panic defence" in criminal trials dealing with cases like the slaying of Marsh. It is these killings—rather than straightforward gang attacks—which are now among the most difficult of all for local activists to evolve a response to. In particular, misgivings have been raised about the inability of a deceased victim to respond to these allegations and the possibility that many of these claims are a convenient explanation for attacks with anti-gay motives or the selection of homosexual victims as "soft targets" for assault and robbery (Lesbian and Gay Anti-Violence Project 1995). Confusion and dismay about this apparent appropriation of a victim status by heterosexual perpetrators also shapes divisions over the appropriate reaction to such cases. There is a justified wariness of matters involving very wide age gaps between offenders and victims, as these invoke considerable public and official fears regarding the mere suggestion of intergenerational desire between males.

My own view is that much of the activist confusion about these cases and the difficulties involved in labelling and pathologizing such homicides as "hate-killings," is the failure to appreciate the masculinist qualities of this violence and the added legitimacy that these particular qualities give to it. This is a critical element of the cultural backdrop to these cases and the expanding use of what may turn out to be a new stock defence for young men charged with murdering other men. Although the "homosexual panic defence" has no formal existence in Australian law, it is obvious from case outcomes that existing rules regarding pleas of provocation and self-defence are coupled with allegations about a "homosexual advance" with a powerful effect. In this way, the official response to gay killings reflects the potency of claims about the affront to heterosexual manhood that derives from a homosexual pass. Such potency appears to have critically shaped the reasoning behind an important recent finding from the highest court in this nation. This favourably viewed a convicted killer's efforts to be retried against a charge of murder, and paved the way for his eventual success in securing a much lesser sentence (*Green v R*, 7/11/97).

The plausibility of these offender allegations can often only be fairly judged by examining detailed evidence regarding different killings. Many such claims are transparently false and are made in circumstances involving preplanned attacks or robberies. Others still arouse a lot of doubt. Examples of killings which have gone to trial and where there is a lingering suspicion that the statements of accused men about being subjected to an unwanted homosexual advance or assault could be a convenient rationalisation for violence, include the 1991 attack on a victim who met his killer in a gay sex cinema in Sydney and the vicious slaying of a teenage transsexual in Wollongong in 1993 by a man who claimed that he could only ward off persistent sexual advances with extreme and lengthy acts of violence. Considerable gay and lesbian community concern remains about the fairness of the outcomes of both of these

trials. But the evidence concerning other killings suggests incidents in which the claims about a homosexual advance appear to be far more credible.

Although all the various forms of gay killing have an important relationship to the masculinity of perpetrators, the differences in type and apparent motive have significant implications for an understanding of anti-gay violence and the relationship between homophobia and male identity. In particular, a narrow view of such cases involving sexual advance claims as being just further striking examples of "hate crime" derived from homophobic sentiments among bashers, downplays an understanding of these offences as they relate to issues of honour.

VIOLENCE AND MASCULINE HONOUR

Obviously, the overall analysis of these killings requires some explanation of the very heavy rate of offending by young men and their compelling attraction to this form of criminal assault. This regular involvement of male offenders in violence against sexual minorities, has been noted by most researchers studying attacks on gay men, transsexuals, lesbians and bisexual people (Comstock 1991; Ehrlich 1992; Harry 1992).

At first glance, this may seem just to fit the general correlation between criminal activities (particularly acts of violence) and the higher proportion of male offenders to be found in more general studies of crime. But from my own research I have come to believe that these anti-gay attacks are crimes which (like sexual attacks on women) have a more intrinsically masculine character to them. Although anti-homosexual attitudes are by no means part of an exclusively male outlook, the deployment of serious and even fatal violence to act out homophobic hatred and prejudice and physically to intimidate sexual minorities is generally a male-monopolised activity. In the killings of homosexual men, this has a deeper significance for the identity of offenders which accentuates the "maleness" of such acts.

The majority of assailants in the killings studied are young, working-class and poor men with a marginal existence in the labour market and low social status. Much of this violence, especially the planned gang attacks on homosexual men, suggests an underlying compensatory search for masculine status among offenders and an important cultural paradox which appears to shape many of these attacks. Like many less serious crimes, assaults on these victims take the outward form of a rebellion or protest against dominant social values, and in part attract young marginalised men for this reason. In reality a continuous backdrop to the motives of offenders are mainstream constructions of male identity and the deviant positioning of homosexuality in the codes, practices and discourses that reproduce social understandings of masculinity. The attraction of these assailants to anti-gay violence is continually linked to a widespread social understanding of "hegemonic" masculinity as thoroughly heterosexual, and of homophobic sentiments and harass-

ment as a ready means of establishing a respected male identity (Connell 1995).

In a culture that promotes strong links between violence and masculinity, gay-bashing serves a dual purpose of constructing a masculine and heterosexual identity for offenders both through an involvement with violence and clearly establishing homosexuals as an opposed group of social outsiders. Furthermore, these attacks both signal and affirm a masculine heterosexual status to others. The gang attacks which were discussed above as typical hate crimes, can also be read as masculine crimes and are importantly characterised by the group production of masculine identities among assailants. They are also intimately involved with a form of self-policing by perpetrators of their own masculine and public sexual identities. Perhaps most importantly of all, the effects of this form of violence reverberate among all men. Anti-gay violence and harassment does not just result in the public control of homosexual men who are regarded by a significant number of other citizens as a sexually deviant minority. It also signals the limits of acceptable masculine behaviour and identity for all other men. The evidence concerning these killings also raises important questions about the psychic proximity of homoeroticism and heterosexual masculinity and how this may be reflected in the urgency and uncontrolled quality of the most extreme attacks.¹

As already noted, in the second general scenario of these attacks many allegations about a homosexual advance appear to be fictitious, and rationalisations for violence that were linked to anti-gay sentiments or the intention to rob or bash a gay man. But there is a considerable diversity in such fatal scenarios and in some cases evidence suggests that the allegations regarding a sexual advance are wholly or partially true. Among these, the circumstances of killings commonly reflect an offender awareness of the sexualised context of their interaction with their victim. Some accused appear consciously to induce such an advance and then opportunistically respond with an exaggerated measure of surprise and violence. Despite the brutality and callousness of their actions, these offenders typically act in a rational and methodical manner to carry out some criminal action which they had already intended.

Another type of killing in which the homosexual advance allegations appear to have some relation to the real facts of the fatal incident, are cases in which an advance seems to occur and offenders react with a great level of violence which reflects elements of real shock, outrage and irrationality. I believe that these attacks are best explained in terms of the affront that a homosexual advance can comprise to the sense of male honour and bodily integrity held by offenders. Just as gang attacks on homosexual targets reflect evident concerns with questions of masculinity, these incidents suggest a further relation between gay killings and orthodox notions of the sanctity of the male body.

Analyses which suggest the importance of issues of personal honour and self-respect among the participants in many disputes, assaults and fatal at-

tacks are a key aspect within the criminological discourse which seeks to explain why violence is a predominantly male activity. This type of analysis is credited with its greatest explanatory power in regard to incidents of violence between men. A considerable literature now exists on the importance of male honour among peer groups of poor and minority men, and the connections that this has with the occurrence and escalation of violent incidents between them (Campbell 1986; Archer 1994). This research suggests that many disputes between males that result in serious injuries and death are prompted by overreactions to minor affronts which challenge male honour (Archer 1994; Polk 1994). These may seem wholly trivial in reason, but are often highly meaningful among certain groups of males; particularly younger, low status men (Felson and Steadman 1983). These sorts of conflicts arise regularly in everyday activities like drinking in bars, driving in traffic, and travelling and socialising in public space.

There is very strong empirical evidence for this interpretation of much violence between men, especially public violence among male strangers and casual acquaintances. The usefulness of this understanding of the social context of violent incidents has been recently demonstrated by researchers who have extended analysis of many street attacks and homicides (Katz 1988; Polk 1994). These accounts go past the dismissive view which disregards the role of seemingly meaningless and trivial factors motivating violence. Such factors are of fundamental importance in shaping the interactive process of violence, particularly as they link up with the issue of the protection and creation of self-esteem and keeping "face" among peers.

These analyses also highlight in detail the interactive sequence of violent events. In so doing, they can indicate what varying features of social interaction distinguish scuffles and minor assaults from the scenarios of attacks resulting in severe injuries and perhaps death. This may extend understanding of the unstated social rules of behaviour that underlie patterns of male violence and also impose limits on its form and scope. Such an approach can also illustrate dynamically the relation of violence to masculine identity as this is negotiated, challenged and rebuilt in ongoing social engagements and conflicts. This form of analysis has a particularly strong relevance to many cases of gay killing characterised by a homosexual advance. A further exploration of T's motives in killing "Old Kev" suggest that his crime was not a hate-motivated attack or planned killing and robbery. It was critically set off by his response to what he, and many other Australian men in similar circumstances would also have, perceived as a significant threat to male honour and sexual identity.

A GROSS OVERREACTION

The study of crimes in which claims about a homosexual advance appear to be true, but where the violence of the accused men seems to be a very exag-

gerated and irrational response to a sexual pass, suggests and illustrates the usefulness of the analysis of honour and interactive male violence to the circumstances of gay killings. After killing Marsh, T co-operated with police investigations and helped locate the knife he stabbed Marsh with. In further interviews, T admitted that the victim was already lying face down on his belly on the floor when he was struck on the back of the head and killed with the plaster statue. He also suggested that Marsh was prostrate on the floor, and possibly unconscious, when he then turned him over and stabbed him in the chest with a knife so many times and with such force that the blade bent out of shape:

He got—he hit me or something and I got him a couple of times, and he fell to the ground, and I just seen a statue and just hit him on the head a couple of times with it (Record of Interview, 2/7/93, pp. 8–9)

I seen a knife and got the knife and stabbed him a couple of times and then left. (Record of Interview, 2/7/93, p. 12)

T did not adequately explain in these interviews why he did not leave the flat after already punching Marsh to the ground, or why he had to use the statue and knife to repeatedly wound and overcome the older man. Contradictions in these statements by T also create doubts about how the first violent blow was struck and by whom. It is uncertain whether or not Marsh really did punch T or just fend off a first punch which T describes as a push.

Much later in court, T addressed the jury with a dock statement in which he described himself as a well-mannered young man who became the unsuspecting victim of sexual molestation, and whose actions were directed by feelings of being trapped in the flat and a fear of homosexual rape:

I had a fair bit of drink that night but I wasn't really drunk so I can remember what happened ...I can't recall which friend I was looking for at the time I saw the man on the verandah. I saw he was smoking and he gave me a cigarette. He invited me inside for a couple of beers and I do remember the words "a couple of beers." I agreed. He entered the unit and I followed. I felt uncomfortable when I was in there but I sat down and stayed for twenty minutes or more. I stood up, I said goodnight to him and I think I said, "ciao." I think I said, "no more beers thanks."

I got near the doorway and he grabbed my bottom hard, both hands and he said something. I pushed him away from me as he swung the punch back at me. I punched him a couple of times and he fell to the floor and was still coming back at me. I was really frightened and I picked up the door stopper. He was still coming at me. I have never been molested in this way before ever. I hit him with the door stopper. I don't know how many times. I did not mean to kill him. That thought never crossed my mind. I only wanted to stop him. He was still coming at me. After I hit him with the door stopper I saw a knife on the coffee table. I stabbed him with it, I don't know how many times. I went to the door, security door. It wouldn't open. It was one of those—Marsh had locked me in. I was really frightened although I was trying to get the keys from his pocket. I got the keys, I let myself out. I threw the keys on the ground. I ran home, I took Mum's

car. I did some really crazy things around Berkeley but they won't matter now. I think I was trying to tell people what happened. I wasn't proud of myself. I think I was still frightened ...I never deliberately hurt anyone in my life. I'm terribly sorry. (R v T, 11/4/94, pp. 99–101)

T stresses that Marsh had locked the door. It seems that he may not have known this until after the alleged sexual assault. The very ambiguous statement that “I pushed him away from me as he swung the punch back at me” suggests that he really struck the first hard blow. Similarly, the second use of the phrase “he was still coming at me” breaks up the sequence of events so that it appears very different to what was apparent from forensic investigations at the crime scene. This phrase appears to refer to the interaction before the fatal blow with the gnome, but it is placed in the statement in a way that could suggest in the minds of jurors that Marsh was virtually unstoppable until finished off with the knife.

The principal motive for this killing was not the theft of property, although T obtained free smokes and drinks from Marsh and after the attack took the victim's cigarettes. T gave an account in court of a more even-handed fight than that which really appears to have taken place since it is unlikely he was in any real danger of a sexual assault that he could not ward off. T also knew of Marsh's reputation for homosexual interests, having already admitted in a police interview that he had heard “just rumours and that like ... he had to be a poofter or something” (Record of Interview, 2/7/93, p. 17). There was no evidence of any comments of a suggestive nature coming from Marsh prior to the conflict. Nevertheless, T would probably have known that his sexual attractiveness to Marsh was the basis of the hospitality. According to the evidence of the neighbour who witnessed him leaving the building, he stayed in the flat much longer than he later claimed. T may have consciously played on Marsh's sexual interest in his youth and good looks, and it must have seemed likely that a sexual proposition was forthcoming or that Marsh might try to “crack” on to him. But the fine line between gratified male narcissism and sudden hostility to homosexual objectification, could have been crossed when Marsh affronted T's masculinity by touching him on the buttocks. T then carried out a killing characterised by its frenzied nature, and the multiple stabbing of a victim who was probably already dead.

The pattern and level of T's violence indicates that he was thrown into an instant and complete rage by this form of sexual touching. As T earlier told police, Marsh grabbed his buttocks with “a good grip” and this was the critical moment in the lead-up to the slaying:

I was gonna walk out and he come up behind me and grabbed me on the back-side ... he was just moaning and groaning a bit ... you know like he was getting turned on or something ... and then I turned around and pushed him and he punched me and I started. (Record of Interview, 2/7/93, p. 15)

Read together, police interview records and official trial transcripts indicate that T gave a shifting account of the events surrounding the death of Kevin

Marsh. This is not unusual in such cases and by itself does not suggest a very devious character. According to the trial judge, he had an “immature personality” that was reflected in the act of going near Marsh despite his being “an older man about whom the prisoner had some knowledge of adverse reputation” (*R v T*, Remarks on Sentence, 14/7/94, p. 4). T had no previous criminal history and was not known among his friends for acts of violence. Equally, T appears to have had genuine feelings of remorse after the crime and he did not feel “proud” about the killing. Although his later remarks were more cautious, immediately after the killing he was compelled by a need to confess the matter to friends. He did this while drunk and in the “weird” state which witnesses noted.

T was very disturbed by his crime. When talking to friends he did not brag of his attack on a homosexual and thereby claim the male status that this sort of violence could give him. Elements of fear and shock are important in understanding the effect of the affront to T that came from the sexual touching of his body and his own frenzied response to that threat. In reality, T seems to have been frightened more by his own actions and the self-discovery of a capacity to kill, than by the actual sexual pass from Marsh. In his statements, he seems only half-conscious of the power of the heterosexual imperative to respond with rapid force to these bodily affronts, and how widespread the capacity for this violence is among ordinary men who are not viewed by others as having violent personalities.

The final outcome of this trial was another reminder that this male response to a homosexual advance is partially excused at the highest levels. The presiding judge described T’s violence as a “gross overreaction” to the “sexual overture” from the deceased (*R v T*, 14/7/94, p. 5). But despite the offender’s extreme reaction to homosexual touching and the very brutal and gratuitous quality of his violence directed against an unarmed old man, the court accepted the plea of provocation. At the end of his trial T was convicted of manslaughter with a maximum six-year term imposed.

(HETERO)SEXUAL PANIC, MALE SEXUALITY AND THE GAY GAZE

The importance of analyses of masculinity to the direction and findings of a widening range of empirical social research, as well as to models of power and oppression generated by thinkers with links to a range of new social movements (including HIV/AIDS activism and queer struggles), has become more evident in the last decade. Issues of identity, culture and the politics of homosexual men are linked to their own contradictory position in societies which, in one major system of social stratification, ascribes the fullest status and power to heterosexualised masculinity.

In the past, gay-male analyses of masculinity and power have seemed less urgent than those evolved in the women’s movement. Nor have gay reflec-

tions on male power been so characterised by the widespread guilt of heterosexual men in their own responses to feminism or the nervous self-examination encouraged by some wings of the men's movement.² Nevertheless, masculinity is far more than just a target of satire and cultural parody for homosexual men. Whereas the crisis of the HIV epidemic brought gay and bisexual men into new circumstances that demonstrated a wider and often unrecognised male capacity for mutual caring and love, the related tide of homophobia resulted in harassment, assaults and killings that were particularly directed against them. The toll of this violence, and the overwhelming involvement of men as perpetrators in its more serious instances, have signalled a new need to explore more fully the relationships between homophobia, violence and masculinity.

As some theorists have insisted, homosexual oppression is not reducible to gender issues alone and cannot be read off from the patriarchal characteristics of societies (Rubin 1993). At the same time, it is erroneous to view anti-gay violence and harassment as the result of simple bigotry against a given sexual minority. The primacy of the hetero-homo dyad and elaborated systems of sexual ordering in the modern West, have become a focus of scholarly interest that must now be linked to the understanding and history of such phenomena as anti-gay violence. This violence is also more complexly linked to the historically shifting and dynamic relations between different empowered and subordinated forms of masculinity. If masculinity and men, as some contemporary Western social commentators and sociologists insist, really are entering a stage of "crisis," then we may expect that gay men themselves will more often become the direct targets of the male anger and anxiety that this results in (Simpson 1994).

The further media objectification of male bodies, the very homoerotic quality of much Australian popular culture and more mainstream representations of gay and lesbian lifestyles as fascinating and pleasurable, all induce contradictions in the public representation of *dominant and desirable* forms of masculine identity (Dowsett 1996). It is against this social backdrop that we may best appreciate T's flirtation with his victim, his sudden violent rage and his endless confusion about his own actions. Far from reflecting the individually experienced pathology of "homosexual panic" among perpetrators, evidence about the commonplace occurrence of anti-gay violence suggests considerable male unease with ruptures in the simple linked dichotomies of unmasculine/masculine and homo/hetero. These many acts of harassment and assault are not just the symptoms of episodic difficult changes in individual male identities. They are an intricate and defining part of these social forms. Heterosexual and homosexual masculinities are created, reproduced and then to some extent destabilised, in the urgency of such instances of violence, and the official and wider social responses to them.

Fanning this confusion are the mixed signals about violence and homosexual desire that are now offered by the law. The more serious investigation

and prosecution of such attacks sits uneasily with the success of claims about homosexual advances and the often linked and prominent role of law courts in expounding a sense of dread and panic about intergenerational desire. An interesting paradox concerning the contemporary forms of masculinity and male sexuality arises here. The success of offender claims about the horror of being subjected to a homosexual advance is premised on the certainty of the homo/hetero divide. The law appears to wholly affirm the reality of this symbolic border. But such legal cases also rely on and reflect wide social and political concerns about the sexual sensitivity of youth to contagion and corruption.

Even though T had not passed the (still unequal) lawful age of consent for homosexual activity in New South Wales, he could nevertheless be reasonably expected to make his own sexual choices. But it seems likely that the leniency of T's sentence had a deeper relation to his relative youth, the much older age of his victim, and a considerable degree of the contemporary legal unease about the dangerous possibilities of mixing homosexual objectification and interest with youthful "heterosexual" male longings. Evidence and anxiety about the ambiguity and fluidity of male sexuality always threaten the shaky underpinnings of the homosexual advance defence.

NOTES

¹ Some commentators now argue that this necessitates a further turn to psychoanalysis in order to advance post-queer theories of homophobia (see Lane 1997).

² A recent notable exception to this is the overall tone of gay-male guilt in Edwards 1994.

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