

Beyond 'Hate': Queer Metonymies of Crime, Pathology and Anti/Violence

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This article questions the uninterrogated role of hate as the hegemonic paradigm for understanding and organising against violence globally. While we have at our disposal a range of analytics – from affect studies to feminism to homonormativity – to make sense of dominant figurations of queer love and the neoliberal multicultural publics and carceral landscapes that they render palpable, hate has not undergone similar challenges. Using a transnational lens to document the arrival of the hate crime/violence discourse in Germany, where languages such as Hassgewalt that attribute violence to hate are recent, I argue that hate is a risky diagnostic to organise around, in that it always already sticks to racialised bodies. Tracing figurations of violence, homophobia and crime through a range of media, activist and policy texts, I argue that the drama of queer lovers and hateful Others has unfolded in close proximity to wider crime discourses that are again highly racialised and globalised.

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The two moral panics share a setting in the gentrifying inner city, a psy profile, an arsenal of techniques of punishment and reform, and a bioand geopolitical horizon and orientation towards degenerate bodies and spaces that are both disposable and sites of value extraction. This has implications beyond what kind of languages we choose to use. The article calls for an abolitionist imagination that goes beyond the prison and extends to institutional and other sites more often considered caring and benevolent, including the communities we wish to build ourselves.

1 INTRODUCTION

In her lecture “Death and Rebirth of a Movement: Queering Critical Ethnic Studies,” Cathy Cohen tentatively opens up the possibility that from the ashes of a white conservative LGBT movement another queer politics and theory might arise.¹ This movement would be accountable to young people of colour who in a neoliberal context of neglect, militarisation and institutional and interpersonal violence are prepared for premature death, regardless of their sexual and gender identity.² In calling for such a “politics that springs from the lives of folks of color,”³ Cohen once again challenges both the identitarian assumptions of an institutionalised and professionalised social movement that requires lives worthy of protection to look queer, and the postidentity claims of a queer canon whose default position towards racism is shaped by indifference or competition.

¹ Cathy Cohen, *Death and Rebirth of a Movement: Queering Ethnic Studies*, 37 (4) Soc. Justice 126-132 (2010/2011).

² On premature death, see Ruth Wilson Gilmore, *Fatal Couplings of Power and Difference: Notes on Racism and Geography*, 54 Prof. Geographer 15-24 (2002).

³ Cohen, *supra* note 1, at 131.

Given this lack of accountability, it may be unsurprising that the setting for Cohen's intervention is a Critical Ethnic Studies conference rather than a queer or gender studies setting.⁴ This reminds me of the stakes involved in doing radical queer-of-colour scholarship in variously disciplined spaces.⁵ While Gender Studies is expanding in ways that often repeat rather than interrupt the harnessing of dominant women's and LGBT movements to the projects of nation and empire, Ethnic Studies is facing a brutal backlash despite long-standing efforts by scholars to perform themselves as and participate in the production of what Jodi Melamed calls "good multicultural citizens."⁶ As Critical Ethnic Studies is re-invented as an insurgent knowledge formation that resists rather than diversifies capitalism, colonialism and imperial war, it enters into possibility as a site for anti-racist queer and trans scholarship.⁷

⁴ Cathy Cohen, Keynote Address at the University of California Riverside Conference: Critical Ethnic Studies (Mar. 10-12, 2011).

⁵ While this describes inter/disciplinary formations in the U.S., we also need accounts of other parts of the world, including outside the global north. In Germany, where social movements have remained very white, gender studies has had some success in finding institutional homes. Meanwhile, Critical Race and Ethnic Studies, which were never institutionalised, have begun to flourish outside the academic industrial complex. See, e.g., *Decolonize the City!*: Berlin, <http://www.decolonizethecity.de> (last visited Sep. 15, 2013) (the *Decolonize the City* conference that was organised by racialised graduate students active in the *Berlin Colloquium of Colour* and attended by numerous queer- and trans-of-colour participants).

⁶ Jodi Melamed, *Reading Tehran in Lolita: Making Racialized and Gendered Difference Work for Neoliberal Multiculturalism*, in *Strange Affinities: The Gender and Sexual Politics of Comparative Racialization* 76-109 (Grace Hong & Roderick Ferguson eds., 2011); H-Net Discussion Networks, Critical Ethnic Studies Conference, http://cesa.ucr.edu/general_info.html (last visited Sep. 10, 2013) (ironically, the critique of Ethnic Studies in the first Critical Ethnic Studies conference call for papers barely preceded the outlawing of ethnic studies in Arizona.)

⁷ See the CESA Call for Papers 2013, *supra* note 6. Theorists and activists on these intersections have made interventions where they could but it is interesting that while Gender and Sexuality Studies have in some ways become more reluctant homes for women/queer/trans-of-colour scholarship, Critical

One of the dominant political methods Cohen singles out besides marriage and gays in the military is hate crime activism.⁸ She joins a steadily swelling chorus of voices that critique the hate crime paradigm, now one of the top issues for LGBT movements globally, for strengthening a criminal ‘justice’ system that disproportionately targets people who are poor, of colour, or unable or unwilling to conform to norms and standards around gender, sexuality, health and consumption.⁹ These critical voices have so far been limited to the U.S., currently the leading exporter of punitive methods and technologies.¹⁰ The experience there suggests that those categorised as needing protection from violence

Ethnic, Race and Legal studies are at least promising to become more open. This might reflect their lesser investment in narratives of progress, rights and protections and their longer history of questioning how the criminal ‘justice’ system, even in its nicer faces, acts against oppressed people in a way that is neither accidental nor aberrant. It remains to be seen whether Critical Ethnic Studies will expand to hold queer and trans-of-colour scholarship in particular, whose unique contribution to wider Race and Ethnic studies lies precisely in its potential for dismantling the white gender and sexuality norms that are at the heart of coloniality.

⁸ Yasmin Nair, *Why I Won't Come Out on National Coming Out Day*, (Oct. 9, 2008), <http://www.yasminnair.net/content/why-i-won%E2%80%99t-come-out-national-coming-outday-9-october-2008> (she calls this the “usual Holy Trinity of Hate Crimes Legislation, Marriage, and Don't Ask Don't Tell”).

⁹ *A Gainst Equality: Prisons Will Not Protect You* (Ryan Conrad ed., 2012); Dean Spade, *Normal Life: Administrative Violence, Critical Trans Politics and the Limits of Law* (2012); Dean Spade & Craig Willse, *Confronting the Limits of Gay Hate Crimes Activism: A Radical Critique*, 21 *UCLA Chicano-Latino L. Rev.* 38-52 (2000).

¹⁰ Since the passage of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act in 2009, LGBT and disabled subjects have been included in the list of protected populations. The Act marks a shift particularly for trans identity, which was long treated as the innocent Other of gay assimilation but is suddenly finding vitalisation within a regime that we characterize as “murderous inclusion.” Jin Haritaworn et. al., *Murderous Inclusions: Queer Politics, Citizenship and the “Wars without End*, 15 (4) *Int'l Fem. J. Pol.* (forthcoming December 2013).

often end up criminalised themselves for supposed hate crimes against whites, heterosexuals and other structurally more powerful people.¹¹ As queer-of-colour organisations like the 'Audre Lorde Project' and 'Fierce' have shown, this is compounded for sexually and gender nonconforming people who are poor and of colour. For many, this was amply demonstrated by the fate of CeCe MacDonald, an African-American transgender woman who was first violently attacked and then sentenced to prison after her attacker died in the ensuing fight. Similar criminal *in*justice was done to the New Jersey 7, a group of Black lesbians who likewise defended themselves and were subsequently, all but one, sentenced to prison.¹²

Nevertheless, what I call the hate/crime paradigm – the 'sticking' of criminality and pathology to bodies and populations that are always already seen as hateful, where *hate* functions as a racialised psy discourse – must be further unpacked.¹³ The German context, where terms like *Hasskriminalität* (hate crime)

¹¹Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (2007). As Gilmore might put it, the oppressive implementation of hate crime regulations shows that this system does the work it was designed to do even or especially in the face of efforts to reform it; Andrea Smith, *Unmasking the State: Racial/Gender Terror and Hate Crimes*, 47 *Austl. Fem. L. J.* 47-57 (2007); See also M. Bassichis & D. Spade, *Racialised-Gendered Detention and a Politics Beyond Recognition*, in *Queer Necropolitics* (Jin Haritaworn et. al. eds., 2013).

¹²See *Background*, Support CeCe MacDonald!, <http://supportcece.wordpress.com/about-2/background/> (last visited Sep. 1, 2013); Incite, *Critical Lessons from the New Jersey 7*, New Left Turn, (September 2008), http://www.incite-national.org/media/docs/9908_toolkitrev-nj7.pdf.

¹³I draw the insight that emotions such as 'anger', 'terror' and, I argue, 'hate' stick to racialised bodies in ways that orient them away from 'the community', from Sara Ahmed. Drawing on anti-racist disability scholars such as Rachel Gorman, Nadia Kanani and Louise Tam, I further propose that hate functions as a psy discourse that serves to normalise or segregate racialised bodies or populations. Sara Ahmed, *The Cultural Politics of Emotion* (2004); Rachel Gorman, *Mad nation? Thinking Through Race, Class, And Mad Identity Politics*,

and *Hasssgewalt* (hate violence) arrived very recently and are far from naturalised, may be instructive here. Until the late 2000s, violent homophobia was not primarily understood as the deed of hateful individuals or as something that is necessarily a cause for incarceration. Foregrounding a transnational race, gender and disability studies lens and placing it in critical dialogue with affect studies and scholarship on biopolitics and necropolitics, I argue that the hate/crime paradigm travels within a context where capital, identity moulds and carceral and biomedical methods cross borders instantly while critiques and alternatives often do not.

The pages ahead examine how the hateful homophobe, who in a Northwest European context of war on terror and crime is immediately recognised as Muslim, arrived in close proximity with another figure of hate, the *Intensivtäter* – the multiple, chronic or ‘intensive offender’ – that is in turn forged in close hybridity with anti-black methodologies that target poor, racialised communities in the U.S. In the late 1990s, he (sic) became the latest folk devil whose basic incapacity for empathy and integration (often figured as mental and physical deficiency) has produced consent not only for faster, harsher prison sentences for young people but for the cultural exiling of barely nationalised populations from the realm of human intelligibility and entitlement.

By starting with the proximities and overlaps between sexual and criminal ‘justice’, carceral and biomedical discourses on hate,

in Mad Matters: A Critical Reader in Canadian Mad Studies (B.A. LeFrançois et. al. eds., forthcoming); Nadia Kanani, *Race and Madness: Locating The Experiences Of Racialized People With Psychiatric Histories In Canada And The United States, Critical Disability Discourse/Discours Critiques dans le Champ du Handicap* (2011); Louise Tam, *Governing Through Competency: Race, Pathologization, and the Limits of Mental Health Outreach* (Nov. 29, 2012) (Masters dissertation, University of Toronto) (on file with University of Toronto Research Repository); On psy discourses, see Nikolas Rose, *Governing the Soul: The Shaping of the Private Self* (1989).

violence and crime, and racialised, perverse and mad figurations, we may approach the ascendancy of queer, multicultural and disabled subjects in a different way, one that abolishes rather than diversifies systems of murderous inclusion and frees us to perceive, formulate and strengthen radical alternatives. This has obvious implications for disciplinary formations that more often than not are re-territorialised by the most privileged constituencies and while opening the door keep the 'master's house', in the oft-cited terms of Audre Lorde, intact.¹⁴

2 HATE AS A PSY DISCOURSE

While many are now aware that the label 'criminal', including in its 'hateful' variation, is more likely to stick on racially and sexually oppressed people than on racists, homophobes and transphobes, few have asked how the label 'hate' may function in a similar way. This may be to do with the sense that "people have fought for this," as a senior colleague from the U.S. stated to a group of queers of colour and allies in Berlin, who asked what the recent arrival of the "homophobic hate crime" discourse in Berlin might mean for racialised people.¹⁵ Even those who reject hate crime as a model of organising often partly remain within its logics. Thus while the *crime* part of 'hate crime' is sometimes debunked, its *hate* counter-part is rarely interrogated. While learning immensely from the compelling anti-violence

¹⁴A. Lorde, *The Master's Tools Will Never Dismantle The Master's House*, in *Feminist Postcolonial Theory: A Reader* 25-8 (Ryan Mills & Sara Lewis eds., 2003)

¹⁵I am fully aware, of course, that white people are also racialised. Nevertheless, I follow Canadian activist cultures in invoking 'racialised' as an umbrella category that describes the effect of racism across different geographies and processes of settler colonialism, migration and exile, including in contexts where categories such as 'person of colour' are not widely accessible or understood.

methodologies formulated in radical women-of-colour and queer-and trans-of-colour activisms in North America, including community accountability, prison abolition and transformative justice, I am struck by how ‘hate’ (now as ‘hate *violence*’ rather than ‘crime’) has survived as a rationale for much of this work.

My intention is not to dismiss these important responses that have taught me so much about community-building against multiple forms of violence, including those carried out by the state as the most powerful bully of poor, racialised and gender non-conforming people. Rather, I wish to propose that we further expand our abolitionist imagination by asking how hate is ascribed in tandem with not only crime but also pathology, in ways that defend and expand not only the prison but also psychiatry and other institutions of ‘care’ and reform. In particular, I argue that hate always already emanates from racialised bodies and ‘minds’ in ways that call for their assimilation and segregation in the form of treatment, education, policing, confinement and deportation.

In taking this further step and interrogating ‘hate’ alongside ‘crime’ and ‘pathology’ as twin pedagogies that educate us about the need for murderous systems of inclusion, we may draw on affect studies as a useful methodology to examine how meaning is ascribed to racialised bodies and populations. Particularly helpful to me is Sara Ahmed’s argument that affect sticks to bodies differentially, producing affect aliens such as the “melancholic migrant” who in his backward orientation towards lost belongings and bad experiences stands in the way of multicultural happiness.¹⁶ In considering the hateful Other as an affect alien who threatens a nostalgic vision of a violence-free community, I am further struck by the call for action that this figure demands from its onlookers. It appeals to authoritative intervention and thus demands a distinctly institutional critique. In particular, it is noteworthy that figures

¹⁶Ahmed, *supra* note 13; Sara Ahmed, *The Promise of Happiness* (2010).

like the melancholic migrant, the Black rioter and the hateful homophobe invoke psychiatric authority – the diagnosing, profiling and ‘treatment’ of ‘depressed’, ‘schizophrenic’ or otherwise ‘maladjusted’ populations unable to control their impulses or function in a civilised society.¹⁷ Following insights by anti-racist disability and Mad Studies scholars, we can trace how the discourse on the mental and physical inferiority of racialised populations has informed successive projects of colonialism, slavery, genocide and immigration, and continues to underwrite carceral, biomedical, military and other regimes of control and reform.¹⁸

In paying closer attention to the sites where bodies are sorted into populations according to evaluations of their ‘stock’, I am inspired by current engagements in Critical Race and Ethnic Studies which interrogate how subjects and populations are carved out for life and death, often along older lines of degeneracy that must be understood within ongoing histories of racism, eugenics, colonialism and genocide and the spatial practices of segregation, confinement and deportation that have arisen from them. Some of these engage with biopolitics and necropolitics in asking how racialised bodies become recognisable as those from whom, in Foucault’s words “society must be defended.”¹⁹ If this is more apparent with regard to death-making processes, it has equal purchase for the question of how subjects become viable for life,

¹⁷See Jonathan Metzl, *The Protest Psychosis* (2009); Françoise Vergès, *Monsters and Revolutionaries: Colonial Family Romance and Métissage 185-245* (1999). This proximity between the racialised and the mad subject further necessitates a more critical engagement with affect that acknowledges its origins in psy discourse, see Rachel Gorman, *Social Theory in the Disabled Nation: Class and the quagmire of affect*, *Historical Materialism* (paper presented at Historical Materialism: Toronto Conference, 2012, on file with author) .

¹⁸For an excellent overview, see Kanani, *supra* note 13.

¹⁹Michel Foucault, *Society Must Be Defended*, in *Lectures at the Collège de France, 1975-1976* 239-264 (Mauro Bertani & Alessandro Fontana eds., 2003); Achille Mbembe, *Necropolitics*, 15 (1) *Pub. Culture* 11-40 (2003).

public visibility and citizenship. In our introduction to *Queer Necropolitics*, Adi Kuntsman, Silvia Posocco and I note that the vitalisation of (white) queer subjects often stays close to the sites where queer and trans people were (and often continue to be, post-homo/transphobic claims to the contrary) sentenced to social or actual death. Gay assimilation requires an ascent from insanity and criminality that is best performed as expertise over those who properly belong segregated.²⁰ What might an abolitionist project look like that attends to ‘caring’ alongside more obviously punishing institutions and examines processes of exclusion alongside processes of ‘murderous inclusion’?

Narratives of hate are instructive here. In the crime reports, activist writings and media texts on violent crime and homophobic hate crime that I review here, the two regularly appear alongside each other as related labels invoked to profile working-class, racialised youth. They work at each other’s service making those marked as hateful – who fail at emotional management – appear destined to become violent, criminal and in need of punishment or reform. The hateful personality resembles the “dangerous individual” described by Foucault.²¹ In his reflection on the

²⁰For a collection of emerging writings on queer necropolitics, see Haritaworn et. al., *supra* note 10; *Queer Necropolitics* (Jin Haritaworn et. al. eds., 2013); *See also* *Strange Affinities: The Gender and Sexual Politics of Comparative Racialization* (Grace Hong & Roderick Ferguson eds., 2011); Dorothy Roberts, *Fatal Invention: How Science, Politics, and Big Business Recreate Race in the Twenty-first Century* (2011); Jasbir K. Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (2007); Spade, *supra* note 9; For abolitionist writings on prison and psychiatry, see Liat Ben-Moshe, *Disabling Incarceration: Connecting Disability to Divergent Confinements in the USA*, 39 (3) *Critical Soc.* 385-403 (2011); Bonnie Burstow, *The Withering Away of Psychiatry: An Attrition Model for Antipsychiatry*, PsychOut Conference, (May 7-8, 2010), http://individual.utoronto.ca/psychout/papers/burstow_keynote.html.

²¹Michel Foucault, *About the Concept of the “Dangerous Individual” in 19th-Century Legal Psychiatry*, 1 *Int’l J. L. & Psychiatry* 1-18 (1978).

growing presence of psychiatric experts in court, Foucault notes a shift from the crime to the criminal, where what is punished is no longer something that has already happened but something that might happen in the future, a potential for harm that can be forecast by dissecting its carrier's inner workings. As Nikolas Rose and Dorothy Roberts have each observed, this is currently rehearsed with the rise of biopsychiatry and biocriminology and the renewed attempt to identify future criminals by their genes or forebrains.²² But while Roberts, from her Black feminist perspective, highlights the survival of eugenicist discourses on race, class and crime in experiments on Black inner-city school children in the U.S., Rose, commenting on the same 'material' but from a purely Foucauldian perspective that misses race, comes to a different, somewhat optimistic conclusion. Unlike the older criminological figure of the "born criminal," he argues, the new scholarship, about whose uses and abuses he remains partly open, is distinctly post-eugenics in that it only assumes a *potential* for violence which must first be triggered.²³

I propose that this binary view of biology vs. social construction, natural vs. social science, nature vs. nurture misses the point of how publics are seduced into viewing some as less than human and come to consent to their banishment from this category and its benefits. In fact, the personality profiles that I will review next are all designed to appear post-eugenics (and post-race) and distance themselves from purely biological explanations. In media case studies as in

²²Nikolas Rose, *Screen and Intervene: Governing Risky Brains*, 23 *Hist. Hum. Sci.* 79-105 (2010); Dorothy Roberts, *Crime, Race, and Reproduction*, 67 *Tulane L. Rev.* 1945-1977 (1993); For a genealogy of biopsychiatrist attempts to re-inscribe the link between race and violence, see Peter Breggin, *Campaigns Against Racist Federal Programs By The Center for the Study of Psychiatry and Psychology*, 1 (3) *J. Afr. Am. Stud.* 3-22 (1995).

²³See Ilina Singh & Nikolas Rose, *Biomarkers in Psychiatry*, 460 *Nature* 202-07 (2009).

statistical reports, perpetrators are described as young men of colour who have suffered family violence, school exclusion, failed social mobility and discrimination. Moreover, marking the end of eugenics as the beginning of social constructionism becomes problematic when we revisit accounts by early twentieth century eugenicists that already fused social and biological explanations and were less purely biologicistic than we imagine today.²⁴ A more useful approach might therefore be to examine how seemingly opposite frameworks of nature vs. nurture, punishment vs. care (and we might add gays vs. Muslims) combine to script racialised bodies as degenerate in ways that usher into consent highly diverse constituencies, including those that position themselves on the right side of power.

Narratives of hate which, as I will illustrate, is often described as an emotion that is both caused by harm and *harmful*, are productive in this. Hate is similar to anger which has been better explored and more widely contested, including in anti-racist and feminist discussions of oppression and resistance to pathologisation.²⁵ Both are often described as responses to bad experiences and belittled as excessive, irrational and misplaced. Yet unlike hate, anger has also been described as a righteous reaction against oppression, as in this frequently cited Malcolm X statement: “Usually when people are sad, they don’t do anything. They just cry over their condition. But when they get angry, they bring about a change.”²⁶ A prime gender

²⁴See Alice Halmi, *Kontinuitäten der Zwangspsychiatrie (Continuities of Forcible Psychiatry)*, <http://www.irrenoffensive.de/kontinuitaeten.htm> (last visited Sep. 10, 2013) (Alice Halmi examines this with regard to early Twentieth Century German psychiatrist Bonhoeffer).

²⁵See, e.g., Bell Hooks, *Killing Rage: Ending Racism* (1996); Metz, *supra* note 17.

²⁶Malcolm X Speaks: Selected Speeches and Statements, Vol. 125 107 (G. Breitman ed., 1994); Interestingly, googling this quote first pointed me to <http://www.change-managementcoach.com/change-quotes.html>. My point is that anti-racist states labeled as depression are often pathologised even in anti-racist communities.

studies example is the figure of the angry Black feminist, whose anger is celebrated and glorified even as those who are interpellated this way are also regularly demonised and pathologised. Hate, in contrast, lacks in positive connotations and reclamations. It is seemingly irredeemable and though constantly explained in proliferating etiologies, it characterises the humanly inexplicable.

I will explore how case studies of violent perpetrators nevertheless often take the generic form of empathy narratives, honing in on evidence of child abuse, poverty, discrimination and other 'bad experiences' that at first sight may look like understandable reasons to feel bad. Nevertheless, if the causes of hate are understandable, the hateful reaction and subsequent action are not, rendering it immediately atrocious. This serves to rewrite the old chain of race, class and crime as one of present or absent empathy with suffering. To hate is to reveal one's impulsiveness and irrationality as well as one's failure to perform oneself as a civilized subject who has the capacity to master hir destructive impulses, empathise with others' pain, and prove hir potential for change.

In the personality profiles that follow, the hateful perpetrator appears as the constitutive outside to the neoliberal citizen, who manages and is able to talk about hir feelings and expresses and takes responsibility for himself, thus constantly striving towards emotional intelligence, communication and self-actualisation.²⁷ If this is a strategy of classification through which, as Beverley Skeggs argues, the white middle class distinguishes itself from the reformable white working class, the racialised perpetrator remains uncultivable.²⁸ Hir hate is a failure to love and forgive, to perform himself according to the Christian values of an avowedly secular

²⁷Rose, *supra* note 13.

²⁸Beverly Skeggs, *The Value of Relationships: Affective Scenes and Emotional Performances*, 18 (1) *Fem. Legal Stud.* 29-51 (2010).

community and as a peaceful subject in times of war. Indeed, in the personality profiles and unassailable statistical regression analyses that I will examine, one's propensity to crime rises with one's degree of religiosity for Muslims but not for Christians, as the love of thy neighbour renders the latter more peaceful and tolerant.

Is it a coincidence that hate has become a Muslim property, that it is gaining currency as the bulk of the racialised in Northwest Europe are re-cast as Muslim, as one globally interchangeable population?²⁹ What bodies appear as hateful in different times and places? In the German texts that I examine below, English-speaking studies of crime that have been formulated in the anti-black context of the U.S. are effortlessly assimilated into an anti-Muslim framework that is itself highly transnational. How do the hateful criminal and the hateful homophobe each bring home globalised spectres of Muslim terror and Muslim rage, re-posing the seemingly unanswerable question – 'Why do they hate us so much?' – for diverse constituencies and at various scales? As I shall explore next, the figure of the hateful Other has also been central in the dual emergence of a respectable queer subject who is innocent and worthy of inclusion and recognition, and of a gay-friendly community that is willing to protect it. It is to this 'drama of queer lovers and hateful Others' that I turn next.

3 QUEER LOVERS AND HATEFUL OTHERS

I was at a friend's living room, all white people, there was a guy I had known for a while, he had just finished taking hormones: he is a cismale now who was trans in the past.

²⁹On the globalisation of gendered figures of Islam, see Yasemin Yıldız, *Turkish Girls, Allah's Daughters, and the Contemporary German Subject: Itinerary of a Figure 1*, 62 (4) *German Life & Letters* 465-481 (2009).

He had some spare medication at home which he didn't need any more. I said I'm having trouble finding a doctor who would give me health insurance. I'll buy them off you. And very kindly he gave them to me for free later on. The other white people in the room asked him to share some of his experiences as a white trans person in Berlin, he was living in Kreuzberg. So within maybe 4-5 minutes he started talking about how the Turks in Kreuzberg and Neukölln were looking at him when he was walking on the street, make derogatory comments and so on. And I said 'Turks, what do you mean by Turks?' And then he said 'Oh yeah, and also the Arabs.' I went silent. There were three other people in the room... they all looked at me because they knew that what he said was disgusting, and they knew that I would have a problem with him. And I mean I'm not stupid, I saw their eyes, and they were saying 'Let it go,' that his pain is more valuable, needs to be more visible than mine. So I let it go, but it built. So a week later I said to the other three, 'Do you know how fucked up that was? When he was narrating that transphobic experience in the street, how does that construct my own experience as a trans Arab? It means I'm transphobic. And if you're giving out medals, he has a right to talk about transphobic experiences in the street, then honey give me some medal.' So they were talking about white injury at the expense of perpetrating another injury in the same room, and rendering that completely unspeakable. (Charlie Abdullah Haddad, interview in summer 2012)

I begin with this statement by Charlie Abdullah Haddad, a trans-ofcolour activist living in Berlin whom I interviewed about the state of queer politics there.³⁰ I invoke Charlie's words

³⁰See SUSPECT, *Where Now? From Pride Scandal to Transnational Movement*, Bully Bloggers, (26 July 2010), <http://bullybloggers.wordpress>.

in order to make sense of the processes that have enabled some queer narratives to find a public while others get trapped in queer living rooms (or under queer tongues). The ‘experiences’ that are described here do not give us unmediated access to violence against ‘trans people’, ‘queers-of-colour’ or other newly desirable subject positions that have become recognisable under conditions of gay imperialism and homonationalism. Rather, Charlie’s re-telling of different scenes of violence – the street, the queer living room – invites us to question the very economies and relations of production, circulation and exchange through which truths about violence are manufactured and attachments to scenes and states of injury occur.

This re-telling enables us to understand violence narratives as generating and distributing bio-value. Formerly degenerate subjects find speakability, visibility, publicity and itality in front of publics and counter-publics that are able to come together for the first time on a racialised terrain that is populated by violent, criminal and *criminally homophobic* opulations whose degenerate properties are much harder to contest. ‘Gay-friendly erlin’ takes shape in affective landscapes and biopolitical narratives of ‘Kreuzberg and eukölln’ as the ‘dangerous’ inner city that belongs to “Turks... Oh yeah, and also Arabs.” Yet the circulation of queer bodies and intimacies

com/2010/06/26/where-now-from-pridescandal-to-transnational-movement/. My ongoing interviews with queer- and trans-of-colour activists in London and Berlin so far suggest that queer-of-colour positionalities that critique the racialisation of LGBT politics and cultures continue to be suppressed even as the topic of German homonationalism, following the Pride racism scandal in 2010 that became better known as ‘Butler’s refusal’, has gained much international interest. I am also interested in making sense of the simultaneous desire for queer-of-colour and transgender bodies (largely figured anti-intersectionally) and the failure to examine the foundational role of racism in vitalising much queer and trans organising in Northwest Europe at this moment. Against this, I foreground a whiteness critique which in my view must precede the demand to render queer and trans-of-colour lives transparent.

is uneven. While some bodies become visible in this criminal setting, others disappear from view. And while some stories roll off tongues easily, others are best let go. The ones that body forth are current and become currency (in Adi Kuntsman's terms).³¹ They are rewarded, gain "medals" as Charlie puts it. They accumulate bio-value by converting the suffering queer body into a resource whose energies and injuries can be extracted to accumulate capital.

Nevertheless, if the promise of inclusion is made to many, the returns yielded from these "intimate investments," as Agathangelou, Bassichis and Spira put it, are not the same from all queer starting points.³² Charlie's statement brings to the fore how the transgender body, whose ascendancy from the prison and the asylum is painfully recent and incomplete, becomes interesting within a changing landscape shaped by gentrification, war on terror and moral panics over crime and integration. Long excessive to 'LGB-fake-T' politics, its spectacular proximity to death (as the always already injured or dying target of hate) makes it the ideal victim subject.³³ This complicates earlier theorisations of wounded attachments and traumatised citizenship.

Wendy Brown's argument that claims to recognition are often made in the cadence of the wound is helpful, especially in understanding the global purchase of hate crime activism as the

³¹Adi Kuntsman, *Figurations of Violence and Belonging: Queerness, Migranhood and Nationalism in Cyberspace and Beyond* (2009).

³²Anna Agathangelou et al., *Intimate Investments: Homonormativity, Global Lockdown and the Seductions of Empire*, 100 *Radical Hist. Rev.* 120-143 (2008).

³³On the victim/subject, see Ratna Kapur, *Erotic Justice: Law and the New Politics of Postcolonialism* (2005); On the 'LGB-fake-T', see Dean Spade, *Fighting to Win, in That's Revolting!: Queer Strategies for Resisting Assimilation* 31-37 (Matt/Mattilda Bernstein Sycamore ed., 2004); See Jin Haritaworn & Riley Snorth, *Trans Necropolitics*, in *Transgender Studies Reader Vol. II* (A. Aizura & S. Stryker eds., 2013) (for a more detailed discussion of the place of injured trans-of-colour bodies in transgender ascendancies).

latest single issue politic.³⁴ Nevertheless, wounded performances do different work for different bodies. In the place of a universally injured subject, it may be more helpful to examine the conditions under which some ‘injuries’ become spectacular while others appear self-inflicted or insignificant. This is wellillustrated by the changing landscape of transgender recognition which, as Charlie demonstrates, does not open equally to all trans people. While it invites some as experts, consultants and coalition partners, often those that happen to be less vulnerable to violence as a result of their race and class privileges and professional qualifications, trans people most vulnerable to violence become if anything less capable of telling stories that reach the status of the political and are capacitated mainly in their (social or actual) deaths. According to Charlie, a trans Arab who refuses to authenticate a racist etiology of violence has no value in this exchange system. In the absence of a queer community that is willing to consider trans-(especially trans-feminine)-of-colour lives as vulnerable and trans women of colour as coalition partners, to participate in violence talk in the queer living room would only mean to risk losing fragile ground. In the space that is available to Charlie, violence and anti-violence talk follow a racialised binary of perpetrators (non-trans people of colour) vs. victims (white trans people). In the logic of this binary, to be a trans Arab means to be ‘transphobic’.³⁵

³⁴Wendy Brown, *Wounded Attachments*, 21 (3) *Pol. Theory* 390-410 (1993); For an earlier critique, see Glen Coulthard, Keynote Address at the University of California Riverside Conference: Critical Ethnic Studies and the Future of Genocide (Mar. 10-12, 2011) (future critiques could focus on how the figure as a wound reifies illness and disability as undesirable and reduces them to a metaphor).

³⁵Of course, trans Arabs, too, have been discovered as victim subjects that authenticate racist and imperialist discourses in a way that has enabled white trans people to enter into sovereignty as their rescuers and representatives. Nevertheless, this renders an anti-racist, trans Arab positionality even more completely inauthentic and impossible.

Indeed, as mentioned above, the case of the U.S., where hate crime laws already exist, shows that gender non-conforming people of colour who experience violence rarely receive protection from the criminal 'justice' system but are more likely to be criminalised themselves.³⁶ The policing of multiple forms of violence extends to the queer living room. Sharing one's experiences of them not only fails to elicit empathy but makes one sound mean, incoherent and undeserving of community. For queer and trans people of colour, anti-racist, anti-violence talk can land us in a corner where we are forced to watch the space around us contract, at multiple scales: from the gender non-conforming body to the queer living room to the gentrifying neighbourhood. In this economy of anti/violence, value and pathology are not distributed randomly but follow the powerful lines where populations are carved out, resources (from hormones to housing) distributed and chances of life and death extended or withheld.³⁷

Let us take a closer look at the queer intimacies that have appeared as worthy of protection in this economy. In German publics, queer kisses have mushroomed. One example is the photographed kiss between two white men that adorned an article in a big daily newspaper on a psychological study commissioned by the biggest gay organisation.³⁸ The study compared 'migrant' school kids' attitudes to homosexuals to their 'German' counterparts, clearly marking the former as an

³⁶See *Captive Genders: Trans Embodiment and the Prison Industrial Complex* (Eric Stanley & Nat Smith eds., 2011) (this occurs at all levels of police, courts and prisons, which have themselves been described as a site of massive and systematic gender segregation and gender violence).

³⁷See Gilmore, *supra* note 11; Spade, *supra* note 9.

³⁸Philip Grassmann, *Migrantenkinder gegen Schwule: Homophobes Berlin (Migrant kids versus Gays: Homophobic Berlin)*, *Süddeutsche Zeitung*, May 17, 2010, <http://www.sueddeutsche.de/panorama/migrantenkinder-gegen-schwule-homophobesberlin-1.335341>.

alien population.³⁹ Another example is the state-sponsored kissing posters and annual kiss-ins in Berlin's 'problem areas', teaching their inhabitants (in German, Turkish and Arabic) that 'Love deserves Respect!'⁴⁰ The reform of the uneducable Other finds its material reflection in the regeneration of the inner city. With the fall of the wall, the former *Ausländerghetto* (foreigners' ghetto) moved to the heart of the city, beginning its rebirth as the 'multicultural inner city' where the rich and upwardly mobile now like to live, eat and work. As Charlie's account documents, queers with race and class privileges have been among the gentrifiers and have left their marks on these areas by declaring them dangerous. In what I call 'the drama of queer lovers and hateful Others', some become a lovely sight and emerge as innocent and worthy of protection and survival while others are re-inscribed as degenerate pathogens that must be displaced from the areas to which they were once confined so that these may 'recover'.⁴¹

The queer lover who has barely escaped from the closet, the prison and the asylum moves into the daylight through inscription into neoliberal, national and transnational values, including

³⁹The term 'migrant' was once forged in multi-generational and multi-diasporic struggles against the racist construction of racialised people as 'foreigners' but has since become its euphemistic substitute. For a critique of the 'eternal migrant' as a figure that keeps Germanness white, see Fatima El-Tayeb, *European Others: Queering Ethnicity in Postnational Europe* (2011).

⁴⁰The posters, which were funded by the local government in response to the Drag Festival, are available at <http://noasharfberlin.blogspot.com.au/2009/06/love-deserves-respectcampaign.html>; For a more detailed discussion, see Jin Haritaworn, *Queer Injuries*, 37 (1) Soc. Justice 69-89 (2010-2011).

⁴¹For analyses of queer gentrification, see Jennifer Petzen, *Gender Politics in the New Europe: 'Civilizing' Muslim Sexualities* (2008) (unpublished Ph.D thesis, University of Washington); *Decolonize Queer: From Gay Pride to White Pride? Why Marching on East London is Racist*, Decolonizing Sexualities Network, (Mar. 15, 2011), <http://www.decolonizingsexualities.org/decolonize-queer/>; Christina Hanhardt, *Butterflies, Whistles, and Fists: Gay Safe Street Patrols and the New Gay Ghetto*, 100 Radical Hist. Rev. 61-85 (2008).

whiteness and gender conformity; privacy, respectability and beauty; freedom and free choice; integration and security; security and protection; and diversity and vitality. Lisa Duggan's formulation of homonormativity, as a "new neoliberal sexual politics... that does not contest dominant heteronormative assumptions and institutions but upholds and sustains them while promising the possibility of a demobilised gay constituency and privatised gay culture anchored in domesticity, consumption and privacy" is instructive here.⁴² If the innocence and worthiness of the queer lover in these images is encoded in the terms of neoliberalism – through hir recognisability as 'like us' (mediated through hir whiteness, masculinity and gender conformity and in the aesthetics of global consumer culture) – hir sudden ascent into loveliness nevertheless occurs in landscapes which are shaped by ongoing histories of racism that predate neoliberalism and are irreducible to it.

This becomes clearer when we attend to the hateful Other as the figure without whom, I argue, this ascendancy would not be possible. We have at our disposal a range of analytics to make sense of the queer lover and hir new desirability to the newly gay-friendly publics that rally around hir. Besides homonormativity, affect studies – in particular critiques of romantic love – have helped us understand why institutions like marriage that were historically used to demonise queers not only become objects of desire for queers but enable homonormatively figured queers to become desirable as well.⁴³ Yet unlike love, hate has so far been

⁴²Lisa Duggan, *The Twilight of Equality? Neoliberalism, Cultural Politics, and the Attack on Democracy* 179, 190 (2003).

⁴³Heather Love, *Compulsory Happiness and Queer Existence*, 63 *New Formations* 52-64 (2007) (as Love argues, queerphobic institutions become desirable to queers due to their affectivity: not simply do they promise normalcy, they also promise happiness); See also Lauren Berlant, *Love, A Queer Feeling*, in *Homosexuality and Psychoanalysis* 432-51 (T. Dean & C. Lane eds., 2001).

insulated from critique. How might we de-naturalise its hold on antioppressive imaginations?

A transnational analysis is insightful here. In contrast to the U.S. where the hate crime discourse is associated with the legacy of the civil rights movement, its arrival in Germany is more recent and reflective of the asymmetric travel of political methodologies in globalising social movements. Until the late 2000s, terms like *Hasskriminalität* (hate crime) and *Hassgewalt* (hate violence) were not widely used or even intelligible in anti-violence activism in Germany. Attempts by anti-racist activists to scandalise the pogrom-like outbreak that accompanied the integration of the ‘reunified’ Germany through the label hate crime did not stick.⁴⁴ This contrasts with the LGBT hate crime discourse that hit the headlines in 2008, arriving on a fertile ground ploughed in over a decade of moral panicking over ‘Muslim homophobia’. We have described the landmarks of this moral panic elsewhere but I will briefly repeat some of them now.⁴⁵ Its earliest

⁴⁴For more on the post-unification context, see Tina Camp, *The Crowded Space of Diaspora: Intercultural Address and the Tensions of Diasporic Relation*, 83 *Radical Hist. Rev.* 94-113 (2002).

⁴⁵There are too many illustrations of this kind of LGBT organising and journalism to discuss them all here; For a detailed historiographical account of the shift in mainstream sexual politics to ‘migrants’ and the conversion of homophobia into a ‘Muslim problem’, see Jin Haritaworn & Jennifer Petzen, *Invented Traditions, New Intimate Publics: Tracing the German “Muslim Homophobia” Discourse, in Islam in its International Context: Comparative Perspectives* 48-64 (C. Flood et. al. eds., 2011); For three journalistic accounts that have participated in the racialisation of homophobia as a problem of criminally violent ‘migrant’ youth, see Jan Feddersen, *Was guckst du? Bist du schwul? (Watcha looking at? You gay?)*, *Tageszeitung* (Nov. 8, 2003), <http://www.taz.de/1/archiv/?id=archivseite&dig=2003/11/08/a0081>; Sascha Steuer, *Homosexualität: Die jüngsten Übergriffe machen uns Angst (Homosexuality: The recent assaults make us fearful)*, *Tagesspiegel* (Nov. 6, 2008), <http://www.tagesspiegel.de/berlin/landespolitik/position-homosexualitaet-diejuengsten-uebergriffe-machen-uns-angst/1365758.html>; Martin Reichert, *Gewalt gegen Schwule: Jetzt reicht’s langsam! (Violence against Gays: Enough Already!)*, *Tageszeitung* (June 18, 2010), <http://www.taz.de/!54213/>.

incarnations are the press releases of the biggest gay organisations in Berlin in the late 1990s that presented the phantom of migrant homophobia to an initially insubstantial public.⁴⁶ By the mid-2000s, this public had expanded as these organisations managed to strategically chain the newly born 'homophobic migrant' to bigger figures of 'honour killers', terrorists and integration refusers. The 'homophobic migrant' appeared prominently on the horizon of the German nation with the debate around the 'Muslim Test', the proposed citizenship exam that claimed to test the democratic, women-and-gayfriendly propensities of a clearly denominated population against a brand new set of 'invented traditions'.⁴⁷

By 2006, the above-mentioned Simon Study (2006) of Berlin school kids, commissioned by the biggest gay organisation and carried out by a white, gay psychologist at Kiel University 'scientifically' proved by then what everyone knew: that 'the migrants' are more homophobic than 'the Germans' and that the twain shall never meet.⁴⁸ Designed in the 'plastic activism' of the homo-assimilationist NGOs – what I call something that claims to be a mass movement but is really the work of a handful of paid

⁴⁶See Fatima El-Tayeb, *Begrenzte Horizonte: Queer Identity in der Festung Europa (Restricted Horizons: Queer identity in Fortress Europe)*, in Spricht die Subalterne Deutsch? Migration und Postkoloniale Kritik (Does the Subaltern Speak German? Migration and the Postcolonial Critique) (H. Steyerl & E. Gutiérrez Rodríguez eds., 2003).

⁴⁷I propose that we understand women-and-gay-friendliness as an invented tradition in Hobsbawm's sense; See Eric Hobsbawm, *Introduction: Inventing tradition*, in *The Invention of Tradition 1-14* (E. Hobsbawm & T. Rangers eds., 1983) (the 'Muslim Test' failed in this specified form but only after a productive media career).

⁴⁸See White Logic, White Methods: Racism and Methodology (Tufuku Zuberi & Eduardo Bonilla-Silva eds., 2008) (by 'scientific', in this case, I describe how a non-academic discourse gains value by being converted into academic knowledge. As Zuberi, Bonilla-Silva and their contributors detail, racism, eugenics and scientific methods have a shared genealogy).

functionaries and their graphic designer – the moral panic over hateful, homophobic migrants nevertheless did not stay there. It found its first bodies in 2008 in the radical queer alternative scene, when a group of drag kings, trans people and queer women were beaten up during the internationally publicised Drag Festival.⁴⁹ The ensuing debate, which immediately (and many argue, falsely) attributed the incident to ‘homophobic Turks’ first let the word *Hasskriminalität*, hate crime, roll off German tongues. What made the term ‘hate crime’ assimilable in the late 2000s as opposed to the early 1990s was not a sudden outbreak of homophobia or even transphobia that dwarfed the arson attacks on asylum seeker homes and migrant-owned shops in the newly ‘unified’ Federal Republic. On the contrary, the few ‘cases’ (which, once the new discourse was consolidated, largely disappeared from public debate) were highly contested.⁵⁰ Rather, I argue that the criminally hateful homophobe became intelligible through his (sic) family resemblance with other criminal figures. If the queer lover has become recognisable through his familiarity with trans/national neoliberal ideals of respectability and privacy, the hateful

⁴⁹Elsewhere, I have described in depth how the Drag Festival incident was converted into the deeds of variously ‘Turkish homophobes’ or ‘Turkish fascists’. See Ivo Bozic, *Das große Schweigen: Homophobe türkische Jugendliche und die Angst vor Rassismuskorruptionen* (*Big silence: Homophobic Turkish youth and the fear to be accused of being racist*), 26 *Jungle World*; *Homophober Angriff in Kreuzberg* (*Homophobic attack in Kreuzberg*), Indymedia.org, (June 8, 2008), <http://de.indymedia.org/2008/06/219458.shtml>; Judith Luig, *Ein Tag als Drag King die tageszeitung* (*A day as a drag king*), *Tageszeitung*, June 11, 2008, <http://www.taz.de/1/leben/alltag/artikel/1/und-dann-werden-wir-behaarrt/?src=SE&cHash=71964b40bc>; See Jin Haritaworn, *Colorful Bodies in the Multikulti Metropolis: Trans Vitality, Victimology and the Berlin Hate Crime Debate*, in *Trans-Migrations: Bodies, Borders, and the (Geo)politics of Gender Trans-ing* 11-31 (Trystan Cotton ed., 2011).

⁵⁰See *Karriere eines konstruierten Gegensatzes: Zehn Jahre Muslime versus Schwule* (*Career of a constructed opposition: Ten years Muslims against gays*) (Koray Yilmaz-Günay ed., 2011).

Other entered into the German landscape by joining a rich archive peopled by dysfunctional families from deficient communities in the degenerate 'ghetto'.⁵¹ It is to this that we shall turn now.

4 THE HATEFUL HOMOPH OBE AND THE INTENSIVE OFFENDER: UNCANNY RESEMBLANCES OF SEXUAL AND CRIMINAL JUSTICE

I sometimes show my students two *YouTube* videos, next to each other, in the same projection.⁵² One is from the year 2007 and is a TV news clipping based on closed circuit camera shots. It is on the 'Serkan A. and Spyridon L. case' which, true to its status as a 'case', served to familiarize German TV audiences with a new figure of moral panic: the *Intensivtäter* (intensive or repeat offender), a thus far administrative category whose punitive application and criminalising impact on young people of colour has been compared to three strikes in the U.S.⁵³ As Lauren Berlant

⁵¹See Maria Stehle, *Narrating the Ghetto, Narrating Europe: From Berlin, Kreuzberg to the Banlieues in Paris*, 3 (3) Westminster Papers Communication & Culture 48-70 (2006); Petzen, *supra* note 41.

⁵²Brutale Münchner U-Bahn Schläger gefasst (Brutal Munich subway bashers have been arrested), Youtube, <http://www.youtube.com/watch?v=zh5PW61S9Cw&playnext=1&list=PL3F633C86147B7C4E>; Überwachungskamera Security Camera Social Spot Berlinale, Youtube, <http://www.youtube.com/watch?v=yvxR-OAGB-I>.

⁵³So far, the *Intensivtäter* is mainly an administrative category applied to youth who have committed a given number of crimes (in Berlin, ten per year) – or who are on their way to becoming *Intensivtäter*. Its main purpose, besides marking a young person out for harsher, faster sentences in court, seems to be surveillance: thus, every *Intensivtäter* is assigned a personal police officer to watch over hir and hir surroundings (i.e., hir friends, family and neighbourhood). In addition to youth penal law, people labelled *Intensivtäter* are governed through a (proliferating) arsenal of pedagogical, social/youth work and psychiatric

notes ‘the case’ is pedagogical and exemplary in that it offers “an account of the event and of the world,” and is the primary communicative action through which biopower, in the name of experts, sorts individuals into populations.⁵⁴ The case is also crucial to moral panics over crime which, according to Julia Oparah, need offending bodies primarily in order to demonstrate the need for tough action regardless of actual crime numbers.⁵⁵ This is also the case with Serkan A. and Spyridon L. who beat up an old white man on the Munich subway just before Christmas. The media describes the victim as a frail pensioner who tells the judge: “I have been a teacher my whole life and then...”⁵⁶ For months, the act is replayed on TV with an intensity and brutality that has its own performative force.⁵⁷ It is central in manufacturing consent for faster, harsher sentences for young people and leads to debates about whether “criminal children” who bring us to the “end of our patience”⁵⁸ (in the words of Judge Kirsten Heisig, who became a media star via this moral panic) should be put in closed homes or education camps. This is the second famous *Intensivtäter* case after the ‘Mehmet case’, which in November 2001 produced consent for the deportation of children born and raised in Germany who until then had secure status. Both are spectacular cases in Ruthie

instruments, including forensic and youth psychiatry, secured children’s homes and boot camps, anti-violence training, and *Sicherungsverwahrung* (safe custody), a mixed penal/ psychiatric form of confinement that has repeatedly been found in violation of human rights by the European Court for Human Rights.

⁵⁴Lauren Berlant, *On the Case*, 33 (4) *Critical Inquiry* 663-72 (2007).

⁵⁵Julia Sudbury (now known as Oparah), *Celling Black Bodies: Black Women in the Global Prison Industrial Complex*, 80 *Fem. Rev.* 162-179 (2005).

⁵⁶For a translation, see Von Amsperger, *Die schlagen mich tot*, *Stern*, June 24, 2008, <http://wap.stern.de/op/stern/de/ct/-X/detail/kultur/U-Bahn-Schl%E4ger-Prozess-Die/624986/>.

⁵⁷See Ahmed, *supra* note 13 (on the visual performativity of September 11).

⁵⁸Kirsten Heisig, *Das Ende der Geduld: Konsequent Gegen Jugendliche Gewalttäter* (The End of Patience: Tough Against Young Violent Offenders) (2010).

Gilmore's sense⁵⁹: their dramatic mediatization creates consent for new instruments of criminalization even as crime statistics are falling.⁶⁰ But while less youth offend, their criminal energy is so intense that 'we' have to act quickly – both hate and intensity produce an affective urgency that justifies quick and ruthless intervention.

The other video is called *CCTV (Überwachungskamera)*. It also shows a terrible attack by young people marked as poor and racialised, this time against two white men who are kissing in a night-time parking lot. Unlike the first, *CCTV* is no documentary but an advertising film for a local gay anti-violence NGO called Maneo (also author of some of the posters and kiss-ins discussed above). It is shown at the Berlinale, on public television and in the advertising programme at Berlin cinemas. It precedes 'Serkan A. und Spyridon L.' by a year – yet its plot, visualities, and technologies bear uncanny resemblances with this 'case'. The hateful Other exists even before the figure finds its bodies and materialises into the very action it has been fore/cast to perpetrate.

In the videos, the homophobic migrant and the intensive offender look identical. They are recognised through the same forensic media and the same affective scripts. The frail pensioner and the bashed gay men slide into one sentimentalised, white, victim subject. Their interchangeability is confirmed by a growing army of experts who loyally repeat each other. For example, the

⁵⁹Ruth Gilmore Wilson, *Globalisation and US Prison Growth: From Military Keynesianism to post-Keynesian Militarism*, 40 (2/3) *Race & Class* 171-88 (1999).

⁶⁰The experts on intensive offenders admit to this; See Claudius Ohder & Lorenz Huck, *Intensivtäter (Intensive offenders)*, in Berlin – Hintergründe und Folgen Vielfacher Strafrechtlicher Auffälligkeit – Teil I Eine Auswertung von Akten der Abteilung 47 der Berliner Staatsanwaltschaft, (Backgrounds and consequences of repeat offenses – Part 1 of an analysis of the files of division 47 of the Berlin prosecution) (2006).

report *Violence Phenomena among Male, Muslim Youth with Migration Background* cites the Simon study, which is in turn commissioned by the biggest gay organisation LSVD (the Lesbian and Gay Association Germany), who further made the above mentioned kissing posters.⁶¹ And when Judge Heisig, long the most prominent expert on the *Intensivtäter*, dies (first we hear by suicide, then by Arab family clans), both the LSVD and Maneo publish obituaries to a “valuable partner and supporter.”⁶²

In the Simon study, the LSVD press releases, the articles and special issues on the Drag Festival and the many reports on violent Muslim youth, the profile is near identical. To stylistically retrace the formulaic manner in which the hate/ intensive offender is profiled: He (sic) is *badly integrated* and *religious* but only where he can be construed as Muslim. The most influential of the violence reports, the Pfeiffer study, whose findings are disseminated through headlines such as “Young, Muslim, Brutal,”⁶³ goes to particular lengths to highlight, in typical post-Christian/secular and divide-and-rule manner, the positive effects of a Christian socialization (including for Christians who are not white Germans) in *lowering* rather than *increasing* delinquent behaviour.⁶⁴ Moreover, and synonymously, the hate/ intensive offender is *non-German*. For

⁶¹A hmet Toprak & Katja Nowacki, Gewaltphänomene bei Männlichen, Muslimischen Jugendlichen mit Migrationshintergrund und Präventionsstrategien (Violence Phenomena Among Male, Muslim Youth with Migration Background and Strategies of Prevention) (2010).

⁶²Jin Haritaworn, *Queer Injuries: The Racial Politics of “Hate Crime” in Germany*, 37 (1) Soc. Justice 69-89 (2010-11)

⁶³*Kriminologische Studie: Jung, muslimisch, brutal*, Spiegel Online, June 5, 2010, available at <http://www.spiegel.de/panorama/justiz/0,1518,698948,00.html>.

⁶⁴Dirk Baier et al., *Kinder und Jugendliche in Deutschland: Gewalterfahrungen, Integration, Medienkonsum* (Children and young in German: Violence experiences, integration, media consumption) (2010).

Pfeiffer and colleagues, school children who “do not themselves have German nationality or were not born in Germany, or to whose biological parents the same applies” cannot call themselves German.⁶⁵ But when they tick ‘No’ in answer to the question if they perceive themselves as German, they are classified as badly integrated. These studies are thus performative. They remind both participants and readers that Germanness equals whiteness.⁶⁶ In a citizenship context that has only just let go of its blood principle and is for the first time softening the biological borders of its nationality law, this is crucial. The figure of the criminal (and the criminally homophobic) migrant is a central technique by which the border is forcefully redrawn.

The border runs not only through blood but also through space. The hateful/ intensive offender is described as coming from a “ruralpatriarchal family.”⁶⁷ He is not from here, no matter how many generations have been here before him.⁶⁸ He is described as investing in ‘honour’ and thus placed in fertile kinship with ‘honour killers’. He is from “problem neighbourhoods” or “places of self-segregation” where “immigrants form big proportions of the population.”⁶⁹ These are the same areas that urban planners now praise for their “good social

⁶⁵*Id.* at 12.

⁶⁶A hmed, *supra* note 13.

⁶⁷LSVD, *Schluss mit Diskriminierung und Gewalt: Migranten müssen Verhältnis zu Homophobie klären* (An end to discrimination and violence: Migrants have to come clear about their relationship to homophobia), LSVD Press Release (18 Jul. 2003).

⁶⁸ El-Tayeb, *supra* note 46 (see Fatima El-Tayeb’s critique of the figure of the eternal migrant, which serves to keep the nation white).

⁶⁹Sonja Haug, *Jugendliche Migranten – Muslimische Jugendliche: Gewalttätigkeit und Geschlechterspezifische Einstellungsmuster* (Young Migrants – Muslim Youth: Violence and Gender Specific Attitudinal Patterns) 19 (2010); Ohder & Huck, *supra* note 60.

mix.”⁷⁰ To live there means something else to the immobile, racialised subject than to the mobile, white subject, whose arrival and displacement of dangerous bodies and intimacies symptomatises the area’s recovery and ‘regeneration’. We must begin to deal with queer gentrification in Europe as well as its transnational travels: how are queers with race and class privileges who newly arrive in London’s or Berlin’s inner cities greeted as ‘pioneers’ in a settler colonial manner? How do queers from all over Europe, Australia and North America immediately become ‘residents’ while those who were confined in these areas for generations now lose all claims to them?

The hate/intensive offender is further characterised by his pathological attachments. He has few ‘German’ (or, in Simon, “homosexual”) friends, his whole ‘gang’ is delinquent, which is further correlated to the fact that their language of communication is Turkish or Arabic.⁷¹ If bilingualism was briefly celebrated as intercultural competency, it has now lapsed back to its older, deficient status. It signifies backwardness: it is a “bad orientation” (in Sara Ahmed’s terms) to bad objects, bodies, communities and places.⁷²

⁷⁰T opos, Sozialstruktur Und Mietentwicklung Im Erhaltungsgebiet Luisenstadt (SO 36) (Social Structure and Rent Development in the Protected Area Luisenstadt), Berlin: Bezirksamt Friedrichshain-Kreuzberg (2008). http://www.berlin.de/imperia/md/content/bafriedrichshain-kreuzberg/abtstadtptg/amtstapl- verm_baa/stapl/stadterneuerung/luisse_endbericht.pdf?start&ts=1264082523&file=luisse_endbericht.pdf; For a critique, see Loretta Lees, *Gentrification and Social Mixing: Towards an Inclusive Urban Renaissance?*, 45 (12) Urban Stud. 2449-70 (2008).

⁷¹H aug, *supra* note 69; Baier et al., *supra* note 64. The term ‘gang’ is used in English, invoking U.S. anti-black imaginaries of the ‘ghetto’. Determined in highly arbitrary ways, it is another globalising instrument that allows lawmakers and enforcers to criminalise young people of colour through their proximity with other low-income youth of colour; *See Betraying the Model City: How Gang Injunctions Fail Oakland*, Critical Resistance Oakland (2011) available at http://crwp.live.radicaldesigns.org/wp-content/uploads/2012/04/CR_GangInjunctionsReport.pdf.

⁷²Sara Ahmed, *Queer Phenomenology: Orientations, Objects, Others* (2006).

Another feature of the hate/ intensive offender is his adherence to 'violence-legitimizing masculinity norms' (*Gewalt-legitimierender Männlichkeitsnormen*, short 'GLMN'), which in the qualitative studies is generically scripted as the signifying chain of Oriental despotism: violent dad, submissive mom, no communication skills, no impulse control.⁷³ How does this clunky new label, mystifyingly abbreviated as 'GLMN' serve to reformulate larger debates about the correlation between masculinity and violence? We might compare this account to feminist accounts of the family as a site where violence is normalised and gender difference is enforced and reproduced.

While criminologists have long assumed a higher tendency to be violent in 'boys' (i.e. male-assigned children), this is rarely accompanied by a critique of male socialisation. On the contrary, formulae such as GLMN work to insulate violence in 'chronically delinquent' boys that can be profiled and segregated from 'regular' boys.⁷⁴ Nevertheless, this distinction is not stable or secure, as shown by the ongoing attempt to find objective criteria to tell boys whose violence must be acted upon apart from those who are merely acting out and for whom violence is a 'normal' step on their 'normal' path to masculinity.⁷⁵ GLMN also offers new solutions to the old eugenicist problem of how to identify families that pass on violence. In particular, it is a variation on the old classist theme of the "bad child from the bad family."⁷⁶ But while in the generalised trope, delinquent children spring

⁷³Baier et.al., *supra* note 64; Toprak & Nowacki, *supra* note 61.

⁷⁴Marcus Roth & Inge Seiffge-Krenke, *Frühe Delinquenz und familiäre Belastungen in der Kindheit (Early Delinquency and Family Stress in Childhood)*, in *Jugendliche Intensivtäter: Interdisziplinäre Perspektiven (Young Intensive Offenders: Interdisciplinary Perspectives)*, 255-276 (Annette Boeger ed., 2011).

⁷⁵I thank Nina Mackert for our conversations about this.

⁷⁶Rose, *supra* note 13.

from excessive gender *symmetry* (working mother and weak or missing father in the white or Black working-class family), in its Orientalised variant, the intensive offender results from excessive gender *difference* (weak mother, authoritarian father).⁷⁷ As Black feminists and queer-of-colour critics have argued with regard to the ‘cultures of poverty’ thesis, which blamed Black and Latino families for producing dysfunctional children, racialised families are treated as sexually and gender non-conforming regardless of their apparent heterosexuality.⁷⁸ And as anti-racist disability theorists have shown, this view of racialised communities as deficient and as reproducing problematically also naturalises disableism.⁷⁹ The conceptualization of violence as ‘GLMN’ thus serves to both repeat white middle-class, heteronormative, non-disabled reproduction as the uncontested norm and normalise the everyday, banal violence through which categories of race, age, gender, disability and class are upheld.

Racism is also normalised and orientalised in other ways. While both the hateful homophobe and the *Intensiväter* are often discussed in terms of underprivileged, underachieving and failed masculinities, the *Intensiväter*, as the older and better-researched figure, reflects this in greater detail. He (sic) lacks in ‘structural integration’ also measured as ‘educational aspirations’. The high rate of children racialised as Muslim who leave school without qualifications is not the responsibility of one of the world’s most class-differentiated educational systems but of deficient, uneducated parents who fail to ‘integrate’ their children.⁸⁰ These failures are measured ever more

⁷⁷T oprak & Nowacki, *supra* note 61.

⁷⁸See Cathy Cohen, *Punks, Bulldaggers, and Welfare Queens: The Radical Potential of Queer Politics?*, 3 (4) GLQ: J. Lesbian & Gay Stud. 437-465 (1997).

⁷⁹See Gorman, *supra* note 13.

⁸⁰For a typically riddled response to Germany’s bad results in international comparisons of educational achievement such as the PISA study, see Armin Himmelrath, *10 years of PISA testing: Taking Stock*, Goethe Institut, <http://www.goethe.de/wis/fut/sul/en8729860.htm> (last visited Sep. 10, 2013).

imaginatively. Besides the tried and tested pathologisation of bilingualism, experts bemoan that racialised parents doom their children to a limited horizon, limited verbal and emotional skills and limited social capital, by failing to play parlour games with them or to send them to *Schützenvereine* and *Trachtenvereine* (rifle and traditional costumes clubs).⁸¹ Integration here becomes the nostalgic performance of a petty-bourgeois Germanness that exists mainly as a *Heimatfilm* fantasy.⁸² If this parochial landscape seems an odd site for the reproduction of the globalised affects of neoliberal citizenship (imagine learning conflict resolution skills at the local rifle club!), this is in part enabled by the *Intensivtäter*'s spectacular performance as an affect alien who is unable to talk about his feelings and to express himself other than through violence. He is the constitutive outside of a neoliberal citizen whose autonomy, self-responsibility and emotional intelligence are evidenced by his capacity to constantly work on himself. This narrative is at least as much about the integration of the national into the transnational as about the integration of the migrant into the nation. The dis-integrating migrant, who is redundant to both the national and the global, becomes the container into which these trans/national anxieties are displaced, enabling the nation to globalize without losing its identity.⁸³

Besides his bad attachments to bad places and intimacies, the hate/intensive offender suffers from “*perceptions of discrimination*.”⁸⁴ This ‘trait’ again brings home the workings of

⁸¹Toprak & Nowacki, *supra* note 61; Baier et. al., *supra* note 64.

⁸²This genre became popular after WWII and typically depicts a sentimental world set in the mountains, where white, gender-conforming boy romances girl. It is nostalgic for an innocent Germany unspoiled by racial or sexual Others.

⁸³See Rose, *supra* note 13; Skeggs, *supra* note 28; See also Toprak & Nowacki, *supra* note 61.

⁸⁴Haug, *supra* note 69, at 19.

bio – and necropower in the invention of this population. Violence is always already in those thus labelled, as well as in anyone who could be caught in this extensive profile. It cannot happen to you; to mention or even perceive it in its most toned-down version (as ‘discrimination’ rather than racism) increases your risk of being criminalised as well as pathologised as paranoid. We can contextualize this with the punishable status of anti-racist discourse more generally. In Germany, use of the term racism is largely confined to the 1933-1945 era.⁸⁵ *Ausländerfeindlichkeit* (hostility against foreigners) has been a common euphemism which nevertheless psychologises and de-politicises racism as a somewhat natural reaction to ‘foreign’ bodies that are by definition outside of and antithetical to Germanness. Even this limited frame is turned on its head in the figure of the *Intensivtäter* and the wider debates about migration and integration that it has mediated. In these debates, the real problem, from which the ‘politically correct’ obsession with hostility against foreigners has apparently distracted us, is revealed to be ‘hostility against Germans’ (*Deutschenfeindlichkeit*).⁸⁶ Set in the school yards of Kreuzberg and Neukölln, this drama lets the taboo word racism

⁸⁵Cengiz Barskanmaz, *Rasse – Unwort des Antidiskriminierungsrechts?* (Race – taboo term in antidiscrimination law?), *Kritische Justiz* 382-389 (2011); Claus Melter & Paul Mecheril, *Rassismustheorie und –forschung in Deutschland. Kontur eines wissenschaftlichen Feldes*, (Theory and Research on Racism in Germany: Contour of a Scientific Field) in *Rassismuskritik Vol 1* 13-22 (Claus Melter & Paul Mecheril eds., 2009).

⁸⁶Yasemin Shooman, *Der Topos Deutschenfeindlichkeit*, in *Rechtspopulistischen Diskursen* (The trope of *Deutschenfeindlichkeit* in right-wing populist discourses) (forthcoming); Baier et. al., *supra* note 64. Pfeiffer and colleagues also mention *Deutschenfeindlichkeit* as a common trait among their subjects. The theme of reverse racism is a globalising phenomenon as the prosecution of anti-racist activist Houria Bouteldja for ‘anti-white racism’ in France also illustrates; See Alana Lentin & Gavan Titley, *Diane Abbot’s Tweet and the Red Herring of Anti-White Racism*, *The Guardian*, 6 January 2012, <http://www.guardian.co.uk/commentisfree/2012/jan/06/diane-abbott-tweet-anti-white-racism>.

finally enter the German language but only to turn the victims into perpetrators and anti-oppression discourse into both completely unspeakable and punishable language. We must understand this drama in its institutional logics whose murderous orientation Angela Davis aptly sums up as the “school-to-prison pipeline.”⁸⁷ In Germany, too, schools prepare many children for social death rather than enhancing their life chances and thus participate in what Liat Ben-Moshe calls the transinstitutionalisation of surplus populations between institutions of care, punishment and reform.⁸⁸ This again intersects with the pathologisation of the political as *Deutschenfeindlichkeit* or homophobia, a term that queer scholars have often contested and yet continually repeat.⁸⁹

In the Simon study of ‘migrant’ vs. ‘German’ school children, homophobia finally *becomes* a phobia – “a psychological tendency to react to homosexuals with a negative evaluation” which includes “negative affects or feelings, negative cognition and negative behavioural tendencies.”⁹⁰ The conversion of sexual oppression into a psychological problem of dysfunctional youth radically invisibilises from view the everyday and institutional stuff that makes the world, in so many ways, hard to survive for sexually and gender non-conforming people. Instead, it turns it into a property of deficient bodies who are precluded from life chances on the

⁸⁷ Angela Davis, *Are Prisons Obsolete* (2003).

⁸⁸ Ben-Moshe, *supra* note 20.

⁸⁹ See Karl Bryant & Salvador Vidal-Ortiz, *Introduction to Rethorizing Homophobias*, 11 (4) *Sexualities* 387-296 (2008).

⁹⁰ Unter einer homosexuellenfeindlichen Einstellung ist die psychologische Tendenz, auf Homosexuelle mit einer negativen Bewertung zu reagieren, gemeint. Diese Bewertung beinhaltet negative Affekte oder Gefühle, negative Kognition und negative Verhaltenstendenz. ‘Bernd Simon, *Einstellung zur Homosexualität (Attitudes to Homosexuality)*, *Zeitschrift für Entwicklungspsychologie und Pädagogische Psychologie*, 88 (2007), <http://arbeitsblaetter.stangl-taller.at/news/104/einstellung-zur-homosexualitaet>.

basis of their mental and physical ‘traits’. The metonymy between the ‘German’ and the ‘homosexual’ victim is highly productive in sexually expanding and racially contracting a German identity that no longer needs to feel guilty for the Holocaust but itself becomes its victim. For gays, too, were persecuted, and the hatred of homosexuals carries the same name as the hatred of Germans: “German pig,” “German whore,” “gay pig,” “pig eater.”⁹¹

The ghosts of a past which, as Black German theorists and mad activists in particular maintain, began long before national socialism and reaches far into the present, haunt both the hate crime and the wider violence discourse.⁹² The first conjures them loudly. I lack the space to discuss the coincidence of hate crime and remembrance activism in the same organisational and temporal setting. Nevertheless, some brief thoughts on the activism surrounding the ‘Memorial for the Homosexuals Persecuted under National Socialism’, erected in 2008, will illustrate my point. In many LGBT commemorations, the homosexual victim of National Socialism is put in competition with the Jewish one, an (anti-intersectional) metonymy which serves to inscribe the homosexual subject into the

⁹¹M. Heyl et. al., *U-Bahn-Schläger Spricht Im Knast: Mein Vater hat mich geprügel!*, Bild, Jan. 3, 2008 available at <http://www.bild.de/news/vermischtes/vater/schlaeger-3399928.bto.html>; Jan Schutz, *Kriminelle Ausländer: Diese mutige Richterin redet Klartext*, Bild, Jan. 23, 2010, available at <http://www.bild.de/news/vermischtes/richterin/redet-klartextueber-kriminelle-auslaender-5879218.bild.html>; Anja Weber, *Homophobie-Expertin der Berliner Polizei: Gewaltfängtnicht an, wennesblutet*, Taz, available at <http://www.taz.de/1/leben/koepfe/artikel/1/gewalt-faengt-nicht-an-wenn-es-blutet> (we may understand these revisions alongside the Orientalisation of an anti-semitism which in Germany has become a property of ‘Muslims’ (Barskanmaz, personal communication in summer 2009)).

⁹²See Fatima El-Tayeb, *Schwarze Deutsche: Der Diskurs um “Rasse” und Nationale Identität* (Black Germans: The Discourse on “Race” and National Identity) (2001); Halmi, *supra* note 24; On haunting, see Avery Gordon, *Ghostly Matter: Haunting and the Sociological Imagination* (1996).

foundational myth of a free democratic, post-racist Federal Republic. This happens through mimicry: the 'Homo-Memorial' as it is often called endearingly, perfectly imitates the older Memorial for the Murdered Jews in Europe, completed in 2004.

It is built with the same material, the same colour and shape. Yet as Haakenson points out, instead of the 2711 grey slabs, "we" have to make do with one, which is bent (not straight).⁹³ The 'Homo-Memorial' hosts several of the kisses and kiss-ins we have already come across: one is continually projected inside, in a film of gay kissers that is an in-built part of the sculpture. Others are performed outside, in remembrance ceremonies and kiss-in actions that commemorate the dead and place them in continuity with today's injured lovers.⁹⁴ 'Today's victims' (of homophobic migrants) seamlessly join a teleology of *Never Again!* The irony that the memory of a past of incarceration and deportation should orient us to a future of more of the same, so that the Holocaust will not repeat itself, is lost.

In contrast to the hate crime debate, which loudly claims its historic heritage, the noisy hauntings of the wider violence

⁹³Thomas Haakenson, *Queers in Space: The Queer Art of Michael Elmgreen and Ingar Dragset*, Queer Futurities Symposium, Berlin: Finland Institute, 18-19 May, 2009.

⁹⁴LSVD, *Feier zum Tag des Gedenkens an die Opfer des Nationalsozialismus* (Ceremony on the day of remembrance of the victims of National Socialism), http://www.berlin.lsvd.de/cms/index.php?option=com_content&task=view&id=450&Itemid=82 (last visited Sep. 5, 2013). This 2009 commemoration speech asked us to remember a long-term, middle-class relationship that ended in a 'love death' during national socialism. The same speech also cited the litany of racialised hate crime cases that were circulating at the time and warned us to not let the past repeat itself. Another example of how the hate crime discourse has been invoked to wed the 'terror of the present' with the 'terror of the past' (and white gay men as victims of both) is the annual kiss-in of the anti-violence organisation Maneo that was performed in front of the memorial that year, after targetting 'problem neighbourhoods' in the previous years.

debate remain unspeakable to the point of punishment. The intensive offender appears as a new phenomenon that requires new methodologies. The blunt spatial and cultural figures of the patriarchal family in the ghetto are joined by a multitude of statistics that correlate ‘integration index’, ‘religiosity scale’ and other ‘factors of influence’ (such as ‘violence in the family,’ ‘family in proximity to poverty’ and ‘life in disadvantaged housing areas’) in countless regression analyses.⁹⁵ The numbers thus produced must be understood in a historical context that simultaneously birthed racism, eugenics and statistics as kindred ‘white logics and white methods’. As Zuberi and Bonilla-Silva show in their book of the same name, these indeed have the same fathers in scientists such as Francis Galton.⁹⁶

The memory of this history enables us to understand violence narratives and their numerologies in their racist, classist and eugenicist echoes, as well as in their transnational travels. This is why seemingly disparate and parochial ‘debates’ such as the (currently revived) ‘Cultures of Poverty’ thesis in the U.S. and the crime and integration panics in Northwest Europe produce easily transposable explanations that nevertheless appear intrinsically local and authentic.⁹⁷ How might we turn around the gaze and begin to travel, too, borrowing analytics that help us come to grips with these highly mobile racist scripts of bodies, minds and

⁹⁵Baier et. al., *supra* note 64 (these are the ‘factors’ cited by the Pfeiffer study); For other reports, both quantitative and qualitative, that have repeated similar themes of integration, religiosity, inner city background and inherited violence and poverty, see Haug, *supra* note 69; See also Toprak & Nowacki, *supra* note 61.

⁹⁶Zuberi & Bonilla-Silva, *supra* note 48.

⁹⁷The Cultures of Poverty theory was popularised in the 1960s and attributed poverty among Black and Latino people to the dysfunctional structures of their communities and families. Daniel Patrick Moynihan, *The Negro Family: The Case for National Action* (1965). For a critique, see Dorothy Roberts, *Killing the Black Body: Race, Reproduction and the Meaning of Liberty* (1997).

spaces? For example, Sherene Razack's analysis of race, space and Canadian settler colonialism has purchase for the European inner city. In Razack's analysis, the racialised inner city and the reservation are cast as degenerate spaces producing degenerate bodies: the indigenous and racialised people who live there are always already cause and origin of violence (both in the figure of the racialised perpetrator and in that of the non-rapeable woman of colour).⁹⁸ Race, class, gender and colonial violence thus disappear and become utterly unremarkable, selfinflicted phenomena which naturally inhabit racialised bodies and their surroundings.

5 PROFILING THE *INTENSIVTÄTER*

The search for the *Intensivtäter* does not stop at constructionist explanations. Besides criminological, sociological and pedagogical expertise, he is also the subject of the psychologists and psychiatrists.⁹⁹ In the descriptions of the psy experts, he becomes a type, a personality profile, a genus. No longer at stake is the punishment of deeds that have already been done. In risk profiles, 'at risk' children aged five or younger are prepared for 'early detection'. This is Foucault's 'shift from the crime to the criminal'. In the collection *Intensive adolescent offenders: Interdisciplinary perspectives*, a youth psychiatrist complains that the *Diagnostic and Statistical Manual of the American Psychiatric Association* (DSM, which long included homosexuality and 'gender identity disorder', and still lists many queer and trans practices and identities as mental disorders) has no diagnosis specifically for

⁹⁸Sherene Razack, *When Place Becomes Race, in Space, Race and Law: Unmapping a White Settler Society* (Sherene Razack ed., 2002).

⁹⁹On the dispersal of psy discourse to other disciplinary and professional formations and throughout neoliberal therapeutic culture, see Rose, *supra* note 13.

intensive offenders.¹⁰⁰ At the same time, the existing DSM, whose menu of diagnoses has grown exponentially since its first edition (from 60 to soon over 400), is invoked continually. Among the existing labels, Attention Deficit Hyperactivity Disorder (ADHD) and Anti-Social Personality Disorder (ASPD) are cited repeatedly.

While a genealogy of these diagnoses is beyond the scope of this paper, both resound heavily with eugenicist spectres of degeneracy and are deeply raced and classed in their application. Rachel Gorman describes hyperactivity as the successor of ‘moral imbecility’ which was frequently attested to children of colour considered “turbulent, vicious, rebellious to all discipline; they lack sequence of ideas and probably power of attention.”¹⁰¹ More harmlessly it seems, the *Intensivtäter* debate invokes ADHD as a prognostic tool to spot future chronic delinquents as “difficult babies.”¹⁰² In North America, the widespread diagnosing of ADHD and commonplace medicating of children has been linked with the aggressive marketing of pharmaceutical companies.¹⁰³ The

¹⁰⁰ Wilfried Huck, *Intensivtäter aus jugendpsychiatrischer Sicht (Intensive Offenders from a Youth Psychiatric Perspective)*, in *Jugendliche Intensivtäter. Interdisziplinäre Perspektiven (Young Intensive Offenders: Interdisciplinary Perspectives)* 143 (Annette Boeger ed., 2011).

¹⁰¹ Gorman, *supra* note 13 (*she* also highlights the bifurcation of ADHD into “‘hyperactive’ children of colour (who) are segregated in special education, while ‘attention deficit’ middle class youth are provided with specialised computers and tutors”).

¹⁰² Roth & Seiffge-Krenk, *supra* note 74, at 256. This is not the only diagnosis currently deployed to profile racialised children as future delinquents. According to Nadia Kanani, this bears “similarities with the diagnosis of Fetal Alcohol Syndrome (FAS) used specifically to target indigenous people [in Canada] and, particularly the reproductive capacity of indigenous women under the guise of preventing congenital disability, or as you say ‘difficult babies’. The supposed symptoms of FAS are also behavioural, including inability to tell right from wrong, having a limited understanding of the consequences of one’s actions, trouble following rules.” (personal communication of 6 March 2013).

¹⁰³ Peter Breggin, *Talking Back to Ritalin* (1998).

expansion of this diagnosis onto unsaturated European markets must be observed against the background of a medical industrial complex (M.I.C.) which, in Jasbir Puar's terms, capacitates bodies anew.¹⁰⁴ We must ask how the M.I.C., as many working on the intersection of race and disability have shown, 'treats' bodies differentially.¹⁰⁵ We must further interrogate how it renders surplus populations productive beyond their labour power. In the context of neoliberal racism, bodies labelled chronically delinquent are not incidentally the ones affected disproportionately by the exodus of manufacturing and the resulting mass unemployment.¹⁰⁶

This is also apparent in the second diagnosis cited in the *Intensivtäter* debate: Anti-Social (or Asocial or Dissocial) Personality Disorder. On the checklist of this diagnosis are 'traits' such as 'failure to conform to social norms', 'lack of the capacity for empathy', 'irresponsibility and disregard for social norms', 'impulsiveness', 'low threshold for discharge of aggression, including violence' and 'incapacity to experience guilt'.¹⁰⁷ Not only are the carceral and the biomedical here intertwined in a manner

¹⁰⁴ Jasbir K. Puar, *The Cost of Getting Better: Suicide, Sensation, Switchpoints, Racialization, Neoliberalism and Queering Public Spheres* Symp., UC San Diego, 22-23 Apr., 2011.

¹⁰⁵ Christiane Hutson, *Unverschämt – Wir im Spannungsfeld von Rassismus, Hetero-/Sexismus und Ableism (Shameless – We, in the force field of racism, hetero/sexism and ableism)*, (13 May 2009), www.zedis.uni-hamburg.de/wp-content/uploads/hutson_rassismus_sexismus.pdf (paper presented at Hamburg University); Roberts, *supra* note 97.

¹⁰⁶ There is anecdotal evidence in activist communities in Germany that children labelled difficult or disruptive, often those racialised and gendered as Turkish or Arab, are now given this diagnosis at school (Racism and Mental Health workshop at the Decolonize the City conference in Berlin, 23 September 2012). I am grateful to Cengiz Barskanmaz and Meral El for sharing preliminary findings from their research in Berlin schools that further confirm this trend (summer 2012).

¹⁰⁷ *Anti-social personality disorder*, Wikipedia, http://en.wikipedia.org/wiki/Antisocial_personality_disorder (last updated Sep. 18, 2013) (these are assembled from the DSM and from the checklist of the World Health Organization).

that recalls older eugenicist notions of the innate criminal, but personality disorders are generally considered ‘incurable’. In the words of two psychologists in the same collection who support the view that chronically delinquent youth represent their own ‘type’ (the ‘LCP’ or ‘life course persistent’ type), it can “hardly be assumed that individuals of the LCP type will learn pro-social behaviours as adults.”¹⁰⁸ Both chapters cite the increasingly popular brain and gene theories which treat violence as hereditary. This may occur either biologically or socially – aggressiveness can also be caused by violent damage to the head!

Recalling the debate over the born vs. socialised criminals, this logic fuses not only nature and nurture but also science and Christian morality: the frontal brain is the seat of both impulse control and conscience. It also brings to mind the scandals over proposals to experiment on children in Black and Latino neighbourhoods in the U.S. in the name of preventing violence and rioting and the recurrent calls for brain scans and gene tests to ‘screen and intervene’.¹⁰⁹ In the U.K., researchers have begun to assemble risk profiles that include ‘bio-markers’ alongside social factors such as alcoholism, poverty, experiences of violence and ethnicity and may soon become available to judges, teachers and doctors for diverse purposes.¹¹⁰

Again, a transnational perspective is important here. While the German experts rely heavily on the English-speaking literature on ASPD, which interchangeably describes an ‘anti-social’, ‘dissocial’ or ‘asocial’ type, I have not so far spotted the term *asozial* in the German literature possibly because this was the exact term that the Nazis used to mark poor people, sexual deviants

¹⁰⁸ Roth & Seiffge-Krenke, *supra* note 74, at 255-6.

¹⁰⁹ Breggin, *supra* note 22, at 3-22; Rose, *supra* note 22.

¹¹⁰ For a somewhat uncritical account, see Singh & Rose, *supra* note 23.

and Roma and Sinti for sterilization or internment. Nevertheless, we can take Sherene Razack's thoughts on the degeneracy of racialised bodies and spaces, which are only ever perceptible as origins and never as targets of violence, further by attending to the return of explicit eugenics to Germany: from the racist theory of German politician Thilo Sarrazin that people of Turkish origin have lower and Jewish people higher IQs which hit the headlines around the same time as the *Intensivtäter* panic and are cited in the debate to the panic over the 'cultural practice' of cousin marriage disproportionate growth of migrant populations.¹¹¹

These are narratives of decline which locate the social and biological downfall of the nation in the reproduction of racialised populations. Following queer-of-colour theorists such as Rod Ferguson and Cathy Cohen, we may juxtapose these improper heterosexualities with queer investments in reproduction and regeneration through figures such as gay marriage, rainbow families and the queer lover who comes to life in the shadow of the degenerate bodies and the regenerating buildings of the gentrifying ghetto. The vitalisation of the queer subject is necropolitical in that it occurs in or close to the very death worlds from which Others are ghosted.¹¹²

The queer subject's new vitality contrasts with the inescapably asocial heritage of the *Intensivtäter*. So far this appears to occur in a random rather than systematic manner. A study by Ohder and Huck, a criminologist and a psychologist who reviewed files kept of youth with this label at the prosecution service in Berlin, highlights constructionist explanations but suddenly begins to list the 'physical', 'mental' and 'social

¹¹¹ Haug, *supra* note 69, at 5; Thilo Sarrazin, *Deutschland Schafft Sich Ab* (Germany does away with Itself) (2010).

¹¹² Haritaworn et. al. (eds.), *supra* note 11; Haritaworn et. al., *supra* note 10; Mbembe, *supra* note 19, at 40.

conspicuities' of the surveyed individuals.¹¹³ These include:¹¹⁴ 'impairment speaking (stammering, mute)', 'motoric conspicuity (hyperactivity, coordination problems)', 'chronic visible physical conspicuity (stunted growth, limping)', 'brain organic conspicuity (early childhood brain damage, Down syndrome, epilepsy)', 'conspicuities with harm of others ('extraversion') or of self ('introversion')', '(delusional) distortion of perception', 'running away from home', 'prostitution' and 'suicide attempts'.

While the figure of the *Intensivtäter* has disability, class and race written all over it, his innate deficiency – physical and mental inferiority, poverty, social and sexual deviance, a criminal, mad or alcoholic genealogy – distinguishes him from the recognisably disabled subject, the homonormative subject, the reformable working class subject and the good multicultural subject. The eugenicist ghosts that haunt him are starkly different from the distinctly post-genocidal landscape of the speeches by the Homo-Memorial.

What work does the comparison with the Jewish victim do in making a (certain) queer subject respectable? How does the orientation towards the concentration camp (an institution of the past, whose inmates were innocent and respectable) turn us away from other sites of social and actual death, like the prison or the psychiatric institution – where the first were gassed, and the last (officially) killed in 1948,¹¹⁵ an institution of 'care' and 'reform' that was never de-Nazified – through which far more sexually and gender-non-conforming people have gone?

¹¹³ Ohder & Huck, *supra* note 60.

¹¹⁴ Many of the terms in the following list, such as *Auffälligkeit* (conspicuity) sound odd in German too. I argue that the choice of a more random, less medically precise vocabulary serves to obfuscate its eugenicist hauntings.

¹¹⁵ Alice Halmi, *supra* note 24.

Again, the hate/ intensive offender remains ungrievable in this landscape of commemoration and the futures that open up from it. While his prognosis seems bleak he is at first sight also an object of care and reform. In media representations of hate/ violence, offenders' own experiences of abuse are described with apparently sensitive detail. Toprak, thus far cited as an expert of the *Intensivtäter*, is in the aftermath of the Drag Festival debate invited to apply his tried and tested diagnostics to hateful homophobes who indeed stem from the identical suspect group. In an interview in the Berlin queer magazine *Siegessäule*, he states:

Similarities consist in offenders' difficulties to talk about their emotions. They never learned to talk about their inside and to resolve conflicts, since this isn't considered masculine.¹¹⁶

Serkan A. and Spyridon L., the well-mediatised *Intensivtäter* case discussed above, have likewise suffered. Serkan A.'s father is violent, his mother mentally ill. Serkan A. was in a children's home, Spyridon L. in a youth psychiatric institution. Yet 'our' empathy contrasts with their emotional coldness, as in the following profile of Serkan A. in *Stern* magazine:

The Munich crime policemen were speechless faced with such coldness. Psychologists speak of a shallowing of affect. [A violence researcher is cited:] 'These youth have difficulty talking about their feelings. We don't know if it's a deficit in language or a deficit in experience.'¹¹⁷

¹¹⁶ Interview with Prof. Dr. Ahmet Toprak, *Machtausübung (Exercise of power)*, *Siegessäule*, November 2011, at 15, www.siegessaule.de/uploads-img-printausgaben-sis_11-09.pdf.

¹¹⁷ Rupp Doinet et. al., *Der Fall Serkan A.: Eine klassische Karriere (The case Serkan: A classic career)*, *Stern*, January 13, 2008, <http://www.stern.de/panorama/:Der-Fall-Serkan-A.-Eine-Karriere/607151.html>.

This empathy narrative nevertheless orients us away from Serkan A. ‘Our’ empathy with him contrasts with his lack of empathy, his utter lack of emotion, which is firmly rooted in him.¹¹⁸ His dismissal from the realm of humanity and the humanly intelligible nevertheless occurs in the name of reform. The pedagogues and masculinity researchers in particular occupy themselves with the question of how we may teach the intensive offender in spite of everything to manage his anger and his hatred and develop empathy for his victims. ‘Our’ speechlessness nevertheless already points towards the futility of such attempts.¹¹⁹ As ‘we’ are left to fill the dots, the question that comes to the fore is indeed how well-meaning efforts may not be completely wasted on young minds so deeply steeped in hate.

6 CONCLUSION: TOWARDS AN ABOLITIONIST IMAGINATION

The framing of harm as a problem of bad individuals who need to be exiled is one that appears again and again, not just in our criminal punishment systems, but in schools, employment settings, organisations, activist formations, neighborhoods, groups of friends, families.

¹¹⁸ See also Ohder & Huck, *supra* note 60, at 23; Toprak & Nowacki, *supra* note 61; Huck, *supra* note 100; Roth & Seiffge-Krenke, *supra* note 74, at 255-6.

¹¹⁹ Liat Ben-Moshe, *Resistance to Incarceration: The Intersections of Prison Abolition, Antipsychiatry and Deinstitutionalization*, PsychOut Conference: Toronto, (May 7-8, 2010), <http://individual.utoronto.ca/psychout/abstracts/ben-moshe.html>; Besides analysing how the disposability of youth-of-colour is euphemised through emotional narratives like these, we must attend to the institutional practices that govern the intensive offender. In this, Liat Ben-Moshe’s concept of ‘trans-institutionalisation’ is helpful: How are surplus populations funnelled in a cycle of incarceration and reform? While the intensive offender is amply studied, no research has been done into what actually happens to people with this label. See Ohder and Huck, *supra* note 60, at 23.

Abolitionists are trying to build models for dealing with harm that do not rely on exile, expulsion, or caging, but instead examine the root causes of harm and seek healing and transformation for both people experiencing and people responsible for harm – Dean Spade.¹²⁰

A transnational feminist disability studies perspective will force us to see that the embattled bodies of (disabled) (third world) women wear scars that speak of centuries of violence – representational, physiological, and material – and still live to tell their stories in the breathless whisper of exploding bodies and shattered bones. As witnesses to this violence, our only recourse is to forge a transnational theory and praxis that would work across the boundaries of race, class, gender, disability, and sexuality to end this violence now – Nirmala Everelles.¹²¹

What lessons are there in thinking through the queer metonymies of sexual and criminal justice, carceral and biomedical knowledges, and racialised, perverse and mad figurations that I have traced in this article? Beginning with a queer-of-colour critique of queer whiteness, I have ended up with an institutional critique that is inspired by an abolitionist imagination of (in Angela Davis's words) "a world without prisons – or at least a social landscape that is no longer dominated by the prison."¹²² This abolitionist imagination must extend to psychiatric and other institutions of 'care' in ways that resist nostalgic longings for a welfare state that, for racialised people, was always

¹²⁰ Spade (2012), *supra* note 9, at 196-197.

¹²¹ Nirmala Everelles, *Embattled Pedagogies: Deconstructing Terror from a Transnational Feminist Disability Studies Perspective*, in *Critical Theories, Radical Pedagogies and Social Education* 13-24 (A. DeLeon & W. Ross eds., 2010).

¹²² Angela Davis & Dylan Rodriguez, *The Challenge of Prison Abolition: A Conversation*, 27 (3) *Soc. Justice* 212-218 (2000).

ambivalent.¹²³ In the place of any wishful thinking that young people labelled violently hateful are simply in the ‘wrong institution’, we should attend to the symbiotic relationship between punitive, biomedical and other ‘helping’ apparatuses which each serve to administer surplus populations that profiled by one become recognisable to the other. This is especially relevant for racialised and colonised populations whose conformity to white norms (especially of gender and sexuality) and identities has always been the remit of experts of punishment as well as of psychiatrists and other experts of ‘care’.¹²⁴

Besides understanding the close relationship between criminalization and pathologisation across multiple formal and institutional sites,¹²⁵ an abolitionist imagination might also involve attending to how punitive and pathologising logics undergird

¹²³ Efforts to resist prison abuse by highlighting the high incidence of ‘mentally ill’ prisoners who should *really* be in a mental institution often heard in the U.S., where many psychiatric institutions were closed as a result of neoliberal austerity measures, reify hegemonic notions of ‘mental illness’ and ignore how psychiatric institutions, too, have been exposed as sites of confinement. Psychiatric system survivors have long argued that the same circumstances almost always lead to longer time spent in psychiatry than in prison and that in the place of a clearly defined sentence the psychiatric patient is at the whim of doctors who have full discretion to confine hir until they declare hir ‘cured’. Massregelvollzug/Forensische Psychiatrie (Forensic Psychiatry), Dissidentenfunk, (13 January 2005), <http://www.dissidentenfunk.de/archiv/s0501/index.html>.¹²⁴ Françoise Vergès, *Monsters and R evolutionaries: Colonial Family Romance and Métissage* (1999); Wendy Chan, Dorothy Chunn & Robert Menzies, *Women, Madness and the Law: A Feminist Reader* (2005). For an inspiring example of such trans-institutional analysis, see Dorothy Roberts, *supra* note 97.

¹²⁵ On the overlaps of U.S. prisons and military, see Avery Gordon, *Abu Ghraib: Imprisonment and the War on Terror*, 48 (1) *Race & Class* 42-59 (2006); On the transformation of the big psychiatric institution into mental health services in the community, see Jijian Voronka, *Rooting out the Weeds: Resisting White Settler & Psychiatric Supremacy Through a Critique of “The Review of the Roots of Youth Violence”*, PsychOut Conference, (May 7-8, 2010), <http://individual.utoronto.ca/psychout/papers/voronka.html>.

informal sites, including those that identify as alternative, radical or progressive. I have suggested antiviolence organising against *hate* as one such site which, given the global spread of hate crime activism and the twin carceral and biomedical paradigms that undergird it, demands a transnational critique.

I propose that hate is a problematic sign to organise under for several reasons. First, describing violence as hatefully motivated partly misses the point. What of the many acts of violence accompanied by glee, indifference or solidarity with others rather than by hate and lack of empathy? The most powerful face of violence may indeed not be hateful at all but indifferent and neglectful towards those who must have inflicted it upon themselves or appear unworthy in a meritocratic system that will give you equal opportunities if only you try hard enough. Hate thus has the same individualising, depoliticising tendencies as neoliberal discourse overall. Most worryingly, its usefulness as an antiviolence method is limited by its tendency to stick to racialised bodies that are unable to perform a global multicultural citizenship “fit for neoliberal subjectivity,” to borrow from Jodi Melamed. It serves as the latest descriptor of disposable populations marked as “monocultural, irrational, regressive, patriarchal or criminal,” a marking that following Everelles we must further identify as disableist.¹²⁶ Besides producing consent for ever more de-humanising measures and representations, the figure of the hateful Other also becomes the ground against which all racialised people must perform conformity to our oppression. I have described it here as a psy discourse that disciplines but it is also a productive ingredient of governmentality in that it incites us to become docile subjects who labour hard to not appear hateful when confronted with this de-humanisation.

¹²⁶ Melamed, *supra* note 6, at 87.

While critiquing victim/ subjecthood as a political paradigm, my analysis complicates an account of injury as universally experienced and mobilised. For example, Wendy Brown's discussion of the "wounded attachments" of dominant identity politics is helpful in explaining the global purchase of hate/ crime.¹²⁷ Nevertheless, 'the drama of queer lovers and hateful Others' brings to the fore the differential status and effects of these figures of violence and anti-violence. How do narratives of injury perform different work depending on their authors? Why do trauma narratives attached to homonormative victims/ subjects circulate at such volume and speed while experiences of racism, poverty or police violence remain unspeakable and unremarkable? To return to Charlie Haddad's sobering analysis, how do white transgender injuries become grounds for citizenship claims while trans-of-colour injuries must be managed in private, buried under the tongue, because to voice them would be to lose one's small claim to queer community and the meagre resources that come with it?¹²⁸ The examined personality profiles bring home the immense pressures on the survivors of race and class oppression to present themselves as unscathed by it and to bear it as its containers and recipients.

In formulations of queer necropolitics that go beyond a happy inclusion framework of sexual citizenship, the paradox of who must die so that 'we' can live (or rather, who must live so that 'they' can be killed with impunity) is clearly brought to the fore. While focusing

¹²⁷ Brown, *supra* note 34; See also Glen Coulthard, Keynote Address at the University of California Riverside Conference: Critical Ethnic Studies and the Future of Genocide (Mar. 10-12, 2011) (for his critique of Brown which argues that for Native people in Canada, it is too early to let go of resentment, and concludes: "Let's wallow in it.").

¹²⁸ While Charlie Haddad and others in Berlin have in the meantime found queer- and trans-of-colour kitchen tables where intersectional violence can be shared, these remain embattled and exhausted and I do not wish to overstate their presence here.

on the forces that are death-making, we must simultaneously ask what a queer and trans politics would look like that genuinely fosters survival, a task that may well begin with race and class oppression rather than with hetero- or even homonormativity. Such a politics would create spaces where safety is not won by bolstering regimes of exploitation and neglect and where the violence of the most powerful is scandalised more loudly than the acts of those subjugated, who need not be innocent in order to deserve solidarity, and for whom healing and transformation would take much more than the diversification of the unbearable status quo.

