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**‘Just stupid drama queens’: How police constrain, regulate, and punish the public
visibilities of sexual/gender diversity as out of place**

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Abstract

Using interview data on LGBT young peoples’ policing experiences, I argue policing practices work to constrain public visibilities of sexual and gender diversity in public spaces. Police actions recounted by LGBT young people suggest the workings of a certain kind of visibility (Mason, 2002) and evidenced more subtle actions that sought to constrain, regulate, and punish public visibilities of sexual and gender diversity. Aligning with the work of sexualities academics and theorists, this paper suggests that, like violence is itself a bodily spectacle from which onlookers come to know things, policing works to subtly constrain public visibilities of “queerness”. Policing interactions with LGBT young people serves the purpose of visibly yet unverifiably (Mason, 2002) regulating displays of sexual and gender diversity in public spaces. The paper concludes noting how police actions are nonetheless visible and therefore make knowable to the public the importance of keeping same sex intimacy invisible in public spaces.

Keywords

Visibility, LGBT (lesbian gay bisexual transgender), sexualities, gender diversity, public spaces, constraint, punishment, regulate, discipline, embodiment, heteronormativity, performativity

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Introduction

A lot of them are gay or bi expressing themselves....they're singled out and sort of picked on by police...even if they're not doing anything wrong, they're approached, bullied and sometimes run out of the city for no valid reason whatsoever...other than we're an eyesore...it could be because we've got some sort of outrageous colourful outfit on. It's just if we don't fit in to what the general population is tending to look like, we tend to be looked at and sort of not always picked on but sometimes that has been exactly the case but generally just watched really closely more than someone else (Quintin, gay male, 17).

This quote from a young gay male demonstrates the complexity in which LGBT youth-police relations unfold. It is not obvious to Quintin exactly what it is that makes him uneasy about police, but he knows he and his other gay peers visibly attract their attention in public spaces. I argue Quintin is elaborating on what he perceives to be sexuality and gender diversity being subject to constraint, regulation, and punishment by police actions. Young participants perceived their interactions with police to be unfair, yet this data tells us nothing about the actual intentions of police. I suggest police actions may have served another, more subtle form of disciplinary correction for LGBT young people's behaviour as a '[v]isible yet unverifiable means of correction' (Mason, 2002: 20). I examine these issues in relation to notions of how LGBT young people represent bodies out of place and how, subsequently, police may be seen to be 'punishing or constraining the public visibility' (Tomsen, 2009: 39)

of these young bodies. Conceptualising their interactions in this way enables an understanding of how the general public come to know about the appropriateness (or not) of making a spectacle of same sex intimacy in public spaces (Mason, 2001). This may seamlessly “correct” the public embodiment of queerness among LGBT young people who are subtly encouraged to regulate their behaviour in line with these expectations.

Situated in this framework, I examine qualitative data from 35 interviews with LGBT young people aged 12-25 in Brisbane, Queensland, Australia, mostly at an LGBT youth support service during drop-in times (12.30pm to 4.30pm, four days per week, from approximately October 2008 to April 2009). Participants were questioned about their knowledge and perceptions of police, and their specific interactions with police in public spaces. In applying the framework above to this data, I attempt to move away from causation explanations that individuate and blame young people for their police interactions. I am interested in showing, in contrast that LGBT young peoples’ accounts of policing elaborate versions of being in public space that are sanctioned in specific contexts ‘and, in turn, enable such situations to even begin to say something about the object’ (Mason, 2001: 32), in this instance, of policing.

Poststructural framework: A focus on visible, non-heteronormative embodiment

This research was underpinned by poststructural assumptions about the concepts of the body (Foucault, 1984; Kirby, 1997), discipline (Foucault, 1977), visibility (Skeggs, 1999), heteronormativity (Jackson, 2003), place (Dalton, 2007; Moran and Skeggs, 2004), and performativity (Austin, 1979). Bodies are *inscribed* (Foucault, 1984) by discourses of queerness that *mark* the body as a *text* of discursive knowledge informing ‘the very matter of [the] body’s material constitution’ (Kirby, 1997: 3). This enables an understanding of how the body can be *done* (Butler, 1990) in ways that *perform* a discourse of non-heteronormative

(Jackson, 2003) queerness and that may be read as discursive texts by police. This includes language which functions in a distinctly *performative* (Austin, 1975) manner, with talk understood as “performing an action” (Austin, 1975) by way of ‘speech acts’ that literally perform the act of which they speak.

Reading bodies in this way implies a certain *visibility* and questions of ‘what should be visible and what should not, who should occupy space and who should not’ (Moran and Skeggs, 2004: 7). LGBT young people are seen as ‘the subject-to-be-looked-at’ (Young, 1996: 210) exemplifying how not to do heterosexuality in public spaces. Non-heteronormative embodiment here also implies those that fail to align with heterogender (Pringle 2000) – that is, the expectation that a person is and acts either male *or* female. In doing non-heteronormative embodiment, then, a person’s conduct may be situated as non-heteronormative and/or non-heterogendered and therefore improper. Most importantly, visibility is about place – ‘recognition of being in and out of place that invariably invokes regimes of placement’ (Moran and Skeggs, 2004: 7). LGBT young people represent bodies out of place, both in terms of not being heterosexual and being in public places. They represent ‘ungovernable’ (Dalton, 2007: 385) bodies in need of regulation, breaching boundary of properly heterosexual spaces that ‘divides, separates and distributes...[and] has clarity, is impermeable, stable and fixed’ (Moran and Skeggs, 2004: 10).

Constraining the public visibilities of bodies out of place

Police appear to constrain public visibility of LGBT young people as bodies out of place in public spaces as their bodies fail to align with heteronormative and heterogendered normality. By constraint, I am referring to Foucault’s (1977: 11) elaboration of constraint in terms of discipline as ‘a system of constraints and privations, obligations and prohibitions’. Constraint was subtle and was grounded in being out of place (Moran and Skeggs, 2004). Physical

constraint was less common, with comments focusing on feelings, weird looks – almost undetectable limitations and moderations of their behaviour. These forms of constraint were attached to how their bodies made their gender or sexuality visible in ways that transgressed heteronormative expectations: ‘if I’m not looking really gay they’ll be a lot nicer’ (Nikolas, gay male, 18).

‘It’s not that much of a problem for me considering I look like a chick and they just call me a slut’: constraining gender diversity in public spaces

Police actions appeared to constrain gender diversity in a range of subtle ways, but these actions were nonetheless perceived by LGBT young people as constraining. The actions were sending them a message about how they were doing (Butler, 1990) gender in ways that fell out of place in heteronormative and heterogendered public spaces. Alex (male to female transgender, 25) suggests being out of place in terms of gender diversity is ‘a power thing you’re giving up your right being male and dominant’. Police detected gender diverse embodiment and sometimes moved out of these spaces to avoid them:

When I was in drag yes...it trips them out...they just wanted to get away from me
(Alexis, gay male, 19).

We had that incident they [police] came and at first they were saying the other people were at fault, and then I was saying my girlfriend, that I wanted her next to me because I was bleeding. We all have short hair my group and we don’t dress in dresses, we’re all kinda tomboys...I think as soon as they realised that’s the way it was, they kinda switched...their attitude towards us and started to be quite negative and starting to blame us for the incident itself (Kimi, lesbian female, 21).

Although far removed from targeted abuse of LGBT people in history (Tomsen 2009), police actions made it clear to LGBT young people that their physical presence was not appreciated in heterosexual public places, and they were out of place. Police appear to have decided these young people are a problem and have subsequently sought to constrain, albeit subtly, the gender diversity of these participants. This could be problematic for LGBT young people when police have expectations about how the young person's conduct was visibly at odds with their embodiment of gender:

I'm a pretty butch girl so I've never had any really good relationships with police...I didn't really get treated that well cause they were like, "Ah you should stand up for yourself you're butch ha ha", and it was just like "Yeah I'm a 14 year old kid with shaved head" (Tayden, pansexual, 19).

Visibility and surveillance are central to how subtle assumptions like these act as forms of constraint. This makes known to LGBT young people that gender diversity situates them out of place in a heterogendered space. How this gender diversity is perceived by police seems to inform how LGBT youth-police interactions unfold:

I was assumed to have been a guy and was treated as a male at first until they saw my ID so I was treated pretty badly and I hadn't done anything...just doing routine checks on shit...then that officer that kept on pushing those matter was informed that I'm a chick and then totally stopped and changed the way he spoke to me (Xavier, female to male transgender, 22).

In this instance, gender diversity produced constraining and productive outcomes for Xavier. The outcomes though remain the same – LGBT young people perceive police actions as showing them that gender diversity ought to be out of public spaces.

“Public affection” or something like that. It’s not allowed in Queen Street’: constraining sexualities in public spaces

According to LGBT young people, same sex intimacy was constrained consistently by police. Alex notes this could be as subtle as a look from police: ‘I don’t know it’s just very different. I’ve been with my boyfriend with police around but just because we’re pretty normal looking people. They kinda just give you a weird look and look the other way’ (Alex, male to female transgender, 25). These ‘weird’ looks act as a subtle form of constraint, just enough to make it clear to this young person they are out of place and to invoke self-governance measures to not appear so outwardly “gay”.

Young peoples’ accounts in this study did demonstrate more overt examples of non-heteronormative behaviour being constrained by police. Holding hands, kissing, or hugging between same sex couples visibly drew the attention of police as out of place in public space. Some young people acknowledged police may react to how LGBT young people are “out and proud” and can flaunt (Mason, 2002) this in ways attracting police attention:

Some of the younger dykes out there that are like 15 16, they’re still at that younger stage where they find it necessary to write the word lesbian on everything they own and shit like that...some of them cop it a fair bit. I think there’s a bit of a street mentality where people are like, ‘Well we don’t run around writing heterosexual on all of our stuff. Why do you have to wave it in our face’? (Ticket, lesbian female, 19).

A lot of young LGBT people are scared of police as well because I guess with our culture, it's not socially acceptable to do a lot of things out in public like kissing, hugging, and I think especially a lot of young ones just like to push their buttons (Tayden, pansexual, 19).

Even if this is how these young people are perceived, they continue to have the right to congregate in public space and recreate with other young people. Interestingly, these views align with those expressed about the Sydney Gay and Lesbian Mardi Gras (Waitt and Stapel, 2011: 208), where visible displays of 'raunchy' intimacy ought not be made public by the Mardi Gras event. Displays of raunchy same sex desire are unruly (Dalton 2007) and clearly out of place, a view that Ticket suggests the police would share. Police regulate the boundaries (Moran and Skeggs, 2004) of "waving it in your face", with individual officers imbued with the power to decide who has and has not transgressed this boundary.

LGBT young people in this study described other forms of constraint involving language. Homophobic pejoratives were not commonly used, yet when they were used by police, the young person recognised the words were spoken as an act of constraint. When asked if police had ever used this language in interactions with LGBT young people, Xavier (female to male transgender, 22) stated, 'Oh yeah "you fucking faggot I'll fuck you like a bitch that you are"'. Other young participants noted how these forms of language served to constrain not only the behaviours of those on the receiving end of the comments, but also those who witnessed the exchange:

One of my friends was pulled over once and he's the biggest queen you'll ever meet...he's got the pitched voice, he's walks, sounds, talks like a stereotypical gay

guy and he was pulled over. I was in the car at the time, the police had pulled him over just for a routine breath check, doing their job. He was breathalysed. He said “Is everything alright officer?” and he said “Oh shut up you stupid faggot”...I said nothing because they’re the police and I don’t want to get into trouble. I’ve been in trouble, don’t want to more (Pinky, gay male, 18).

Pinky knows the situation above is unfair and feels he should say something, yet he does not. Homophobic language had its desired effect – it has acted (Austin 1975) in ways that lead Pinky to constrain his behaviour for fear of potential further trouble from police. These are the material effects of homophobic language for LGBT young people. As Pinky reflects on the situation above, he expects he will always be the subject of homophobic language from police and the public:

You’re going to get that from everyone if you hold hands, if you kiss in public, just put your arm around their shoulder, you’re going to get looks, you’re going to get whispers you’re going to get people calling out ‘faggots’ or ‘dykes’ (Pinky, gay male, 18).

Pinky recognises that doing same sex intimacy in public spaces in any form makes non-heteronormative sexualities visible (Skeggs 1999) in ways that situate them as out of place (Moran and Skeggs, 2004). More importantly, it is clear that one off remarks like these align with what Mason (2002: 20) calls a ‘[v]isible yet unverifiable means of correction’ – they correct same sex intimate behaviours in public spaces by excluding them from these spaces.

LGBT young people noted police actions similarly worked as a means of correcting same sex intimacy in public spaces.

They're always pulling up if a guy lays on another guy or if a girl lays on another girl, they're pulling it up pretty fast but like if I laid on a guy, they wouldn't overly worry about it too quickly (Sarah, male to female transgender, 17).

While Sarah is technically out of place as a male to female transgender young person, she identifies as a female with a boyfriend and passes successfully as heterosexual and heterogendered – and in place. This interaction highlights that, while the imperative to hide diverse sexuality has fallen away somewhat in contemporary times, the common expectation to do this 'continues to serve as the favoured benchmark against which all representations of homosexuality are measured' (Mason 2001: 24). Police appear to use this benchmark to "measure" behaviours of LGBT young people in public spaces. It is expected they will adhere to unspoken homonormative ideals (Bell and Binnie 2004) about not "flaunting" their sexuality in public spaces; that is 'non-threatening, almost invisible' (Waitt and Stapel, 2011: 209) queerness.

'A bit over the top': regulating the public visibilities of bodies out of place

While informal regulation and formal punishment were less common than constraint, police actions shifted towards regulation in two ways: through homophobic language; and applying formal legal sanctions.

'Once you wear the uniform, leave the other shit at home': language as regulation

According to LGBT young peoples' accounts, police used language to regulate bodies falling out of place in how they were visibly non-heteronormative. This was particularly the case for transgender young people. For example, one participant recounted a situation where a police

officer physically acted on the body of a young transgender female: ‘One of my friends Holly who is a transgender person...she’s still male but she wears a wig and dresses up and the cops ripped her wig off in public once to taunt her’ (John, gay male, 18). This situation clearly exemplifies police acting on a young gender diverse body because this body does not match with heterogendered (Pringle 2008) expectations, but this is the only case of this happening in this study. More common was the use of language to regulate transgender bodies for being out of place in public space:

One person...she’s transgender, in the process of becoming a woman, was asked to show her ID, and it came up male...and they were saying “But you’re a fucking male...stop lying to us”. It was pretty obvious she looks like a girl (Pinky, gay male, 18).

These words appear no less effective than physical actions – they produce the same result: they regulate transgender visibility in public spaces as ‘soft targets...disciplined for their gender non-conformity’ (Tomsen, 2009:42). Police actions demonstrate to Pinky, to the transgender young male involved, and to onlookers that these bodies are out of place and in breach of legislative frameworks. They are the subject-to-be-looked-at, seen to be defying heteronormative boundaries, and are ill-disciplined in this defiance.

‘I see you live with a bunch of lesbians’: police use of legislative punishment

Police also formally punished public visibilities of this group via authorised legislative forms of punishment. Although it is clearly unfair that police issue fines to boys who are “making out” with boys, it is not breaching the boundaries of the legislation. Individual officers have

here interpreted the legislation broadly (in terms of public offence) and issue fines as punishment for visibilising their non-heteronormative intimacies in public spaces.

Even though there were times when young participants were unsure if it was their sexuality that police responded to, elements of situations recounted suggested this may be an issue. At least one LGBT young person, however, concluded police actions were based on displaying same sex intimacy in public places:

I was walking through Queen Street with one of my friends and we were coming from Fat Louis'. We'd had a few drinks. We weren't drunk going over to the train station...We were holding hands through Queen Street and the police pulled us over and like "You've been drinking haven't you? Where have you been drinking?" and I'm like "Fat Louis'" and they're like "Oh don't lie to us", took us back to the cop shop and gave us each a \$100 fine...drinking in public (Nikolas, gay male, 18).

I got a \$125.00 fine for telling a copper they looked hot in their uniform, this male cop. If I had of been some big breasted blonde bimbo, he probably would have let me off the fine...but 'cause he was a straight male copper that was insulting to him... 'cause I was in a car when I said it, and we were driving past him, the way he charged me was he said I had my body parts out the window...so he wrote the fine out under that and they had me in the interview room and he told me that he was giving me the fine because that offended him ... 'cause he knew he couldn't give me a fine just for telling him he was hot (Mac, gay male, 19).

The cops came up to them and started harassing them pulling them apart and saying they were causing a nuisance to the public, and if they keep doing it they're going to handcuff them and take them away...just for kissing in public. I got in trouble for public nuisance because I had no clothes on, that is understandable, but kissing in public, it's fucking ridiculous...and I couldn't say anything cause I wasn't sober and underage...and you get in trouble for interfering (Jimmy Von D, lesbian female, 16).

Like Pinky, Jimmy Von D has come to know about how same sex intimacy can be out of place, and how it may be problematic to respond to this even if she knows it is unfair of police to regulate these activities. Police actions in these examples again constrain not only the behaviours of those who police initially interacted with – their actions equally correct LGBT behaviours on a broader, more publicly visible scale. Onlooking LGBT people know they need to regulate how they behave in public so as to avoid attracting similar police attention. Police actions discursively mark these bodies and same sex intimacies in public spaces as deviant, rendering them 'criminal subjects' (Dalton, 2007: 398).

The use of punishment by police was not always so subtle or ambiguous in terms of enacting non-heteronormative sexualities and/or genders. Indeed, some examples demonstrated how legislative frameworks, which are 'never unambiguously and precisely written' (Chan et al., 2004: 73), afforded police opportunities to use discretionary powers in ways that would otherwise constitute a breach of basic human rights:

The cops, some of them can be better than others. But some are strict on kissing in public... I've seen a couple of people actually ticketed for being in the street kissing, two guys (No Name, bisexual male, 19).

The two guys in this instance constitute ‘the existence of an unruly desire that is both out of place (by virtue of being public) and ungovernable’ (Dalton, 2007: 385). The police act to regulate this unruly desire and, in turn, make visible to No Name that displaying same sex intimacy in public places deserves to be punished. Another gay male participant Alexis (gay male, 19), was twice detected and fined by police: first, for ‘making out at a train station’ with his male partner: ‘The coppers came along and fined us actually...this is public offence or some crap...fined for public disturbance’; and second for ‘making out’ in a shopping centre with his male partner ‘at like 9 at night on a late night. I got charged again...public nuisance or disturbance...I’m like “This is not cool. Would you like me to go do it in a hole?”’. Alexis is well aware these police actions fall outside the boundaries of sanctioned police discretionary powers, yet his only means of recourse is to not pay the fine: ‘haven’t paid it...it was just making out with a guy that you like in public – Jesus Christ not guilty’. Alexis resists the punishment police give him, a move which unfortunately serves to criminalise him further.

These examples demonstrate the application of the *Summary Offences Act Qld* (2005, s.5.6). This Act includes the offence of public nuisance¹ and behaving ‘in an offensive way’ which police interpret here as inclusive of same sex intimacy in public spaces. Particularly problematic in these examples was how, just as police officers ‘assumed entitlement to gaze upon semi-naked bodies’ of lesbians in Lamble’s (2009: 120) work, so too did officers in this study assume entitlement to intervene in expressions of same sex intimacy in public spaces.

¹ (2) A person commits a public nuisance offence if—

(a) the person behaves in—

(i) a disorderly way; or
(ii) an offensive way; or
(iii) a threatening way; or
(iv) a violent way; and

(b) the person’s behaviour interferes, or is likely to interfere, with the peaceful passage through, or enjoyment of, a public place by a member of the public.

Police assume public space is a pure, moral space in which same sex affection constitutes improper, unclean use of this space. Dalton (2007: 380) makes a similar argument about beat spaces where historically ‘the logic of gay sexuality as diseased played out in police interactions with men encountered at beats’.

‘Under their breath’: concluding thoughts

‘Under their breath’ was how Pearl (male to female transgender, 19) described the subtleties of police constraint, regulation, and punishment, and this captures succinctly the dynamics of how this happens with LGBT young people. The accounts presented, according to Hall (2005: 69), may be reminiscent of hate crime where this acts as ‘a *message* crime’ – it conveys a strong message to the general public about a particular person or group is ‘different, unwelcome and that any member of that community could be the next victim’. While the data here may not resemble hate crime in that we know nothing of police intentions, it nonetheless produces material effects for LGBT young people who are subject to, or witnesses of, police actions. Police practices subtly constrain and govern young LGBT bodies in ways that blend into the fabric of public spaces, yet still highlight the importance of regulating bodies failing to align with heteronormative genders and sexualities. The key issue warranting further consideration is *how* we have moved beyond this in a shifting contemporary landscape of subtle forms of hate crime, and constraint, regulation, and punishment.

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