

'Hate Crimes against Lesbians and Gay Men in New South Wales: Accumulated Knowledge of Victimisation via Five Reports'

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Abstract

‘Hate crime’ was a term adopted for crimes committed against members of the lesbian and gay community in New South Wales in the 1990s. Acts of violence and harassment against members of this community was not a new discovery, though the application of the term hate crime assisted activist to build and govern through ‘community’ by arguing that this type of crime was different to that experienced by the ‘general’ community. Furthermore, such violence was used as a means to claim the right to be protected from crime. This paper examines lesbian and gay activism around hate crime. In particular it reviews the findings of reports on harassment and violence against members of this community produced in New South Wales by combining various key results from activist and state bureaux surveys into a single data set.

Key words: hate crime, lesbian and gay activism, victim surveys

Introduction

Shortly after the reformation of the Gay Rights Lobby (NSW) in 1988, violence against gay men and lesbians was recognised by the organisation as an issue that fitted well within the aims of the newly adopted coalitionist activism. Coalitionism aimed to redress the mistrust and suspicion between gay men and lesbians that had been a feature of the male dominated gay movement throughout the 1970s and 1980s (Flynn 2001; Stein 1992). Bringing lesbians back into community activist organisations had been successful in the United States of America and Britain as a means to reinvigorate the movement, as it was under strain from addressing the health crisis of HIV/AIDS. Coalitionism also contained a commitment to unite various sections of the gay and lesbian communities. This required activist organisations to engage in ‘community building’ initiatives that would also lead to an increase in the size of constituency represented. The renamed Gay and Lesbian Rights Lobby (GLRL) took on violence as an issue that would allow community building and to form links with government (Tomsen 2001).

An initial task in formulating a response to violence against gay men and lesbians by the GLRL was to measure and calculate the extent of the problem. Such violence against gay men had been reported sporadically in the pages of Sydney’s leading gay newspaper, *The Star*, from its inception in 1979. A report on discrimination and homosexuality gather limited data on the issue (NSW Anti-Discrimination Board 1982). Attempts by NSW police to gather data on violence in the mid to late 1980s proved useful as an initial step in getting ‘the community’ to report incidents, but the long mistrust between police and gay men was seen as a factor that led to underreporting and there were very few notifications from lesbians. The Lobby established *Streetwatch* (a phone-in survey) for members of the gay and lesbian community to report incidents of violence, partly to overcome victim reticence to report to police and to extend the Lobby’s claim to represent ‘the community’ to government.

One of the recommendations of *The Streetwatch Report* was the formation of a specialised group to address issues related to violence, known as the Lesbian and Gay Anti-Violence Project (AVP). Government assistance mirrored responses to HIV/AIDS by funding a community-based group to address the needs of its constituency and to work with other state bureaux. A further parallel with the HIV/AIDS model of community group representation was that the AVP was initially funded through the GLRL by the New South Wales Health Department.¹ The AVP was founded in inner-Sydney in June 1991. Its aims were to increase the response of the local gay and lesbian community to counter ‘homophobic and anti-lesbian violence’ and to identify the nature, cause and extent of such violence (Asquith and Grant 1995). An activist agenda was reflected in this task to render visible and calculable the extent of violence directed toward the gay and lesbian community.

From the start, there was an intention to distinguish between crime experienced by the community in general and crime that was unique to gay men and lesbians. The United States developed concept of ‘hate crime’ was locally embraced to describe this difference (Comstock 1991; Herek and Berrill 1992). An orthodox definition of hate crime has been explained as:

[a] crime, most commonly violence motivated by prejudice, bias or hatred towards a particular group of which the victim is presumed to be a member. As such, hate crime is generally directed toward a class of people; the individual victim is rarely significant to the offender and is most commonly a stranger to him or her (Mason 1993: 1).

In this instance, the motivation of assailants for engaging in harassment and physical violence is anti-homosexual in nature. The motivation for this type of 'hate crime' has undergone much debate. Ascribing homophobia as a motivating cause suggests a perpetrator(s) is suffering a type of psychological condition (Weinberg 1972). It has been noted that some perpetrators involved in these crimes derive satisfaction, increased self-esteem and increased social standing with their peers for such actions (Tomsen 2002). Furthermore, homophobia as a motivator focuses on an individualist explanation rather than the social and cultural context that produces 'homophobic' individuals (Herek 1984; Herek 1992). The motivation in hate crimes against lesbians is more complex than just 'homophobia' as an explanation. Lesbians often report they are not sure if their assault was homophobic in nature or whether it was motivated by anti-female, or misogynistic, hatred (Mason 2002).

Furthermore, the term 'hate crime' has shortcomings. It is often associated with extreme right-wing political groups, a political position not shared by many 'homophobic' assailants (Cunneen et al. 1997). As an individualist explanation for such violence hate crime: '...lacks a systematic perspective regarding the marginalisation of groups and minorities that are subjected to violence and harassment on the basis of shared identity' (Tomsen 2002). While these criticisms are valid, the use of 'homophobia' as the motivator for 'hate crime' allows activists to construct anti-homosexual violence as a unique type of crime inflicted upon community members by outsiders. It also counters victim-blaming by placing an emphasis onto the actions of the perpetrators. Likewise, the use of the popularised term homophobia focuses on a perceived deficit in the offender's psychology.

This project of data gathering can also be interpreted as 'governing through community' (Rose 1996). The formulation of 'community' as a site for the application of governmental practice marks a 'new territorialisation of political thought and action' (Rose 1996, p. 327). In 'government through community', new arrangements of spatiality, ethical character and identification are constructed, marking a shift away from a focus on the social and society as a key zone for political programmes. Instead, communities are constructed as being localised and heterogeneous. The promotion of violence and harassment to the 'gay and lesbian community' as being homophobic in nature, served a dual purpose for activists in this governing project. It highlighted that the gay and lesbian community already existed as an entity with a role of representing its constituents. The collection of data on the problem indicated that it was a 'real' issue that potentially affected every gay man and lesbian. In this sense, community members were being constructed as 'fearing subjects' of 'hate crime' (Lee 1999), they were made aware of the risk of homophobic violence by their own community. Once this 'fear' is created, activists can further govern through community by educating members on how to manage this risk through safety awareness campaigns, in effect constructing the 'non-fearing subjects' of hate crime.

This paper will review the production of ideas about victims of hate crime by analysing the collection, results and inferences from surveys conducted to record harassment and physical violence experienced primarily by gay men and lesbians in New South Wales. To extend the analysis beyond the findings of single reports, a set of data has been created from three key gay and lesbian community reports produced in New South Wales in the early to mid 1990s: *The Streetwatch Report* (GLRL) (Cox 1990); *The Off Our Backs Report* (AVP) (Schembri 1992); *The Count & Counter Report (C&C)²* (AVP) (Cox 1994); as well as two state bureau reports from the New South Wales Police Service, *Out of the Blue* (Sandroussi and Thompson 1995) and 'You shouldn't have to hide to be safe' ('You shouldn't...hide') (NSW Attorney General's Department - Crime Prevention Division 2003) from the Attorney General's Department of New South Wales. While these latter two reports were not produced by activists, there was 'community' input into their production and support provided in publicising the surveys. The findings of these reports are analysed below as either single data sets presented sequentially by publication date so as to allow for comparison between reports or as grouped data. The data contained in these reports has some differences. The activist reports contain information supplied solely by victims whereas the bureau reports sampled a population of primarily lesbian and gay men who had and had not been victimised and as such give an indication of the rates of victimisation for the lesbian and gay male population of NSW. Categories of offences in the activist reports were standardised whereas the bureau reports, while containing similar categories in regard to the type of incident, included analysis of other factors related to victimisation such as fear of crime and behaviour modification. As for the issue of an individual being included in two or more reports, this may well have occurred. The data in *Out of the Blue*, which is based on incidents that occurred over the last 12 months, was gathered in February 1994 which overlaps with the data collection period of *Count & Counter* which is based on incidents that occurred from November 1991 to June 1993. The data in 'You shouldn't...hide' was gathered in 2003 and the results from that report, cited in this paper, are based on victimisation that occurred in 'the last 12 months' and as such there is no overlap with previous reports.

Background of participants

There are a number of notable features in the characteristics of the respondents in all of the reports when examined sequentially. First, there is a marked increase in the number of overall respondents (Figure 1). Second, there is increasing parity in the gender/sex of participants (Figure 2) and thirdly, a greater diversity of sexual identity across reports (Figure 3). These outcomes reflect an aim of activists to be more inclusive of not only lesbians and gay men but those of sexual orientations other than heterosexual.

Figure 1: Number of participants in all studies

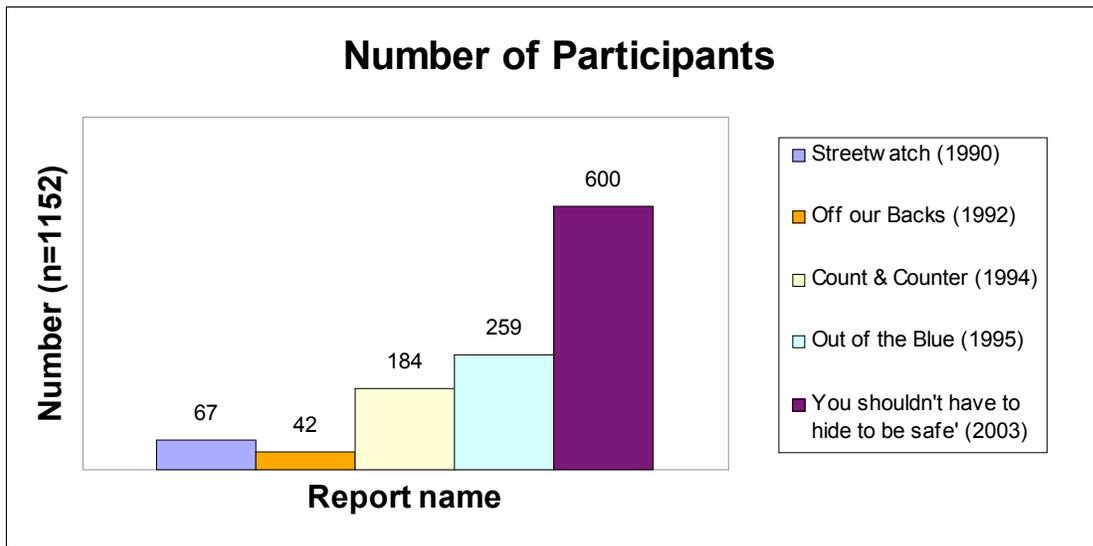


Figure 2: Gender/sex of participants in all studies

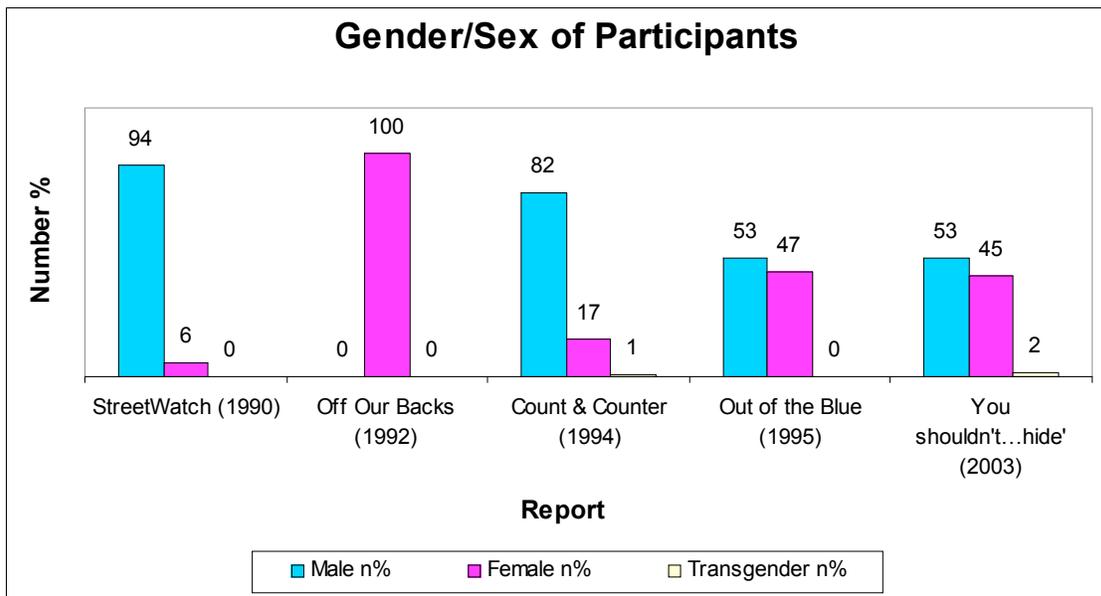
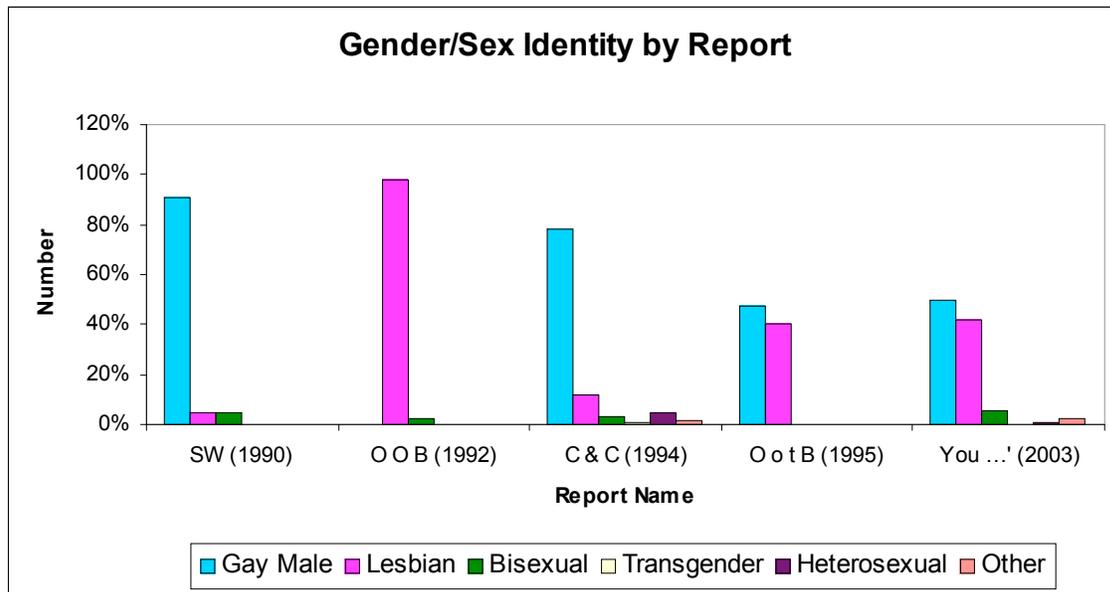


Figure 3: Gender/sex identity in all studies

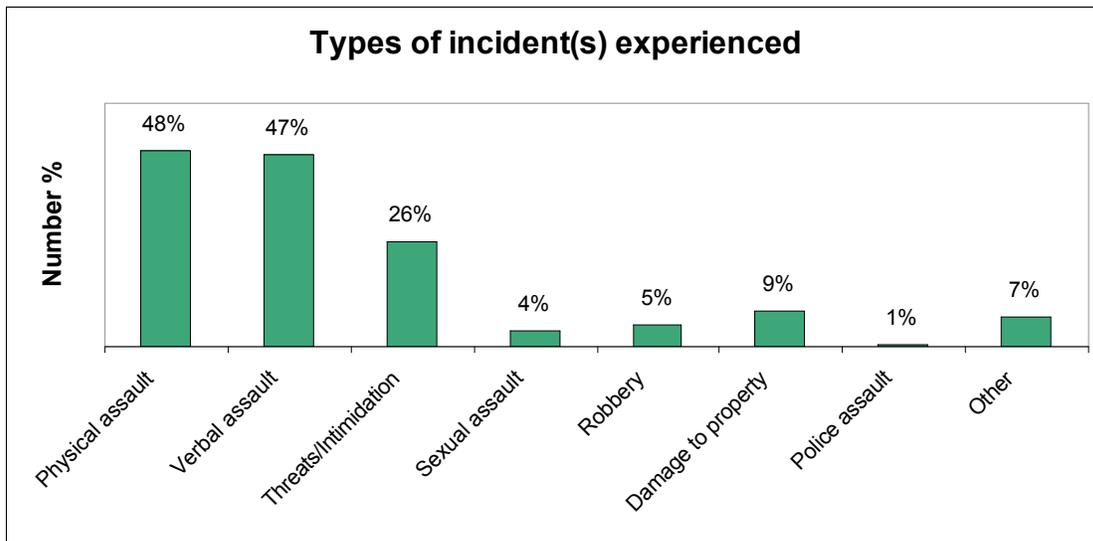


The 'other' category in *Count & Counter* was 'not stated'.

Characteristics of Incidents

Levels of victimisation for a variety of incidents experienced by all respondents are outlined in Figure 4. Overall, physical assault and verbal abuse were the most common type of incident experienced, followed by threats and intimidation. With the results presented in this manner activist claims that many gay men and lesbians experience crime that is physical and abusive and which brings them into direct and close contact with their aggressors, is supported.

Figure 4: Types of incidents experienced for all reports (multiple responses)



The rates of physical and verbal assault have fluctuated dramatically across reports (see Figure 5). The highest levels of physical violence were recorded in the activist-produced reports, an outcome of those organisations consciously recruiting members of the community who had been physically assaulted. A reason for the large decline in physical assaults was that sample methodology altered between activist reports and later bureaux reports, with the latter, *Out of the Blue* and *You shouldn't...hide*, measuring rates of victimisation for a wider 'gay and lesbian' population. There was an 18% drop in reports of physical violence noted between the two study periods in *Count & Counter*. This was reasoned to be due to an emphasis being placed on harassment and vilification around 1993 (with a corresponding 17% increase in this category) and the effect of anti-violence education programs and community-based street patrols (Cox 1994).

Figure 5: Levels of victimisation by report (multiple responses)

Incident	Street-watch	Off Our Backs	Count & Counter 1991-1992*	1992-1993	Out of the Blue+	'You shouldn't ...hide'+
Physical Assault	81%	52%	69%	51%	13%	6%
Verbal Assault	48%	34%	13%	30%	50%	48%
Sexual Assault		5%	4%	2%	1%	1%
Police Abuse			1%	4%		
Threats and/or Physical Intimidation			9%	5%	20%	34%**
Robbery	22%	0%	1%	6%		
Damage to Property		7%			14%	7% ***
Other	11%	2%	2%	1%		
None					43%	44%

(Cox 1990) (Schembri 1992) (Cox 1994) (Sandroussi and Thompson 1995) (NSW Attorney General's Department - Crime Prevention Division 2003). +Time period 'last 12 months'. *Time period of 8 months. **Combined categories of 'threatened/attempted physical attack or assault' with 'harassment such as spitting, offensive gestures, being followed etc'. *** Includes 'property damage/vandalism/theft'.

The decline in physical violence is more apparent when results from two surveys, *Out of the Blue* and *'You shouldn't...hide'* are compared. These two surveys recorded details of incidents *experienced in the last 12 months* (see Figure 5) and allow for a comparison over time (1994 compared to 2003). The data indicated a number of trends:

- Reported physical assault decreased by just over 50%;
- Reported verbal assault and sexual assault remained constant;
- Reported threats and intimidation increased by 14%; and
- The reported number of persons not experiencing harassment/violence had not changed.

These long-term results contradict expected outcomes on violence and harassment experienced by gay men and lesbians. It had been claimed continuously by activists and press reports that such incidents are generally on the increase. The only category to show a long term increase was threats and intimidation.

Having outlined some important findings from *Out of the Blue* and *'You shouldn't...hide'*, some qualifications need to be made. The gay men and lesbians in the two reports were a particular sample of that 'community'. The people in *Out of the Blue* were drawn from an inner-Sydney sample with the other group comprised of people living throughout New

South Wales. The trends of the intervening years are unknown, and as such the latter findings of the year 2003 may be an aberration. The third factor was the possible impact of education campaigns reducing homophobic violence. The intervening years between these two reports saw numerous AVP and Police Service anti-violence campaigns and numerous press reports in the gay and lesbian media teaching readers how to minimise and avoid violence. These educational campaigns may suggest why the reported rate of physical violence reduced dramatically if gay men and lesbians were taught how to be streetwise and avoid physical violence (Moran and Skeggs 2003). While avoiding trouble was promoted, verbal abuse, taunts and threats were no longer to be accepted as part of everyday life. These changes were reflected in the wider spread of offences/incidents faced by gay men and lesbian. 'Threats' were not included in the early reports on violence (*Streetwatch* and *Off Our Backs*). But with the campaign to introduce laws proscribing vilification and broaden understanding of 'violence' such behaviour was added to the categories of incidents measured in reports. There was a large increase in the category of 'threats and/or intimidation' recorded in *'You shouldn't ...hide'*.

Multiple Victimisation

A frequent claim by activist was that lesbians experience especially high levels of ongoing harassment and violence compared to gay men. *Off Our Backs*, which only included women respondents, found one-third of the sample experienced 'harassment ongoing'. This was a similar result to that noted in studies of violence against lesbians in the USA (Schembri 1992). It was asserted that this finding stood in stark contrast to the experience of violence and harassment by gay men, which was found to be 'one-off' in nature. Nevertheless, the data for multiple victimisation outlined in Figure 6 suggests that gay men and lesbians do not experience a significant difference in rates of victimisation. A comparison by gender/sex was only possible in *Out of the Blue*. Here once the number of incidents reached 6 or more women start to outnumber men, but only noticeably so in the 6-10 incident range. Some disparity for rates of multiple victimisation between lesbians and gay men was suggested in *'You shouldn't...hide.'* It was noted that 21% of lesbians reported incidents that occurred in the past 12 months as 'ongoing' compared to 16% of men, but the sex/gender difference may be far less dramatic than expected. One notable result in Figure 6 was that a very high level of victimisation was an ongoing occurrence in the lives of a small number of gay men and lesbians.

Figure 6: Levels of multiple victimisation in last 12 months for those who experienced an incident(s)

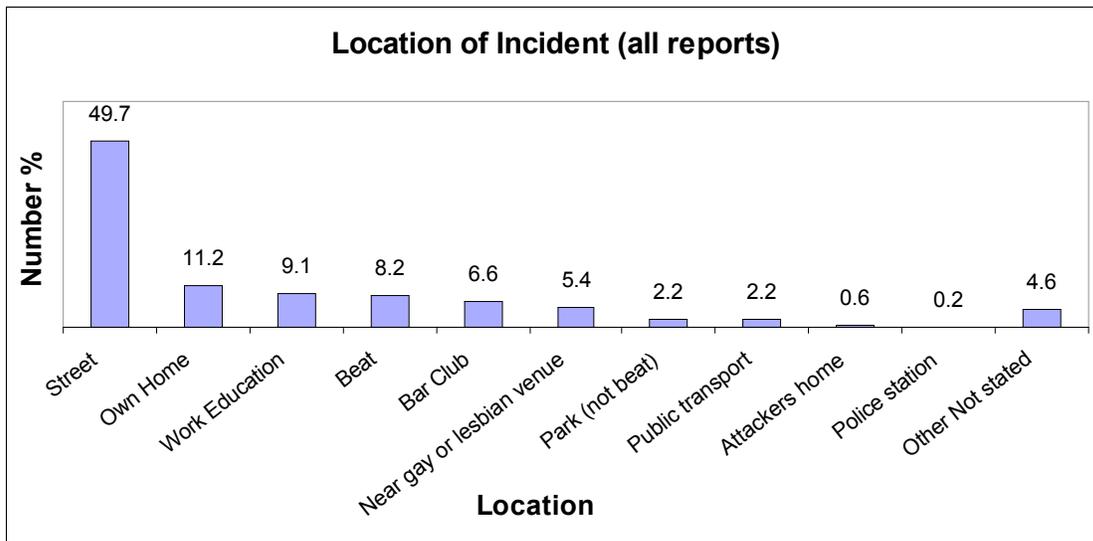
Number of incidents	Out of the Blue			'You shouldn't ...hide'
	Both	Lesbians	Gay	Both
	%	%	%	%
1	12	10	13	18
2	12	11	12	24
3-5	14	13	15	29
6-10	11	15	9	13
11-20	4	8 (11+)	7 (11+)	7 (11+)
21-50	2			
51-300	1.8			
Not given	0.2			9
None	43	43	44	

(Sandroussi and Thompson 1995) (NSW Attorney General's Department - Crime Prevention Division 2003).
N.B. Comparison between men and women in *Out of the Blue* statistics was only available for up to 11 plus incidents.

Location of Attack

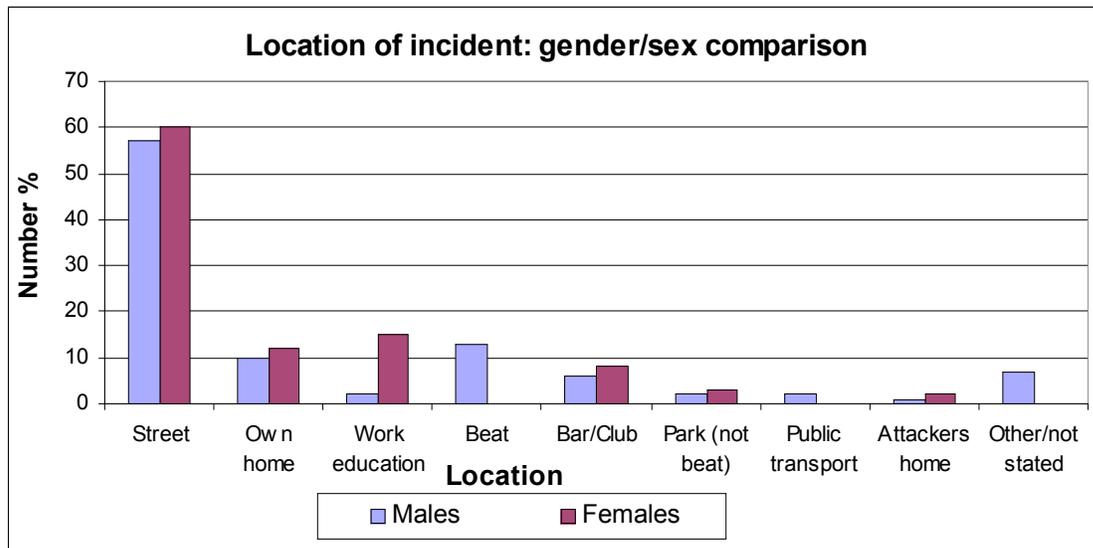
Figure 7 reveals the locations where all incidents took place. At the low end of the scale, there were only a few incidents that occurred near a lesbian and/or gay venue or in the attacker's home. As a broad category, public spaces were found to be the most dangerous places (67.7% of all incidents occurred in a public space), with incidents on the street topping the list followed by beats as the second most dangerous public place. This figure for incidents at beats could be underestimated as *Out of the Blue* and *'You shouldn't...hide'* did not ask participants specifically if they had experienced an incident at a beat. Respondent's homes and their work place or place of education were also relatively dangerous.

Figure 7: Location of incident (all reports)



A commonly held view about violence directed at gay men and lesbians is that the location of attacks differs markedly between the two groups. The findings in Figure 8 highlights that assault locations often do not differ between gay men and lesbians. The main difference was that no lesbians were attacked at beats. More women experienced an incident of harassment or physical assault at work or in an educational institution than gay men. Furthermore, the results presented in Figure 8 cast doubt on report findings that lesbians experienced violence in their own homes at a far greater rate than gay men (14% in *Off Our Backs* compared to 1.5% for males in the *Streetwatch Report*). This was not the case when all report data was grouped.

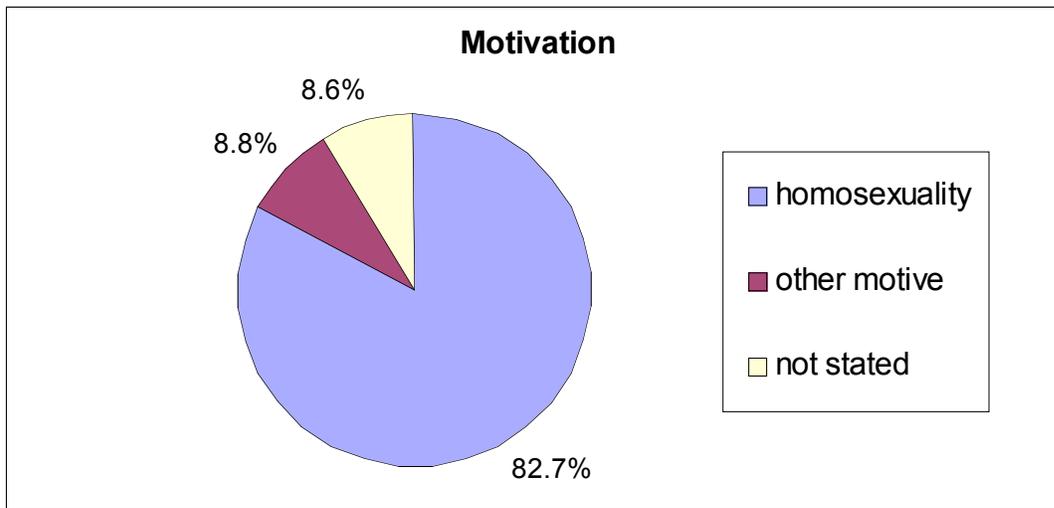
Figure 8: Location of incident by gender/sex (all reports)



Graph does not include data from 'You shouldn't...hide' as gender/sex rates for each location were not supplied.

Motivation for Incidents

A unifying theme across all these reports was a presumption that all incidents recorded were motivated by anti-gay and anti-lesbian sentiment. A number of the reports stated openly that detail of incidents that were 'homophobic' in nature were required ('You shouldn't...hide') or that 'hate related violence' (*Count & Counter*), 'harassment toward the gay and lesbian community' (*Out of the Blue*) or 'anti-lesbian violence' (*Off Our Backs*) details were being collected. The premise of these surveys and the type of motivation directly or indirectly mentioned for inclusion in the reports may have shaped the reporting of respondents. It was details of anti-gay or anti-lesbian, or homophobic violence that was requested. Across all surveys, almost 83% of respondents reported homophobic violence and harassment (Figure 9). Even so, approximately 18% of incidents were neither homophobic nor stated. In the 'other motive' category of motivation was theft/robbery, HIV/AIDS, domestic violence and sexism. The selection of sexism was most evident in *Out of the Blue* where 13% of respondents reported this as motivation. This result supports the notion that it is often difficult for lesbians to determine if they are harassed or assaulted due to their sexuality or whether sex/gender was more important (Mason 1997).

Figure 9: Motivation for attack (all reports)

Conclusion

The production of statistics on 'hate crimes' against gay men and lesbians has been an integral step to gauge the extent of victimisation within this group. These statistics have allowed activists to claim there is a real and unique problem, one that government must act on. New South Wales government bureaux were involved in the early collection of such information, but the issue was taken-up by gay and lesbian activists to build community after the adoption of coalition politics. This project allowed activist groups to conduct surveillance and monitor its constituents so as to inform them that they were at risk, in effect constructing one element of the 'fearing subject' (Lee 1999).

The creation of these statistics can also be interpreted as part of the process of 'governing from a distance' (Rose and Miller 1992). A social problem was defined, homophobic violence. Lesbian and gay activists along with government bureaux applied technologies of government, in this instance the use of surveys, to gather knowledge on the problem. Government bureaux reports also calculated the risk of experiencing a 'hate crime' across a population. Furthermore, they measured how such crime, and the prospect of being a victim, affected and regulated the lives of community members, examples of which include not being affectionate in public, choice of clothing and where to live (NSW Attorney General's Department - Crime Prevention Division 2003). This new information could then inform the development of governmental programs which attempted to create new policy and procedures for the state response to this violence.

¹ The Lesbian and Gay Anti-Violence Project (AVP) is now funded through the AIDS Council of New South Wales (ACON).

² The *Count & Counter Report* contains two sets a data covering the periods November 1991 to June 1992 and July 1992 to June 1993.

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