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Guest Editorial: Queer Theory and Criminology

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In 2015, queer theorist Heather Love called for her fellow queer scholars to recognize the centrality of the study of norms and deviance to ‘the intellectual genealogy’ of queer studies. She argued that queer approaches and understandings, with their ‘embrace of a politics of stigma’ and ‘reliance on a general category of social marginality’, were ‘borrowed’ from mid-twentieth century social science studies of deviance. For most criminologists, it is axiomatic that this tradition is equally central to our own genealogy, and our concerns with deviance, normativity, social control and the production of power and marginalisation. Despite this shared set of concerns, queer theory and criminology have little contemporary crossover. We share Love’s concern around this state of affairs, but where she is primarily concerned about the stakes for queer studies, the focus of our special issue is on what criminologists can gain from greater engagement with the analytic and conceptual tools of queer theory.

Despite important interventions made by feminist and black criminologists (Smart 1976; Potter 2013; Phillips et al 2019) and critiques of criminology’s restricted geopolitical and conservative focus (Aas, 2007; Carlen and Ayres França, 2017), criminology remains largely a heteronormative, Anglocentric project where sexuality and gender binaries are frequently taken for granted (Ball 2016). When questions of sex and sexuality are addressed, they tend to be treated as supplementary, relevant only to marginal groups and therefore inconsequential to scrutinising broader relations of power. Yet, as queer theory makes clear, questions of desire, sex, sexuality and gender, particularly their intersections with racialisation, class, and disability, are central to the ordering of contemporary social norms, institutions and governance frameworks—including neoliberal capitalism, nationalism and colonialism. Taking these insights seriously means recognising that many criminological issues, which at first appear to have little to do with the politics of sexuality – such as state-corporate crime, fraud and theft, green criminology, border controls, policing and prisons – could benefit from queer concepts and theoretical approaches.

We are by no means the first to argue for the potential of ‘queering’ criminology. This special issue enters a field of existing work and debates around the emergence of ‘queer criminology’ as a new subdiscipline (e.g. Ball et al., 2014; Panfil and Peterson, 2014; Buist and Lenning, 2015). However, as some scholars note, much of this scholarship has to date treated queer as an umbrella term for LGBTQI+ identities or as a general ‘corrective’ to straight presumptions within criminology but not necessarily engaged with wider epistemological and ontological debates that have occupied queer theory over recent decades (Ball 2014). For example, there is important focus on LGBTQI+ people as victims or perpetrators within the criminal justice system, but not necessarily underlying questions of subject formation, power, desire, subjectivity, temporality and spatiality that shape the broader social conditions, norms and power relations of those encounters. As queer theorists would insist, the assimilation of LGBTQI+ concerns into the criminological agenda, and push to de-stigmatise non-heterosexual orientations, does not in itself fulfil the radical promise of queer critique. These interventions are undoubtedly important for foregrounding the experiences of marginalised groups. Nevertheless, they can obscure queer theory’s more deconstructive impulses towards questions of gender and sexuality, sometimes relying on an ‘add LGBTQI+ and stir’ approach.

Below, we suggest some key provocations within queer analysis which criminology would benefit from engaging with. Some elements of this analysis are found in the articles of this special issue.

¹ The order of authors reflects institutional affiliation in alphabetical order.

First, queer theorists are interested in more than sex and sexuality in the sense of who does what to whom. In contrast to 'rights seeking' projects, which primarily seek to recognise and normalize homosexuality in relation to heterosexuality and obtain new legal rights for groups defined by their identity (e.g. same-sex marriage), queer theory questions the power dynamics that underpin the very categories of gender and sexual identity and the social relations that sustain them (e.g. the institution of marriage). Queer likewise resists more conventional assumptions that identity denotes an essential truth about one's 'authentic self'; queer perspectives see identity as a liminal and variable effect of broader power relations. Rather than valorising identity, queer theory draws attention to social processes of identity formation. By uncovering the ways that sexual identities emerge and become contested sites of power and regulation, queer theory exposes the centrality of identity to modern governance. In this sense, 'queerness' is a political ethos that works to question and deconstruct identitarian logics (Jagose 1996; Halperin 1995).

This resistance to identitarianism marks a significant divergence from work on LGBTQI+ individuals within the criminal justice system. While recognising the necessity of 'strategic essentialism' (Spivak, 1984) to expose stigma and brutality levelled at queer bodies encountering the criminal legal system, queer theory extends this analysis. Queer theory sees the targeting and marginalisation of particular groups as symptomatic of broader power relations, which are unlikely to be remedied via identity-based inclusion or recognition-tactics. In this special issue, queer theory is drawn upon to contest the limits of identity frameworks in various ways. Copson and Boukli explore the utopian possibilities of refusing dominant categorisations of gender, while Perez and Radi explore the intersections between the imposition of gender identity and punitive politics. Rakes et al and Carr et al both explore the ways in which constructions of LGBTQI+ identities as 'vulnerable' may work to facilitate carceral power and limit the ability of scholars to contest this power.

Second, queer is a broader mode of doing critique, less concerned with 'who' or 'what' is studied and more 'how' it is approached. To *queer* is to disrupt straight logics, to view the world askance, to engage in practices of troubling, and to carry out 'outlaw work' (Freccero 2006, p.5). This commitment highlights another connection between queer theory and criminology's shared interest in deviance and social norms. Queer theoretical approaches make it politically indispensable to engage with queers and 'deviants' as 'outlaw subjects' (Bersani, 1995) in order to expose wider effects of social norms as modes of governance. While criminology has tended to focus primarily on the harms and processes of doing deviance, queer theory's engagement with the intertwining of sex, sexuality, desire and their regulation has seen the development of 'antinormative theories.' Rather than simply contesting existing norms or seeking to replace one set of norms with another, these theories challenge the logic of normativity itself.

The strands of critical criminology that emerged from the sociology of deviance share with queer theory an interest in what Goffman (1968) termed a 'stigmaphile space', where our commonalities with those who suffer from stigma, whether 'deviants' or queers, are not only acknowledged, but held up as a means of demonstrating the 'world's pseudo-morality [a]s a phobic and inauthentic way of life ... where conformity is ensured through fear of stigma' (Warner, 2000, p. 43). Queer, like social theories of deviance, operates as a refusal to play along with dominant logics so often construed as a universal set of values from which the 'other' deviates. Queer contests the assumption that the universal bears the markers of normality, and in refusing values construed as universal, asks: why would anyone aspire to be normal in the first place? In this special issue, this question is posed in different ways throughout. For example, Aldridge explores the ongoing stigmatisation of sex on drugs, while Perez and Radi explore the punitivism of normative definitions of gender.

Third, queer theory explores the pleasures of deviance, lingering in the margins and embracing irreverence. If criminology has dedicated itself to rejecting the characterisations of the socially marginal as monstrous deviants, queer theory has, through explorations of negative affect, anti-social theory, and the pleasures of abjection (including but not limited to sex) explored the pleasures of deviant monstrosity. These explorations have commonalities with the most influential features of cultural criminology, such as work on crime as carnival, 'expressive criminality' and the development of the 'edgework' thesis (Ferrell, Hayward and Young, 2015). Cultural criminology has, however, been critiqued for its focus on prototypically masculine risk-taking. A queer theory informed criminology might illuminate these pleasures in different ways, or excavate other forms and sites of pleasure. In this special issue, queer pleasure is explored in Aldridge's analysis of the politics of sex and drugs and in Vasiliou's interrogation of the paradox of pleasure within the space and institutional control of the prison. Further, queer theory also questions the allure of normativity itself, and its seductiveness for some previously marginalised subjects, such as newly respectable LGBTQ communities. The interrogation of homonormativity and respectability politics is continued here in Redd and Russell's work on institutional apologies for homophobia and the queer politics of regret, while Carr et al explore the ways in which the figure of the queer prisoner troubles notions of respectable LGBT communities.

Finally, queer theory has a commitment to radical praxis – a concern with social change as transformative rather than incremental or as a set of fixed concerns. While scrutinising systemic and structural power – such as white supremacy, capitalism, colonialism, cissexism, ableism, compulsory heterosexuality, sexual normativity – queer analysis seeks to challenge the status quo that produces these structures and aims to forge new possibilities, generate new worlds and enact ways of being and doing otherwise. Central to this is a focus on everyday practices and harms of conformity and normalisation. In this special issue, such enactments of harm are brought to the fore in Carr et al's focus on prisons as a site of the regulation of sociality and intimacy, Perez and Radi's examination of the way that punitive policies that claim to protect queer lives act to produce disciplinary restraints, and Rakes et al's discussion of the links between everyday experiences of vulnerability, carceral logic and state power. Importantly, Berggren et al's article introduces queer critiques of chrononormativity, or the disciplinary function of dominant modes of temporality, demonstrating the link between the unremarkable or ordinary (and thereby disrupting conventional life-course criminology approaches) and structural harms. These critiques sit alongside a critical interest in transformative change, utopian imaginings and the ways in which such imaginings succeed and fail when brought into practice, as in Copson and Boukli's exploration of utopian possibilities of gender in the interstices of criminal law and science fiction.

While we hope this special issue, and the papers within it, open up important conversations about the value of queer theory for criminology, we also acknowledge its limitations. For an issue that wanted, in part, to address the lack of sex in criminology, we find overall less sex than we would like (with the exception of Aldridge). Another claim we were keen to push was how queer theory might inform criminological scholarship in areas that are not easily or automatically associated with the study of sexuality, and there is less scholarship here that does not directly focus on LGBTQI+ identities (but see Berggren). Finally, and most importantly, we recognize the predominance of queer scholarship in the academy from the global north in both queer theory and criminology, we recognize our own privileged social locations as a group of white scholars located in the global north and acknowledge that power inflected the process of producing this special issue. It is our hope that this issue might serve as a provocation in the most generous sense and we look forward to future publications that continue this conversation and remedy some of these limitations.

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