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Special Issue
Queer in Aotearoa/New Zealand: Research, Theory, and Practice
Guest editors: Rebekah Galbraith and Ti Lamusse

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Rebekah Galbraith and Ti Lamusse[*]

In a recent appearance on *The Joe Rogan Experience* podcast, Mark Zuckerberg, CEO of Meta, bemoaned the state of corporate America. Workplace culture has supposedly been neutered by "feminine" dysfunction, and much-desired "masculine energy" has been suppressed (Zuckerberg in Rogan, 2025).

In the days following, Meta took to their company's internal communications forum to announce it would cease to offer its diversity, equity and inclusion programmes, otherwise known as DEI initiatives (Gibson & Lyons, 2025). The term DEI, the company argued, has become charged, in the sense that others feel that certain groups receive preferential treatment. The move followed similar rollbacks from McDonald's, Amazon, Target and Walmart—corporate heavyweights taking their cue from a 2023 United States Supreme Court ruling that struck down affirmative action efforts in university admission processes (Gibson & Lyons, 2025). More recently, on his first day in office, President Donald Trump signed an executive order to put an end to the "radical and wasteful" federal government DEI programmes. According to *The Washington Post*, as of 5 p.m. Wednesday 22 January 2025, all employees of diversity, equity and inclusion programmes were placed on administrative leave, to be laid off or reassigned (Vinall & Zakrzewski, 2025).

Another executive order, relating to trans rights, has caused extreme alarm among LGBTQIA+ communities worldwide. Speaking at the US Capitol, President Trump announced that, henceforth, his administration's official policy is that "there are only two genders: male and female" (Luhby, 2025). What does this look like in practice? Trans women will be moved to men's prisons. Funding for gender-affirming healthcare will be scrapped. Education and health guidelines will be rewritten. Secretary of State Marco Rubio has directed his department to suspend processing passports applications with 'X', a gender-neutral marker. It is unclear how the new policy will affect current holders, passport renewals and Global Entry travellers.

Aotearoa/New Zealand is not immune to the rising tide of right-wing politics internationally. Indeed, the healthy relationships and sexuality education guidelines for schools, announced in 2020 by then-Associate Education Minister Tracey Martin, were designed to curb our high rates of intimate partner violence and child abuse. The guidelines recognised a need to educate our rangatahi on diverse genders and sexualities, including Māori and Pasifika understandings of sexuality, issues around consent, the use of digital technologies, and the harmful effects of exposing youth to sexually explicit and harmful online media, such as pornography (Martin, 2020). However, as part of New Zealand First's Coalition Agreement with the National Party following the 2023 general election, these guidelines were scrapped, with leader Winston Peters recently celebrating their demise on X (formerly Twitter): "We campaigned to get these woke out-of-touch guidelines removed from our schools and to stop indoctrinating our kids" (Peters, 2024). The

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Government, furthermore, announced greater possible restrictions on gender-affirming healthcare for trans young people (Carroll, 2024), as well as encouraging creating barriers to trans people playing sport (RNZ News, 2024a).

There have also been a series of recent high-profile attacks on public queer symbols. In June 2022, Gloria of Greymouth, a former Church transformed into a pink art project by artist Sam Duckor-Jones, was defaced with homophobic slurs (Naish, 2022); the following week saw an arson attack on RainbowYouth and Gender Dynamix's offices in Tauranga (Houpt, 2022); and throughout 2024, multiple rainbow street crossings were vandalised across the country (Green & McCaull, 2024). At the 2025 Auckland Pride Festival, Destiny Church groups Man Up and Legacy Sisterhood stormed Te Atatū Library to protest against a drag king's storytime for children, "punching, pushing and shoving their way inside" and assaulting a 16-year-old bystander in the process (Franks, 2025). Not willing to be intimidated back into the closet, Rainbow communities have also been pushing back against these attacks. The following weekend, hundreds of members of the Rainbow community and their supporters gathered in Auckland's Albert Park to stand in solidarity against Destiny Church's violent actions at Pride (Blackwell, 2025), and more than 100,000 people have signed a petition calling for the revocation of Destiny Church's charitable status (Concerned Citizen, 2025).

All this has occurred within a contradictory context of a rising far-right trans- and homophobia, as well as a legislative environment in which queer and trans people in Aotearoa/New Zealand have experienced decriminalisation for nearly 40 years and marriage equality for 12. As several of the contributors to this special issue note, the material conditions of Rainbow people have, overall, improved in the last 40 years, but there remain significant issues that we face, including a global far-right movement seeking to undo our gains.

What, then, does it mean to be queer and trans in Aotearoa/New Zealand? How do we resist the global turn against our Rainbow communities, to ensure our rights, our histories and our lives are protected as well as supported? In equal measure, how do we confront increased efforts to marginalise our community while recognising the unique insights queer experiences afford within the leviathan of our institutions: education, government, healthcare, justice, the arts and beyond—spaces, hierarchies and hegemonies that traditionally preserve exclusion, omission and segregation?

Queer in Aotearoa/New Zealand: Research, theory, and practice

In this special issue of *New Zealand Sociology*, we spotlight research initially presented at Rainbow Studies NOW: Legacies of Community, a symposium held at Te Herenga Waka | Victoria University of Wellington in November 2023.

Organised by the Rainbow Research Network at Te Herenga Waka, Rainbow Studies NOW brought together researchers from Te Herenga Waka, Ōtākou Whakaihu Waka | Otago University, Te Whare Wānanga o Waitaha | Canterbury University, Waipapa Taumata Rau | University of Auckland, Te Wānanga Aronui o Tāmaki Makau Rau | Auckland University of Technology, and Te Kunenga ki Pūrehuroa | Massey University, as well as national organisations such as Kawe Mahara: Queer Archives Aotearoa, PrideNZ, UnitetoTranzform Aotearoa and more. Today, the Rainbow Research Network continues to grow and flourish, providing a much-needed space for collaboration, connection and community within the university and beyond. Now a biennial event, the symposium will be hosted in 2025 by Te Wānanga Aronui o Tāmaki Makau Rau | Auckland University of Technology, with a view towards its exciting return to Te Whanganui-a-Tara in 2027.

This special issue examines Rainbow experiences and analysis of institutions, embodiment, marginalisation and resistance. The contributions provide a reckoning with historical and contemporary queer and trans interactions with, oppression by and resistance to Aotearoa/New Zealand institutions. This

special issue covers growing queer research inside universities, the ongoing challenges faced by the Rainbow community in our judicial system, insights into the current climate of social homonegativity arising from our Hansard records, the contested grounds of gender in te ao Māori and its relation to Western conceptualisations of gender, the move towards health equity for our Rainbow whānau, how we can conceptualise and action trans liberation in Aotearoa/New Zealand, the impact of language as means of breaking down binary thinking within our sporting institutions, and how we nourish and develop our emerging trans cultures in the creative and performing arts sector. It tells the stories of where queer and trans communities have been, where we are now and where we are going. These stories provide queer insight into Aotearoa/New Zealand's settler colonial, cisheteronormative capitalism, as well as resistance to it. In a moment of an escalating culture war, with Māori and trans people as key targets, there is a pertinent need for the queer and trans analysis laid out in this special issue.

For Rainbow Studies NOW

Each article in this special issue demonstrates the social, cultural and political impact of queer research in contemporary Aotearoa/New Zealand. Navigating institutional contexts from the criminal justice system to our creative industries, within our universities and health sector to government legislation and national sports organisations, these articles challenge the existing parameters of queerness in Aotearoa/New Zealand and contribute to a growing scholarship of queer and trans sociological perspectives.

In "Ensuring the family home", Welby Ings considers the responsibilities of queer scholarship within our universities. Synthesising his opening keynote address at Rainbow Studies NOW, Ings's essay reflects on the long shadow of self-selective silencing within Aotearoa/New Zealand's queer histories, and the landmark design and development of Ia~, the online queer research portal launched in 2023 at Te Wānanga Aronui o Tāmaki Makau Rau | Auckland University of Technology. Likewise, Scott Pilkington and Tof Eklund consider the strengths and limitations of queerness within universities: What does is mean, precisely, for an academic institution to be 'queer'? What affordances can we draw from markers such as the Rainbow Tick? And how are queer scholars responding to issues around pay equity, lack of career progression, low representation in senior leadership, and job precarity?

It seems ironic, then, that contemporary queer theory, as a body of knowledge, emerged from theorists within universities in the United States: Judith Butler (University of California, Berkeley), Michael Warner (Yale University), Lauren Berlant (University of Chicago), Eve Kosofsky Sedgwick (Duke University) and Lee Edelman (Tufts University). But it is an undeniably White, Western lens that dominates much of queer theory, and Maia Berryman-Kamp's essay deftly challenges Butler's Western notions of gender performativity, expertly proposing a Māori theory of gender that advocates for Indigenous-led theories. Berryman-Kamp's examination of Indigenous selfhood, as it relates to performativity, is grounded in Māori ontologies, noting that self-determination cannot merely reiterate Western ways of being, but must embrace research from Indigenous gender theorists to develop Indigenous-led theories, frameworks and narratives around gender.

The language we choose to use plays an enormous role in our shaping of society: it is a means of both inclusion as well as exclusion. Stephanie Foxton's article considers the impact of language on perceptions of gender and sexuality in a local sports organisation, arguing that the interaction between language and society broadly indicates how and why discourses of homophobia, transphobia and sexism prevail. In an institution that makes a public commitment to Rainbow inclusion, by developing policies, guidelines and investment in DEI initiatives, daily activities still default to binary assumption around gender, sex and sexualities, leading to recurrent discourses of exclusion and marginalisation. Moreover, the continued presumptions of cisgendered norms are entrenched in our healthcare system, where Rainbow people experience unique and distressing challenges to accessing equitable care and its associated outcomes.

George Parker and Chelsea D'Cruz's article addresses two recent research projects in Aotearoa/New Zealand investigating the impact and effects of cisheteronormative assumptions in perinatal healthcare and abortion care, highlighting the power relations and oppressive social structures that shape and determine people's control of their reproductive destinies.

In developing a framework to address these systemic issues of oppression, Charles Henry suggests that three key pillars are required for acceptance of transgender and non-binary people within wider society: protection, access and recognition. Henry presents a roadmap for the Tranz Liberation Framework, allowing activists, policy analysts and academics alike to assess what interventions are still required to reduce ongoing inequalities. Similarly, Robert Sewell, Ti Lamusse and Fiona Hutton consider the value of a queer criminology, examining the experiences of access to justice for Rainbow peoples in the Aotearoa/New Zealand criminal justice system. There is limited research on LGBTQIA+, takatāpui and queer people's experiences within the criminal justice system. Despite nearly 40 years since homosexual law reform, this study underscores the unique fears and challenges facing Rainbow communities engaging with the justice system, including the impact of diverse gender and sexualities on court cases, and the limited support available to queer people accessing justice. Homonegative attitudes within our institutions take many forms, and Quentin Allan's article re-evaluates the Hansard transcripts around three parliamentary Bills: the Crimes Amendment Bill of 1974/1975, the Homosexual Law Reform Bill of 1985/1986, and the Human Rights Amendment Bill of 1992/1993. How far has our collective thinking shifted in the last 50 years? What insights do these debates present around homophobic beliefs in Aotearoa/New Zealand? As Allan's article concludes, we are witnessing the same homonegative language re-emerge as trans-negative discourse, proving we still have a long way to go to dispel negative stereotypes and fearmongering within our institutions.

For now, trans scholarship is moving beyond the perennial question of good versus bad (or realistic) representation, and Paige Macintosh's article considers this flourishing new territory, as an opportunity for researchers to attend to trans creatives' lived experiences in Aotearoa/New Zealand. Addressing the ways trans people negotiate different media landscapes, Macintosh's article asks how trans and genderqueer identities challenge transnormative media and creative practices and, critically, what their experiences reveal about a nascent trans culture in Aotearoa/New Zealand.

In the process of editing this special issue, we noted an alarming increase in reported instances of violence from the far-right against the LGBTQIA+ community, both locally and internationally. In Aotearoa/New Zealand, Destiny Church positioned themselves at the forefront of this fascist movement, targeting queer and trans community events as well as defacing and vandalising public displays of support for the Rainbow community (RNZ News 2024b). In a recent interview, Massey University's Emeritus Professor in history Peter Lineham observed a "disturbing connection" in Destiny Church's tactics, spearheaded by leader Brian Tamaki, arguing that the group had "reached a point where the intimidation bears quite a striking resemblance to right-wing groups in European history going back a long way" (Burr, 2025). Tamaki's particular focus on the LGBTQIA+ community, according to Lineham, mirrors Adolf Hitler's dehumanisation and antisemitic scapegoating of Jews for the world's problems: "It's very clear now that LGBT+ people have become a kind of demonic force in [Tamaki's] mind and he does not see them as genuine people with feelings" (Burr, 2025).

The question then becomes: How do we fight back against fascism? How do we collectively (and effectively) come together against a false prophet stirring hatred? In "Combat safetyism", Ti Lamusse, Emmy Rākete and Will Hansen propose a theory of anti-fascism, and share the lessons learnt from 'Defying Destiny', a mass gathering in Albert Park organised in response to Destiny Church's violent actions at Auckland Pride 2025.

As we face the threats of an ascendant global far right, putting our communities in the firing line, now, more than ever, Rainbow communities and our allies and co-conspirators need to stand together in

solidarity. Our current context demands a greater scholarly and activist attention to the experiences and liberatory aspirations of Rainbow people. This special issue is the start of that much broader interdisciplinary effort to draw together Rainbow knowledge and resistance, responding to contemporary threats to queer and trans people and imagining liberation. While scholarship will never be enough to achieve liberation, the insights of this special issue offer a deeper understanding of where we are and what is to be done.

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Ensuring the Family Home:
The Responsibilities of Queer Scholarship

Welby Ings*

Abstract
This article is an updated synthesis of the opening keynote address presented at the inaugural national Rainbow Research symposium Rainbow Studies NOW: Legacies of Community, on 23 November 2023 at Te Herenga Waka | Victoria University of Wellington. It examines the experience of queer silencing as a cultural phenomenon and a condition within and beyond the academy. After considering an example of self-selective silencing within New Zealand's queer history that caused us to lose our subcultural language, it examines instances of repressing queer research both nationally and internationally. Such silencing has included arson attacks on queer archives and the practice of banning queer literature. The article then considers the design and development of Ia~, a research dissemination portal recently launched at Te Wānanga Aronui o Tāmaki Makau Rau | Auckland University of Technology. It argues that such initiatives constitute an act of resistance against queer invisibility. The importance of such projects lies in meeting the requirements of New Zealand's Education and Training Act 2020 and in countering national and global acts of suppression that continue to target the generation and dissemination of queer research.

Keywords: selective silencing; queer scholarship; book burning; Ia~; intellectual refugee

What is a family?

On the bookshelf in my parents' house there is a battered copy of the *Concise Oxford Dictionary*. It defines a family as "Members of a household, parents, children, servants (or) all descendants of a common ancestor, house, lineage, race, group or people of common stock" (Fowler & Fowler, 1964, p. 436). Just above the bookcase is an old photograph taken in 1959. It shows my sisters and me in dress-up clothes (Figure 1). It's not a very flash photo. It was taken in Pukeatua by my grandmother on her Super Silette camera. We are standing in front of our weatherboard state house. The picture looks a little odd. But it is also a little queer. At the time it was taken, both adjectives could be used to describe such a photograph, but in subsequent decades, it was the second word that came to have special meaning. My sisters grew up to be lesbian women and I—a gay man.

Our family had a goat, a dog, two cats, a mother, a father and a grandmother. It looked like an ordinary rural phenomenon. However, away from the heartland, at this time the term 'family' could also describe gay, lesbian and trans people. The word formed part of an underground language that was known on the street but rarely understood outside of queer culture. You could hear this slang if you hung out with the queens, the sex workers or the bog cruisers. In England, the language was called Polari (Baker, 2002); in South Africa, Gayle (Cage, 2003); and on Karangahape Road, Vivian Street and on the wharves of New Zealand's main ports, it was called Code or Palarey (Ings, 2015a). *Palarey* was distinguished by its savage

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https://academics.aut.ac.nz/welby.ings
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Figure 1: Family photograph: Welby, Katrina and Suzanne Ings (1959)[4]

wit, its borrowings from other underground slang, and its rich metaphoric clusters (Ings, 2015a). Although the language used the same grammar and syntax as standard English, it featured distinctive levels of gender neutering, rugged humour and angry defiance. For almost 100 years in New Zealand, it was used to communicate, protect and facilitate unique forms of subcultural bonding.

So, what exactly did *family* describe? Well, being family meant belonging to a small community of known, trusted queer people. Last century, these groups often replaced the biological families that no longer supported queer individuals, many of whom had been disowned or had exiled themselves because the life where they had grown up had become untenable. These queer families had a distinctive language, social norms and expectations (Baker, 2002; Ings, 2012, 2015b; Livingston, 1991) and inside these, they offered "protection, identity and sites of cultural inculcation" (Ings, 2015b, p. 739).

Although Baker (2002) and Partridge (2002) note that the word family in gay slang was borrowed from thieves' cant, in New Zealand in the middle decades of last century, family referred specifically to being homosexual. Within the construct of a family there were specific positions. A *sister* was an intimate gay male friend who was generally not a lover (Wedding, 2004). A *house* described an organised safe unit of family members under the care of a designated 'mother' or 'father' (Bailey, 2011; Livingston 1991; Mackley-Crump, & Zemke, 2019). A *mother* referred to an older adult who acted as an educator, confidant, adviser or protector of younger queer individuals (Ings, 2004). The word mother was also used in American queer slang of the period. Jonathan Lighter defined this person as "an effeminate homosexual man who befriends a younger person" (1994, p. 593) and Laud Humphreys described a mother as a "homosexual mentor" (1981, p. 47). In addition to sisters and mothers, in New Zealand, an *auntie* was a derogatory term used to describe an older homosexual man whose approach to life was considered conservative (Ings, 2004, 2012). The word was also in wide use in queer communities internationally. In the US, Eric Partridge records auntie as far back as the 1930s (2006, p. 53), Ken Cage notes its use in South Africa (2003, p. 54) and Paul Baker lists it in his UK lexicon of gay speech (2002, p. 163).

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[4] © Photograph property of the author.

Selective silencing

So, what happened to the lexical distinctiveness that gave family a voice? In New Zealand, the language largely disappeared from the streets across two decades. Although discernible in the 1950s and 1960s, by the 1970s it was in decline and by the 1980s Palarey was almost gone (Ings, 2004; Taylor, 2004). Today a few terms remain recognisable because across time they moved into overground lexicons. Indicative of these are words like *scarper* (to flee), *cruise* (to seek sexual partners), *ogle* (to look at), and perhaps *naff* (tasteless) (Figure 2).

But today, a story told in Palarey in the 1950s about the arrest of two men is largely indecipherable:

> Aunt Nell Dears, it's all cackle—all shudder. You know those dolly aunties in Tits—well they were nabbed in their latty. Mm hmm. Seems some manky old fish, ajax apparently, screeched to Hilda and the demons descended in a noshy raid. Poor dears. Still in the doss they were. Everyone knows it's Tootsie trade, but I reckon they'll be in for quarter stretch.

The account may be loosely translated as:

> Listen to this scandalous news. Those lovely, elderly gay men in Titirangi were arrested at home. It seems a woman neighbour reported them to the police and the detectives picked them up in a dawn raid while they were still in bed. There was nothing exotic about their sexuality, but they are likely to face a three-month prison sentence.

Across the 1950s and 1960s, in mainstream New Zealand, this language remained a largely invisible code despite its British counterpart (Polari) having seeped into Kiwis' living rooms when the BBC radio programme *Round the Horne* was broadcast on Saturday nights between 1968 and 1970. Although audiences laughed along with Julian and Sandy, the two screamingly camp queens who were the heart of the show, the meaning of their Polari dialogue was largely elusive.

Figure 2: Overground use of queer Palarey[5]

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[5] A Christmas shopping poster distributed through the Westfield malls in New Zealand in December 2010, showing the use of the Palarey word naff as an adjective in the overground. © Photograph, property of the author.

However, inside the queer underground of New Zealand's port cities, Palarey offered a discreet means of communication. But it was dying because of cultural self-silencing. In the 1970s, when British and New Zealand gay liberation groups began to lift queer culture into the overground and communities moved towards the potential decriminalisation of adult homosexual acts, Palarey was seen by queer activists as perpetuating harmful stereotypes (Baker, 2019; Ings, 2004). Its camp brutality, misogyny and criminal references were thought to work against the potential for wider acceptance of more 'mainstream' queer identities. The palatable lesbian ladies and nice gay boys next door were a long way from the underground culture depicted in this language. By the late 1970s and early 1980s within the queer community, censoring anxiety had focused on the queens, transsexuals, sex workers and gay men who sought sex in public spaces. These groups were among the most marginalised of the marginalised. In their worlds you could still hear the underground language because they were often socially isolated and spent proportionally more time in jail, where Palarey merged with prison argots ('boob slang') (Baker, 2002; Looser, 2004).

Gradually in the overground, Palarey began to disappear. You don't see it on the placards of the middle class, university-educated gay liberation activists, and it didn't ornament their public protest speeches (Figure 3). Palarey was not the rhetoric of the queer political lobbyists, and it wasn't the language selected to permeate the airwaves of talkback radio or accompany the news features broadcast into the homes of middle New Zealand. Palarey and the parts of our culture that it represented were deemed to be an embarrassment.

As a people, we selectively silenced this part of our culture.

Figure 3: National Offenders' Day demonstration[6]

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[6] The author carrying a banner for Gay Rights of Waikato during a 400-strong night protest march on Queen Street, Auckland on Friday 28 March 1980. The rhetoric of such marches was normally activistic and liberationist and photographs of the period rarely showed the diverse social spectrum of queer people who appear in contemporary parades. © Photograph, property of the author.

The agency of flames

So why would we bring this up?

Well, last year I began researching a documentary that will unpack some of the unaccounted stories surrounding the struggle in the 1980s for homosexual law reform in New Zealand. There is urgency about such initiatives because some of the people who sacrificed their safety and reputations at this time have died and others are living in retirement homes. Some remember only fragments of what happened, others don't want to recall incidents and attitudes that injured them—but a few have memories as sharp as tacks.

One of the reasons we have to quickly gather first-hand accounts of our histories is the need to push back on smoothed-out, revisionist narratives that often litter the internet and sanitise what was a complex and fraught period of our history. One way that we can do this is to uncover embodied experience. Sometimes this evidence can be found in letters and photographs held in people's personal archives. But often such things do not survive death. Although some important material has been stored in the Kawe Mahara Queer Archives Aotearoa, or accounted in PrideNZ interviews, other histories are isolated and, when attempting to follow up on recollection, we encounter ashes.

Ashes take various forms. During the AIDS pandemic that spread through this country in the midst of the struggles for decriminalisation and human rights protection, increasing numbers of our activists died. Often their bodies were brought back into biological families for funerals and we were asked to stay away from the ceremonies. Many parents told their neighbours that their son had died of cancer. They didn't want identifiable evidence of their child's queerness turning up at the church. This was very tough. At this time, even if we had lived in longstanding relationships with our partners, we had no legal claim in a will, no protected family visitation rights in hospitals, and little say over a family's claim to retrieve and bury the body of their son. In an effort to protect themselves from the fear and prejudice surrounding AIDS at the time, biological families often burned personal letters, diaries and photographs so that evidence of their child's gayness was reduced to ashes. Instead, what was preserved was a photograph on the family mantlepiece, the single, smiling young bachelor who died too young. This memento had its cultural equivalent the previous generations, in the portraits of the 'maiden aunts' whose 'constant companions' were cut out of the picture, and whose personal mementos, photo albums and diaries were incinerated.

Smoke and ashes

Fire is a historical ensurer of invisibility. The idea that queerness can be purged with flames has many manifestations in the last 100 years but perhaps the most notorious occurred on 6 May 1933 when the German Student Union attacked the library of Magnus Hirschfeld's *Institut für Sexualwissenschaft* (Institute of Sex Research). This was the only library of its kind in the world. It housed hundreds of volumes on sexuality and a substantial collection of biographies and patient records. The organisation also provided shelter for trans people who had come to Berlin seeking help (including Lili Elbe and Dora Richter). At the time of the attack, Dora was living and working in the institute as a paid housekeeper (Stroude, 2021). But on that night in May 1933, some four months after Hitler came to power, a mob ransacked the building and seized Hirschfeld's records. Although Hirschfeld had already fled to France, Dora was still there—then she disappeared.[7] It's not known how many people were murdered after the institute's records fell into the hands of the Gestapo and the police. The looted material was burned on the street outside the institute and anything that wasn't destroyed, was later gathered up and taken to Bebelplatz Square just outside Humbolt

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[7] For many years it was assumed that Dora had died either onsite or during interrogation. However, in April 1934, there is a record of her applying for a legal name change, which was granted by the president of Czechoslovakia, and it is thought that she may have lived in Ryžovna working as a lacemaker until 1946. Currently, the most comprehensive sources of material relating to her life and fate are available here: https://lili-elbe.de/blog/2023/04/dora-richter-baptism/ and here: https://lili-elbe.de/blog/2024/09/dora-lived/

Figure 4: German Student Union book burning (10 May 1933)[8]

University. There, on 10 May, these remnants were fed into another fire alongside books by Karl Marx, Helen Keller, Albert Einstein, Karl Kautsky and a plethora of other thinkers. The footage of this second burning was projected on cinema screens around the world. This is the fire that became history.

Although in the public mind, this second burning is populated with jackbooted SS officers, the conflagration was actually organised by the same students who attacked Hirschfeld's library. If you look at their faces in photographs of the period, they are chilling because these could easily be kids from down the street (Figure 4). Whipped up by fear and propaganda, a month earlier their German Student Union (DSt) had proclaimed a nationwide literary purge or 'cleansing' (*säuberung*) by fire. These student groups conducted public burnings of books across 34 university cities. Their attacks were closely followed by raids on bookstores, libraries, academic collections and publishers' warehouses, where material that did not align with the Nazi Party's values was seized and destroyed.

The literature selected for these burnings had been compiled into blacklists by the librarian Wolfgang Herrmann. Before this material went up in flames, the students shouted lines from the *Fire Oaths* "Against decadence and moral decay! For discipline and decency in the family and the nation!" (United States Holocaust Memorial Museum, n.d., para. 5).

Ninety years later, such rhetoric is not unfamiliar.

While the burnings were being filmed, Erich Kästner, a blacklisted 'bachelor' author, was watching unrecognised in the crowd as copies of his book *Fabian* were reduced to ashes. He described the night as "*begräbniswetter*" (funeral weather), because the rain was so heavy that the flames kept going out and the fire brigade had to be called in to pour petrol on the blaze.

When we view the footage of these fires, many people don't realise that it was queer books that were the first destroyed, a queer research library was the first attacked, and it was queer people who struggled to protect the first research archive. But the assault on our culture became an obscure footnote.

Today, if you visit the site of the Bebelplatz burning, you will find on the ground a glass plate set into the paving stones. If you look down, there is an underground room with white, empty bookshelves.

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[8] University students gathering to burn material deemed "*UnGerman*" at Bebelplatz, Berlin. Photographic collection: Bundesarchiv, Bild 102-14598. CC-BY-SA 3.0.

Symbolically, they have space for 20,000 books, as a reminder of the estimated number of publications that went up in flames on 10 May. If you glance sideways, embedded into the cobblestones you can see a small plaque. It contains an epigraph written more than 100 years before the book burnings occurred. It contains a line from the play *Almansor* (1821), by the German poet and essayist Heinrich Heine. He said, "Das war ein Vorspiel nur, dort wo man Bücher verbrennt, verbrennt man am Ende auch Menschen." ("That was only a prelude; where they burn books, they will in the end also burn people.")

He knew … He knew.

Closer to home

Heinrich Heine would have understood the acrid smell of smoke when, 53 years later, on 11 September 1986, Phil Parkinson picked his way despondently through the debris of an arson attack on the Boulcott Street queer resource centre in Wellington, New Zealand. The assailants were from a new generation, but their actions rhymed. These early archives of queer heritage housed documents stretching back into the 1970s. The facility provided resources to support law reform, associated legislation and queer health and to push back on state censorship. The centre was nothing majestic, but it housed what no museum was interested in protecting.

The next day, when more of our people entered the site, the charred residue hit like a club (Figure 5). The attack had all the strangeness of hate crime. This was no ordinary burning. The arsonists had lit six separate fires using cleaning fluid and pages from archived magazines (Parkinson, 1986). Then one of them had shat on the floor. Someone had also painted the word "FAG" on the hardwood timber using white typewriter correcting fluid from a tiny bottle that had been located somewhere in the room.

Figure 5: Aftermath of an arson attack (11 September 1986)[9]

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[9] Photograph of Phil Parkinson in the Boulcott Street Resource Centre after the arson attack. © Photograph by David Hindley. Used with permission.

Figure 6:   Arson attack in Tauranga (16 June 2022): the RainbowYOUTH and Gender Dynamix building after the fire at the Historic Village in Tauranga[10]

Fire and smoke … but also resilience. Out of such assaults grew a determination to preserve as much of our nation's queer heritage as possible. From a torched building that is now a ghost in Wellington's landscape, initiatives like the Lesbian and Gay Archives of New Zealand began to take form. Such community-based responses to protecting knowledge have many parallels in this country. When New Zealand's universities and museums were not reaching out to protect our knowledge, we had to do it ourselves. This is why even today, our most extensive repositories have their roots, not in universities and museums, but in initiatives that grew up on the streets; PrideNZ.com with its 800+ audio recordings of events and interviews, the Charlotte Museum with its ephemera and records of Lesbian Sapphic herstory, and Kawe Mahara Queer Archives Aotearoa, independently collate and protect culture. Our people gather what we can and digitise what we can afford to. We know that there is no guarantee that our repositories and storytelling will be safe from the flames. Whether it is arsonists torching the Tauranga RainbowYOUTH and Gender Dynamix building (Figure 6) or graffitiing a pink church in Greymouth and setting fire to a rainbow flag on the front lawn or ongoing attacks on drag queens reading children's stories in local libraries—the practice of *säuberung* continues.

Indecent exposure

An illustration of *säuberung* was made evident when, on 8 April 2024, the American Library Association (ALA) released its State of America's Libraries report. This annual summary showed that between 2022 and 2023, the number of books targeted for censorship in the US surged by 65%, reaching the highest levels ever documented by the association. The study recorded 1247 attempts to censor materials and services at libraries, schools and universities in 2023.

One might imagine diverse reasons for challenging or banning the 4240 unique titles noted in the report. Perhaps they instructed readers on how to improvise munitions, torture victims or manufacture

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[10] © Photograph property of the author.

harmful drugs. Perhaps they celebrated genocide or gratuitous violence, or they were manifestos full of hate-based racist ideologies. But no—these were not the issues at stake. The five most frequently challenged books in the US in 2023 were *all* targeted because they were about LGBTQ+ identity (American Library Association, 2024).[11]

While in New Zealand it might be comfortable to decry such anti-queer censorship, it is useful to remember that this country also has a history of queer censorship that reached its apex in the years leading up to the decriminalisation of homosexuality in July 1986. *In 1993, a reflective New Zealand Indecent Publications Tribunal report noted that historically, even books:*

> *…of non-erotic character were classified as indecent merely on the basis that they were intended for a homosexual market or that since homosexual acts were criminal offences, any matter dealing with them was dealing with crime and indecent on that basis. (Indecent Publications Tribunal, 17 December 1993. Decision no. 145/93)*

In 1970, Richard Amory's (1966) gay frontier romance *Song of the loon* was deemed indecent and removed from bookshelves (*Perry, 1980).* Then in 1983, Mitch Walker's (1977) *Men loving men* and Charles Silverstein and Edmund White's (1977) *The joy of gay sex* were also ruled indecent and banned (Figure 7). Even though the New Zealand Indecent Publications Tribunal described these books as "serious" and "restrained", they were also deemed to be "promoting and encouraging homosexual activity, which is of course a criminal offence in New Zealand, [and they were considered] liable to corrupt persons who might read them" (Indecent Publications Tribunal, 1983, Decision No. 1065). The banning of queer literature continued right up into the months directly preceding the decriminalisation of homosexuality. In 1985, at the height of the law reform protests, two more books, Clay Larkin's (1985) *A different love* and John Preston's (1984) *I once had a master*, were ruled indecent because they were seen to "dwell on and glamorise the sexual side of homosexual relationships" (Indecent Publications Tribunal, 1985, Decision No. 4/85).

Figure 7: Three queer books banned in New Zealand[12]

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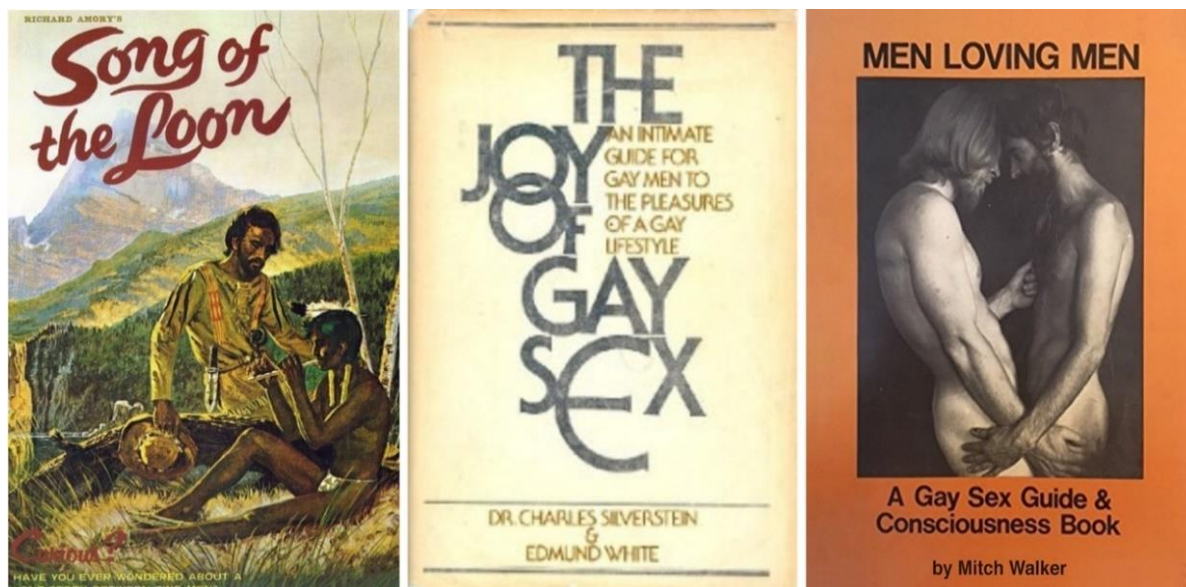
[11] Kobabe (2019), *Gender queer;* Johnson (2020), *All boys aren't blue;* Dawson (2015/2021), *This book is gay;* Chbosky (1999), *The perks of being a wallflower*; Curato (2020), *Flamer.*

[12] It wasn't until 1993 that these books were ruled not indecent following a request for reconsideration from the Lesbian and Gay Archives of New Zealand Trust. (Indecent Publications Tribunal, 1993. Decision No. 145/93). © Photograph property of the author.

But such records of queer censorship reflect only the official picture. In the late 1970s, I worked as the art director for *New Zealand Gay News*. At this time, our international updates on queer rights were smuggled through customs in magazines that were under constant threat of interception. At airports our luggage was checked, and if hidden between the covers of mainstream publications, magazines like *The Advocate* or *Camp Ink* were found, we faced seizure, humiliation and threats of prosecution. We were deemed to be importing indecent literature. Confiscation was a standard occurrence.

The nature of change

Of course, when you are marginalised, accessing and disseminating information becomes a persistent endeavour. We may have moved a long way from the days when we were not allowed to advertise queer events in newspapers (Laurie et al., 2018) and had to beg universities and polytechnics for permission to host our queer conferences—but the journey towards enablement continues.

On the surface, universities now appear to accommodate queer scholarship. The inclusion may be argued as part of a wider shift in thinking that is enshrined in the 2020 Education and Training Act, which in Section 268, outlines the five characteristics of a university. While the first of these emphasises the necessity to develop independent thought, the last two relate directly to queer safety. The fourth provision states that universities must be repositories of knowledge and expertise. They have to be the place where information can be kept safe, where knowledge can find its voice, and from whence it can be distributed. The fifth characteristic states that universities must "accept a role as critic and conscience of society" (Education and Training Act, 2020, Section 268 (2d, i)).

Such characteristics are laudable and they look good in theory, but universities have not always been good at these things. Historically they have expelled students suspected of engaging in same-sex activities (Dilley, 2002; Graves, 2018; Renn, 2010). While such things may not occur in New Zealand universities today, queer students still report feeling 'othered' (Bullough et al., 2006; Evans et al., 2017; Garvey & Dolan, 2021; Ghaziani, 2011; Tetreault et al., 2013), and universities continue to reinforce heteroprofessionalism among staff (Davies & Neustifter, 2021) and organise themselves along gender binary assumptions (Pryor, 2017).

We are on a journey with universities. Our cultures of preservation have not been built within them but many of our scholars seek to develop research skills inside their programmes. Universities also have access to unique resources and networks. The struggle we currently face is to shift institutional mindsets away from ally-signalling and on to tangible, funded support initiatives. This requires more than placing an institutional banner in a Rainbow parade or hanging a coloured flag from a multistorey building. It is about funding scholarships, research assistantships and mentoring. It is about supporting cultural initiatives with targeted and accountable investment.

The birth of Ia~

Which brings us to Ia~. In discussing this initiative, I am not intending to promote one university over another—we are all making progress. However, Te Wānanga Aronui o Tāmaki Makau Rau | Auckland University of Technology (hereafter, AUT) is where I work, and it has begun gathering statistical evidence of its commitment to queer scholarship. Currently, 1996 of the university's enrolled students identify as Rainbow, with over two thirds of these studying in bachelor's degrees across Health, Environmental Sciences, Design and Technology. The demographically young, queer population has been increasing since 2019, with 71% of these students currently under the age of 24 (AUT Strategy and Planning, 2024). Twenty-five years ago, AUT was the first university in New Zealand to develop a Rainbow Staff Network. It was the first to achieve the Rainbow Tick and to appoint a full-time Student Inclusion Manager (Rainbow). It also offers scholarships in partnership with the Rainbow NZ Charitable Trust (Salesa, 2023).

Perhaps because the university is known for its investment in queer scholarship, in 2022 several of our staff began discussing the increasing number of requests for research information that we were fielding. The inquiries came from very different sources. We were being emailed by people in retirement villages who were writing their memoirs, by parents seeking New Zealand research on raising trans or non-binary children, from students in secondary schools completing assignments, and from organisations wanting to gain current insights into queer identities. As we talked about how we might be more useful, an initiative began to take form. We realised that substantial bodies of research generated within the university were not freely available and we were not operating effectively as a bridge to knowledge.

We approached the university and proposed an easy-to-use research portal that would give anybody in the world direct access to queer research developed inside the institution. In a first sweep of digitised postgraduate research, we had found more than 80 queer theses among the 6100 studies available. We knew that there was also a large body of relevant research dating back 20 years that had been published by staff in peer-reviewed journals. We were aware that this content was potentially available because the university had migrated its research repository to open-source software in 2008.

Working with library staff, we designed a portal where queer academic pride might take physical form. We stepped away from the iconography of rainbow flags and cheering crowds and sought something deeper; something related to connection and outreach. We worked with Dr Robert Pouwhare to find a name and deeper kaupapa for the portal. After consideration, he gifted us 'Ia'. Ia is a beautiful word. It is a pronoun without gender that refers to all people (humanity), but it also means to flow or to move outwards.

We knew that to work effectively, the portal had to be easy for non-academics to use. We created a system that enables someone to type in what they are looking for. The portal will then automatically bring up any related queer thesis, published article, report, book or book chapter written by an academic inside the university. When you click on a research title, up will come a summary. The site will then locate similar items for you. Any of this research can be downloaded for free (Figure 8).

Within one year of the portal's release, it had accrued 111,971 file downloads and the repository had been accessed from more than 20 countries (including many that currently criminalise same-sex relationships) (*D Space Download Statistics & Google Analytics, 2024*).

We see this ensurance of, and access to, queer research as important because New Zealand universities have increasingly become a preferred destination for intellectual refugees from countries where it is not safe to study as an openly queer person. These nations include 40 that currently criminalise private, consensual sexual activity between women, 64 that criminalise same-sex relationships between men, 12 that kill us, and 14 that legally persecute individuals who do not identify with the gender they were assigned at birth (Human Dignity Trust, 2024).

Figure 8: Pages from the research portal Ia~[12]

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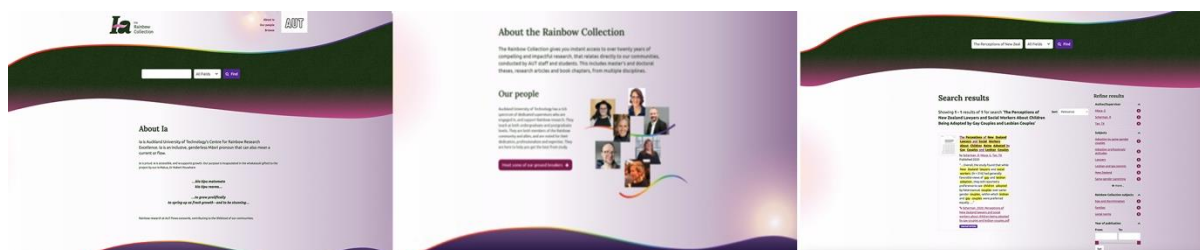
[12] On the site, you can also access a description of the collection and queer staff profiles. Currently Ia~ contains 106 items in its collection, including master's and doctoral theses, staff research articles, chapters and books. The site can be accessed at:
https://ia.aut.ac.nz/vufind/

As queer academics we know that the word 'international' represents a more constrained geography than what is experienced by our non-queer colleagues. There are countries that we can never visit, nations that ban our research, and others where we will be in danger if we pursue a scholarly exchange. But from where we stand, we find ways of preserving and enabling safety. We grow our people, we work to preserve access, and we push back against isolation. We have learned across generations that the agency of oppression is silence.

Silence is the sound of empty library shelves, it is the sound of under-resourced opportunities … and it is the sound of ashes.

In 1984, the Black lesbian poet Audre Lorde said: "My silences had not protected me. Your silence will not protect you" (p. 41).

She was right.

We do not accept silence.

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Can Universities Be Considered Queer Institutions?

Scott Pilkington and Tof Eklund*

Abstract

Universities have Queer staff and students and conduct Queer research, so are they Queer institutions themselves? Can universities be 'safe spaces' for Rainbow Communities? Unfortunately, there is insufficient data in Aotearoa/New Zealand to be able to conclusively test that, so the historical and contemporary relationships with and treatment and experiences at university of women, Māori and Pacific Peoples are considered as alternatives for those with Rainbow Communities. For each of these marginalised groups, similar patterns of oppression and discrimination present through consistent lack of career progression, pay equity and representation in senior leadership, short-term and precarious employment, harassment and violence, and sidelining into small and out-of-the-way departments and disciplines held in lower validity to 'traditional' subjects. However, scholars from these communities are forming their own research and support networks which are inclusive, intersectional and interdisciplinary. Within this framework of bottom-up initiatives, universities *could* be Queer institutions in the same way that they *could* be feminist and Indigenous institutions. It is entirely possible—but may involve rebuilding our institutions from the ground up rather than applying a new coat of paint.

Keywords: Queer; Rainbow Communities; LGBTQIA+; universities

In an untitled presentation at the 2015 Queers in Tertiary (QIT) hui, Welby Ings explored the historical role of educational institutions as safe spaces. He highlighted that Queer youth in high school often gravitate towards libraries, art rooms, drama studios and music practice spaces. These areas, he argued, are chosen— perhaps unconsciously—because they are supervised and therefore safer due to the presence of teachers. This sense of relative security contributes to Queer students performing better academically and being more likely to pursue higher education. From this, universities are often theorised as 'safe spaces' where like-minded individuals are protected from the perceived dangers of the 'real world'.

But does this make universities Queer institutions? Are they Queer spaces?

Research into Rainbow Communities within universities is limited, largely because data has historically not been collected. Ings observed, in the same talk, that Rainbow Communities are among the "most studied and least communicated with" in the world. Within universities, Rainbow Communities often remain invisible—ephemeral; present yet unsupported. Although universities have recently begun collecting data on Rainbow Communities, these efforts are nascent and incomplete, and no studies have yet been published. Furthermore, in hostile environments, staff may choose not to disclose their identities, rendering the data inaccurate or incomplete. Within Aotearoa/New Zealand (hereafter, Aotearoa), recent studies have begun to focus on Queer university students (for example, Brown et al., 2020; Collens & du Preez, 2021; Fenaughty et al., 2021a, 2021b; and Garcia et al., 2024) and the 2023 Census was the first to collect gender

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and sexual identity from everyone in Aotearoa (Ludlam et al., 2024), although wider studies have not yet been published. These studies tend to be survey-based, with a limited number of interviews or focus groups, rather than population studies like those used to examine specific ethnicities or women in universities. In 2023, Te Wānanga Aronui o Tāmaki Makau Rau | Auckland University of Technology (hereafter, AUT) launched *Ia*, the world's first e-portal dedicated to collating Rainbow research (Auckland University of Technology, 2023; Ings, 2023).

Limited data on Queer experiences in universities (see Crowhurst & Emslie, 2014) necessitates using proxy methodologies. This article examines how the marginalisation of women, Māori and Pacific Peoples can illuminate broader institutional inequities affecting Rainbow Communities. Sara Ahmed (2012, p. 20) suggests that the exclusion of one group reveals systemic practices of marginalisation, but warns that research can inadvertently stabilise harmful institutional norms. Similarly, Linda Tuhiwai Smith (2012) shows how Indigenous experiences highlight structural inequities, but cautions that colonial institutions often perpetuate their power structures, presenting ethical challenges for scholars.

Proxy methodologies, though valuable, have limitations. While the concerns of these groups differ from those of Queer students and staff—and Queer identities are far from homogenous—an intersectional understanding of kyriarchy in Aotearoa views these communities as distinct but interconnected. This approach offers a more relevant local measure than small-scale studies from the United States. Other marginalised groups, such as those from non-Western cultures, working-class families and people with disabilities, also face systemic barriers that warrant further exploration. Like Rainbow Communities, these groups are understudied and deserve greater scholarly attention.

This discussion begins by examining the role of universities in colonisation and the concept of safe spaces, exploring how such spaces contribute to queering an institution. It then delves into the experiences of different marginalised groups, contextualising Rainbow Communities within the broader framework of Aotearoa universities. Finally, the discussion returns to the notion of safe spaces and the idea of the Queer university.

A Queer university would provide safety and support for Rainbow Communities and other marginalised groups. It should challenge heteronormativity, cisnormativity and systemic violence, while equitably resourcing Queer disciplines with the same validity and respect accorded to others. By advancing intersectionality, embracing fourth-wave feminism and integrating Indigenous knowledge, such an institution could transform academic spaces.

Definitions and scope

This article uses *Rainbow Communities* and *Queer* as umbrella terms for a wide variety of sexual orientations and gender identities. While these terms are inclusive, they reflect anglophone concepts of identity and may not fully encapsulate Indigenous terms like takatāpui (Māori) or MVPFAFF (Pacific Peoples) (Hamley et al., 2021; Kerekere, 2017; McLennan, 2021; Thomsen & Brown-Acton, 2021). Queer encompasses both identities and a theoretical framework challenging heteronormativity (the assumption of heterosexuality as the norm) and cisnormativity (the assumption that gender identity always aligns with biological sex) (Brickell & Collard, 2019; Cui, 2024; Das, 2020; Hoad & Gunn, 2019; Nguyen, 2018; Ryan, 2020). The words Queer and Rainbow Communities are capitalised throughout to centre our scholars and communities. The focus of this article is on the eight extant universities in Aotearoa.

Fourth-wave feminism, responding to the historically white focus of earlier waves, emphasises intersectionality—the interconnectedness of identities such as gender, race, class, sexuality and culture—and the overlapping systems of oppression they face (Parry et al., 2018; Phillips & Cree, 2014). Coined by Kimberlé Crenshaw (1991), *intersectionality* allows for the highlighting of differences within Queer groups (for example, cis- and transgender) and across identities (for example, white trans women and fa'afafine).

Coming out (of 'the closet') refers to the public declaration of one's sexuality, seen as both personal empowerment and social revolution in Queer liberation movements (Allan, 2017; Brickell, 2008; Gamage, 2019). *Passing* describes being perceived as belonging to a dominant identity group, such as heterosexual or cisgender, often as a survival strategy in hostile environments. Passing intersects with race, gender expression and class, complicating how identities are navigated in public and private (Dawson, 2018). Historically, academia was dominated by white heterosexual men, with gay men having comparatively greater access due to their ability to pass as straight. Some men were known or suspected to be Queer but could maintain their positions if they adhered to heteronormative behaviours in public and did not openly disclose their identities. This was particularly true for white men, who had greater societal privilege and access to power (Atmore, 1995; Das, 2020; Smith, 2020).

Universities as place of colonisation

Racism and misogyny in universities are not merely products of individual bias but are embedded in the institution's structure and history. Systemic racism operates through exclusionary practices that prioritise Anglo-European knowledge and methodologies (Smith, 2012). Similarly, misogyny manifests in undervaluing women's contributions and relegating women to precarious roles. These dynamics provide a lens for understanding how heteronormativity and cisnormativity might also shape universities' treatment of Queer individuals.

Universities in Aotearoa benefit materially, socially and financially from the legacies of colonisation. They were founded using profits from colonial invasion, built on confiscated land, and continue to claim credibility as safe and inclusive spaces while profiting from the diversity they purport to celebrate (Naepi, 2024; Smith et al., 2021). Historically, universities also held significant landholdings which provided income to offset operational costs (Beaglehole, 1937; Naepi, 2024; New Zealand University Reserves Act 1875; The University Endowment Act 1868; University of New Zealand, 1871, 1879). This practice, though starkly visible in Aotearoa, mirrors patterns in other colonial contexts (Gardner, 1979, pp. 38–39; Stein, 2020).

However, universities are not merely passive inheritors of colonial wealth—they can also be considered active participants in colonial oppression. These institutions are structured to protect elite interests and uphold traditional power hierarchies, perpetuating systemic and endemic forms of oppression (Kidman & Chu, 2017; Mayeda et al., 2022; McAllister et al., 2019; Pitcher & Simmons, 2020; Smith et al., 2021). Indigenous scholars are often coerced into adopting colonial methodologies for career survival, with rewards disproportionately granted to those who conform to these norms or exploit others in their research practices (Allen et al., 2022; de Oliveira Andreotti et al., 2015; Leenen-Young et al., 2021).

If universities systematically fail to accommodate individuals who do not fit the mould of conservative, affluent white men—and instead perpetuate discrimination based on class, race and gender—then we must ask whether they can ever be safe spaces for Rainbow Communities.

Universities as a 'safe space'

Universities house Queer staff and students and produce Queer research—but does this make them Queer spaces? While universities might appear as safe havens, clustering marginalised groups together and segregating them from the real world, this perception is fraught with contradictions. The long-standing 'town versus gown' debates highlight the notion of universities as isolated entities, often at odds with the surrounding community (Heaney, 2013; Miller, 1963).

Historically, universities were physically and culturally separated from society. Early institutions focused on theological and legal education, housed their populations apart, adhered to distinctive dress codes, and even spoke in Latin to reinforce their exclusivity (Cox, 2001, 2006; MacCulloch, 2009; Shaw,

1995; Smith, 1970). This history has perpetuated the idea that universities are insular spaces, detached from societal realities, and home to individuals perceived as disconnected from the real world.

In theory, this separation positions universities as potential safe spaces for the ultra-liberal, vulnerably Queer and socially unconventional. However, this same environment also provides refuge for hyper-conservative ideologies, morally ambiguous actors, and even proponents of alt-right agendas. Universities' dual nature—as conservative institutions with deeply entrenched traditions and as centres of innovation—creates a complex and often contradictory relationship with their communities. This tension persists today, evidenced by the ongoing fascination with pseudo-science, including eugenics and 'racial science', gender and biological determinism, 'gender critical' biology, and scientific universalism and imperialism which have historically found a foothold within academic circles.

Despite their reputation for being progressive and liberal, universities are steeped in heteronormativity and cisnormativity, which remain pervasive across institutions (Brown et al., 2020; Garcia et al., 2024; Smith et al., 2021). Unlike other marginalised groups, however, many Queer individuals have the ability to pass as cis and heterosexual, and become effectively invisible as a means of self-preservation (Brown et al., 2020, p. 153). While this can offer a form of protection, it also contributes to their erasure within the university context and exacerbates the lack of comprehensive data on Queer staff and students.

Queer individuals have likely existed within universities for centuries. While institutions have a long history of marginalising Queer students and failing to protect them from discrimination and violence, Queer students also have a history of surviving and thriving in these environments (Pitcher & Simmons, 2020; Pryor, 2021). For some, universities—much like monastic life in earlier eras—offered a way to escape the heteronormative expectations of broader society.

Kristen Renn (2010) describes this duality in her foundational work *LGBT and Queer research in higher education*, highlighting how Queer people and Queer research are embedded within a paradox. Universities are both the birthplace of much Queer theory and spaces largely untouched by the Queer agenda, remaining controlled by conservative forces. Pitcher and Simmons (2020, p. 477) expand on this, noting that universities have "sought to eradicate queer presences on campus both historically and presently".

Gender

Universities in Aotearoa were early admitters of women to the academy. The first woman graduate in the British Empire was Kate Edger (later Evans) in 1877, marking a milestone not only for Aotearoa, but also for women's access to tertiary education worldwide. During this period, most students were part-time, so while universities had existed for eight years, Edgar was only the third student in the country to graduate with a degree (University of New Zealand, 1882, p. 112).

Winifred Boys-Smith became the first female professor in Aotearoa in 1911, soon followed by Helen Rawson, both at University of Otago (McDonald, 1996). Despite this long heritage, women's inclusion in Aotearoa universities has consistently been marked by systemic barriers. Early appointments often relegated women to marginalised spaces. For example, Boys-Smith and Rawson were relegated to "the tin shed", a building previously used by the Dunedin School of Mines, where they taught a degree and diploma in domestic science for women, and often had to work from Boys-Smith's home due to a lack of on-campus facilities (McDonald, 1996).

For women academics, achieving stable and permanent employment has proven arduous. Many women were offered only casual or semester-based teaching contracts, while those who accompanied their husbands to universities were largely excluded from the academic workforce altogether. Instead, they were consigned to the university Staff Wives Club, where they provided unpaid support to the university community. These clubs, while offering some social support, were classist and restricted to the wives of

staff with societal status. Universities distanced themselves from these organisations, dismissing them as "external" and providing little institutional backing (Clarke, 2018; Segedin, 1983).

Beatrice Muriel Hill Tinsley (1941–1981), after whom the Hill Tinsley Medal (awarded by the New Zealand Association of Scientists) and the Beatrice Hill Tinsley Lecture (hosted by the Royal Astronomical Society of New Zealand) are named, exemplifies the systemic barriers faced by women academics. Born in England and raised in Aotearoa, Hill Tinsley was an astronomer and cosmologist whose pioneering work gained international recognition. Despite graduating from Canterbury University College with first-class honours in physics, she was unable to secure a position there because her physicist husband was already employed by the institution—a common practice that effectively excluded many married women from academic careers. After moving to the United States, she completed a PhD at the University of Texas at Austin, but she continued to struggle to find a permanent academic position. Eventually, she became Yale's first female professor of astronomy, a remarkable achievement overshadowed by her untimely death from melanoma at age 40 (King, 2012, pp. 420, 512–513; Ministry for Culture and Heritage, 2020; Priestley, 2014; Royal Society Te Apārangi, 2017).

A lack of childcare facilities has long been an issue for women in universities. For many, having children spells the end of their studies or careers. In Dunedin, women from the Staff Wives Club and some students took matters into their own hands, establishing a creche in the old church hall of All Saints Anglican Church (Clarke, 2018, pp. 121–122). This lack of institutional support persists today, exemplified by AUT's decision to close its early childhood centre as part of a financial recovery programme (Duff, 2022). Ironically, AUT's creche, opened in 1978 with the students' association operating it as an incorporated society, had once been celebrated as a national model by the Social Welfare Department (Shaw, 2002, p. 96).

Women's careers in Aotearoa universities have thus been characterised by systemic neglect. They face significant discrimination in salaries, flexibility of working hours, and decision-making opportunities, particularly for those not on academic contracts. This divide is further exacerbated by an 'us versus them' mentality between academic and professional staff, perpetuating hostility and undermining solidarity (Ricketts & Pringle, 2014).

While women's participation in tertiary education surpasses men's, they remain underrepresented in senior academic and leadership roles, a trend reflected internationally (Bönisch-Brednich & White, 2021; Brower & James, 2020; Douglas & Ravenswood, 2019; Harris & Leberman, 2012; McAllister et al., 2021; Smith et al., 2016; Stringer et al., 2018; Walker et al., 2020). A 2020 study using data across all Aotearoa universities from 2012–2017, found women comprise only 31–36% of associate professors/HODs and 19–26% of professors/deans, despite women comprising approximately 50% of the overall academic workforce (Walker et al., 2020). Of the eight Aotearoa universities, three currently have female vice-chancellors (VCs), but four have never appointed a woman to the role permanently. To date, no university in Aotearoa has had a Māori or openly Queer VC, and only in 2022, did AUT appoint the country's first Pacific Peoples VC. These patterns of systemic exclusion indicate that Aotearoa universities fall short of embodying feminist values in their structures and leadership. This ongoing failure raises serious questions about their capacity to embrace the values and changes necessary to be Queer institutions.

Race

Universities in Aotearoa have a long history of failing to support Indigenous students, stemming largely from their colonial origins and structures designed to protect their elite, Anglo-European nature. These institutions are dominated by academics who are protective of their status and privilege, perpetuating exclusionary practices that marginalise Māori and Pacific Peoples communities (Kidman, 2020; Kidman & Chu, 2017).

The political and social movements of the 1970s and 1980s, inspired by global civil rights activism, saw an increase in Māori and Pacific Peoples students—often the first in their families—attending universities and beginning academic careers (Kidman et al., 2015; King, 2012, pp. 486–487; Tocker, 2014). However, the next generation of Māori and Pacific Peoples scholars face greater barriers. They are more likely than their predecessors to carry significant student debt, experience job precarity, and delay milestones such as homeownership or starting families due to economic pressures (Kidman et al., 2015; Tocker, 2014).

Māori and Pacific Peoples staff were often relegated to small, peripheral departments designed to cluster and contain them, limiting their ability to challenge broader institutional structures. Barber and Naepi (2022, p. 2) observe: "It is clear that universities … prefer to sterilise the threat of this subterranean unsettling of disciplinary formations by keeping Māori and Pacific Peoples contained in Māori and Pacific Studies departments", which were established as separate entities late in the twentieth century (Clarke, 2018, pp. 145-147). Similar patterns are evident in Australia, where Indigenous scholars are similarly isolated within Indigenous centres (Sullivan & Day, 2021). For those who remain in mainstream departments, systemic issues such as cultural safety and workplace toxicity persist (for example, see Shaw, 2002, p. 139).

Barber and Naepi (2022, pp. 2–3) further highlight that Māori and Pacific Peoples scholars are disproportionately confined to lower levels of academia. They are simultaneously underpaid and under-promoted (McAllister et al., 2019; McAllister et al., 2020; Naepi, 2019; Naepi et al., 2020), a direct consequence of institutional structures that perpetuate their exclusion (Kidman, 2020; Kidman & Chu, 2017, 2019; Kidman et al., 2015; Naepi, 2021).

Studies in 2019 and 2020 revealed that Māori scholars hold only 3.5–4.1% of senior academic positions, and Pacific Peoples scholars hold a mere 0.9%, despite Māori and Pacific Peoples comprising approximately 5.6% and 1.5% of the overall academic workforce, respectively (McAllister et al., 2019; McAllister et al., 2020; Naepi, 2019; Naepi et al., 2020). Compounding this, Māori academics often begin their careers later than their peers, with the average age of Māori doctoral students being 49 years (Kidman et al., 2015).

Like other academic minorities, including women and Rainbow Communities, Māori and Pacific Peoples scholars face discrimination, microaggressions and disproportionately high expectations. They are required to fulfil the same academic responsibilities as their colleagues while also shouldering additional demands. Within universities, they are often called upon to mentor students and colleagues, serve on diversity panels and participate in tokenistic roles. Outside academia, they are expected to engage in community leadership and support (Kidman, 2020; Kidman et al., 2015; Naepi, 2021; Naepi et al., 2019).

A further challenge lies in the categorical separation of knowledge systems. Indigenous knowledge, such as Mātauranga Māori, is often ignored, discredited or confined to specialist departments, keeping it out of sight and disconnected from the broader academic landscape (Barber & Naepi, 2022; Kidman, 2020; Leenen-Young et al., 2021; Naepi et al., 2021).

These systemic exclusions are reinforced by public racist attacks. Recent examples include hostile criticism from prominent figures such as English biologist Richard Dawkins and the '*New Zealand Listener* Seven', a group of white academics who denounced the inclusion of Mātauranga Māori as science (Newshub, 2022). Although these attacks specifically target Māori, they reflect broader ideologies that also harm Pacific Peoples and other marginalised scholars. Similar violent rhetoric is directed at women and Rainbow Communities, with trans and gender-diverse individuals bearing the brunt of these attacks.

In response, marginalised groups within academia have called for collective action. Smith and Wolfgramm-Foliaki (2022, as cited in Barber and Naepi, 2022, p. 11) advocate "pikipiki hama – lash our canoes together in order to transform our tertiary land/seascapes for our communities." This ethos of solidarity highlights the need for systemic change to create inclusive, equitable universities.

This endemic, systemic oppression underscores that Aotearoa universities fail to embody the principles of Māori, Pacific Peoples or Indigenous institutions. Their reluctance to confront and challenge

colonial histories, structures and practices further entrenches exclusion and inequity. This persistent failure not only hinders progress towards inclusivity but also raises serious doubts about their capacity to evolve into Queer or genuinely intersectional spaces.

Sexuality

Sexual and gender diversity has emerged as a relatively new focus for universities, particularly in Aotearoa. One reason for this is the relative invisibility of Rainbow Communities compared with other marginalised groups such as women and Māori and Pacific Peoples. Unlikely these groups, members of Rainbow Communities can often pass in other departments or social contexts, reducing the perceived urgency for institutional action.

This invisibility was further reinforced by the criminalisation of homosexuality in Aotearoa until 1986 and prevailing conservative societal attitudes, which pushed Rainbow Communities underground. It was not until the late 1970s that these communities began to emerge as a visible force. Consequently, universities lacked both the pressure and the data necessary to address systemic inequities. Even now, comprehensive data on Queer staff and students remains sparse, with universities only recently beginning to collect relevant information.

While there are no published records of overt or institutional exclusion based solely on sexual or gender identity within Aotearoa universities, historical parallels can be drawn from documented purges of Queer individuals in military and government departments following World War II. These purges, fuelled by homophobia and paranoia about national security, targeted individuals perceived as threats due to their sexual orientation (Brickell, 2008, 2018, 2024; Laurie, 2011; Willett & Brickell, 2016). Such systemic exclusion underscores the broader societal context within which universities operated, making it likely that similar attitudes permeated academic institutions, albeit less visibly.

Despite these systemic gaps, universities continue to position themselves as liberal and progressive institutions. In his history of the University of New Zealand, J. C. Beaglehole (1937, p. 75) wrote: "The University of New Zealand might have its faults: it was never to be accused of a narrow spirit of exclusiveness." This assertion is particularly striking given Beaglehole's own exclusion from Auckland University College the decade earlier due to his socialist and pacifist views (Munro, 2007; Sinclair, 1983, pp. 151–157). His statement reflects the paternalistic mindset of early institutions, which equated inclusivity with the absence of overt exclusion for white men. Such an outlook disregards the systemic barriers faced by women, Māori, Pacific Peoples and Queer scholars, which persist today in the form of precarious employment, microaggressions and tokenistic inclusion.

'Modern' universities

Universities often portray themselves as modern, progressive and cutting-edge social institutions. However, ongoing research exposes deeply entrenched patterns of discrimination, particularly against women and non-white staff. Studies highlight systemic inequities in pay, precarious employment, and limited opportunities for promotion among women (Brower & James, 2020; Douglas & Ravenswood, 2019; McAllister et al., 2021; Smith et al., 2016; Stringer et al., 2018; Walker et al., 2020) as well as Māori and Pacific Peoples academics (McAllister, Kokaua, et al., 2020; McAllister, Naepi, et al., 2020; Naepi et al., 2019; Naepi et al., 2021; Theodore et al., 2021). These inequities are compounded by disparities in the allocation of student scholarships, which disproportionally affect vulnerable populations (Soar et al., 2022).

Discrimination on campus extends beyond pay and career progression. Harassment and bullying remain pervasive, especially for those who are not affluent, cisgendered white men (Clark et al., 2022; McAllister et al., 2022). Sexual harassment, predominantly targeting women, has frequently been brought to public attention, yet university systems often protect the perpetrators rather than addressing systemic

issues. Cases highlighted in both academic research and media reports reveal institutional failings in safeguarding victims and ensuring accountability (Besley et al., 2021; McCulloch, 2022; Shaw, 2002; Showden, 2018; Smolovic Jones et al., 2013; Sumner, 2022).

Are universities Queer spaces?

Building on the historical patterns of marginalisation based on class, gender and race within universities, it is critical to examine how these institutions engage with Rainbow Communities. This section explores whether universities can be considered Queer spaces and evaluates their potential to evolve into Queer institutions.

Over the last half-century, civil rights movements and student activism have made universities key incubators for social change (McDonagh, 2019). Since the 1970s, universities have been pivotal in advocating for marginalised groups, with campus-based organisations often spearheading decriminalisation efforts and other progressive reforms (Aldrich, 2004; McDonagh, 2019; Pryor, 2021; Renn, 2010). Even in unwelcoming environments, Queer students have played critical roles in activism and protest movements (McDonagh, 2019; Pryor, 2018).

The first documented gay student organisation, the Student Homophile League at Columbia University, was established immediately after the 1969 Stonewall Riots in New York ("Birth of the gay movement"; 2022; Renn, 2010). In Aotearoa, Queer student activism surged in 1972 when Ngahuia Te Awekōtuku (Te Aramawa, Tūhoe) challenged her peers to form a gay liberation movement. After being denied entry to the USA, she and 40 students founded the Auckland Gay Liberation Front (GLF) in her flat just six days later ("Birth of the gay movement"; 2022; Burke, 2007; Hansen, n.d.; Hansen & Pollock, 2022). While Rainbow Communities groups began to emerge alongside these global movements, organised and sustained Queer advocacy within universities gained traction only in the early 1990s. However, campuses were not immune to violence. A 1994 New Zealand University Students Association revealed that 55% of respondents from Rainbow Communities reported verbal harassment and 12% experienced physical assault while they were students (Bennachie, 2009).

It is essential to highlight the lack of research, resources and institutional support for trans and gender-diverse individuals, as well as for those who navigate multiple layers of marginalisation (Allen et al., 2020; Greathouse et al., 2018; Hansen, n.d.; Hansen & Pollock, 2022; Pitcher & Simmons, 2020; Pryor, 2021; Renn, 2010). For instance, Te Awekōtuku contributed to the Auckland GLF for a year before directing her energy towards Māori activism with Ngā Tamatoa (Hansen & Pollock, 2022), underscoring the intersectionality of cultural and Queer identities.

One promising area for universities lies in fostering intersectional spaces, policies and structures that address the multifaceted identities of Queer individuals. While many within Rainbow Communities are able to pass as cisgender or straight, others cannot simply 'turn off' aspects of their identities, and it is incumbent upon universities to create environments that reflect and support this complexity (Pryor, 2018; Sullivan & Day, 2021).

Patrick Thomsen (2022) critiques the lack of research and support for Pacific Peoples Rainbow Communities in Aotearoa and globally. He contributes this to colonial dominance in knowledge production and safety concerns for Queer researchers. Despite these barriers, Thomsen (2022, p. 122) highlights the "foundational whiteness" of Ango-settler universities as creating "side-spaces" where Pacific Peoples Queer scholars carve visibility and redefine academic engagement.

Rainbow Tick and 'inclusion'

While some universities in Aotearoa have signed up to the Rainbow Tick—a diversity and inclusion certification organisation—this does not necessarily mean that universities are inherently Queer/Rainbow

institutions. Critics frequently question whether such accreditations serve as genuine commitments to inclusivity or merely as window dressing to attract the 'pink dollar'. Despite these certifications, problematic behaviour often persists within universities, ranging from requests for individuals to 'tone it down' to instances of outright transphobia (personal communication; Hansen, n.d.). Certifications like the Rainbow Tick exemplify pinkwashing—superficial diversity initiatives that project inclusivity while neglecting meaningful structural reform. Sullivan and Day (2021, p. 3) describe such efforts as "descriptive" and "performative", reliant on symbolic gestures and buzzwords rather than actionable policies. Sara Ahmed (2012, pp. 84–85) describes this institutional behaviour as "performance culture", where universities prioritise appearances over substantive change. According to Ahmed, such efforts aim to convey that institutions are "doing the right thing", even when those actions fail to address systemic inequities. This focus on optics mirrors the experiences of women, Māori and Pacific Peoples where tokenism often obscures the absence of meaningful structural support (personal communication with Māori and Pacific Peoples cultural advisers and Women on Campus staff).

While significant research addresses the underrepresentation of women and Māori and Pacific Peoples in senior academic roles, data on Rainbow Communities remains sparse. Anecdotal evidence points to similar challenges for Queer researchers, including marginalisation into specialised spaces, physical isolation and invisibility within broader academic structures. The presence of a Queer Studies department might suggest that a university is inherently Queer. However, as seen with Māori/Pacific/Indigenous Studies or Women/Gender Studies departments, such initiatives do not necessarily translate into safe or equitable environments for their associated communities. Matt Brim (2020) critiques Queer Studies departments as serving institutional managers and publicity goals rather than the needs of Queer staff and students. These departments are often underfunded, marginalised and treated as holding areas for 'troublesome' Queer academics—experiences echoed by Māori, Pacific Peoples and Indigenous Australian researchers (Barber & Naepi, 2022; Sullivan & Day, 2021). Institutional support for Rainbow Communities and Queer staff does not guarantee their safety or sense of belonging on campus. Research highlights a continuum of challenges, from microaggressions to overt harassment, that persist despite diversity initiatives (Brim, 2020; Greathouse et al., 2018; Pryor, 2018, 2021; Showden, 2018). Ultimately, superficial reforms and the pinkwashing of universities fail to dismantle systemic oppression or foster genuinely inclusive, intersectional institutions. The tokenistic inclusion yet systemic exclusion of Māori, Pacific Peoples and women demonstrates the broader Indigenous and feminist failings of these universities, raising significant doubts about their capacity to embrace meaningful change for Rainbow Communities.

Discussion and conclusion

In lieu of sufficient data on Queer people in universities, the treatment of women, Māori and Pacific Peoples scholars serves as a revealing proxy for understanding the systemic oppression faced by Rainbow Communities. These groups expose an endemic culture of exclusion designed to suppress the 'dangerous', 'difficult' and 'problematic' ideas of marginalised academics. Simultaneously, universities preserve their conservative core—protecting the interests of political and financial backers—while projecting a progressive image of inclusivity. This duality allows universities to benefit socially, materially and financially from their perceived liberal ideals, all while perpetuating deeply ingrained inequities.

Intersectionality underscores the need for solidarity among marginalised groups. The maxim "Until we're all free, none of us are" highlights how liberation for one group must encompass the struggles of others. Rainbow Communities that may not be able to pass—including trans, gender-diverse and Queer individuals of colour—often experience intensified marginalisation. By being out and proud, Queer scholars can serve as allies to other intersectional identities, embodying a collective resistance to systemic exclusion.

True allyship requires shared responsibility for advancing the rights of all marginalised identities in academia.

Marginalised scholars are frequently employed in precarious roles, underpaid, under-resourced and under-promoted. Subject to both tangible and intangible violence, they are often relegated to specialist departments or peripheral spaces that limit their ability to challenge broader institutional hierarchies. Tokenistic inclusion exacerbates their invisibility, with early career researchers and students from marginalised backgrounds disproportionately bearing the brunt of short-term contracts and limited opportunities and being the first targeted in financial recovery plans. These constraints delay career progression and prevent these scholars from establishing long-term roots within academia.

Despite these systemic barriers, universities have the potential to evolve into Queer institutions, just as they could aspire to become feminist or Indigenous institutions. However, such transformation requires a fundamental reimagining of institutional structures and philosophies. A growing movement of scholars—particularly within Aotearoa—is forging collaborative, interdisciplinary communities that disrupt the status quo. These networks focus on creating vibrant, fit-for-purpose research ecosystems that address the intersections of gender, race and sexuality. Scholars within these ecosystems have gained significant visibility through their roles as keynote speakers, journal editors, governmental advisers and thought leaders. By working within and against the university system, they are advancing equity-focused goals.

Universities, while not inherently safe spaces, have the capacity to foster smaller safe spaces and incubate transformative research and ideas. These environments enable Queer scholarship to flourish while supporting intersectional identities and communities. By actively addressing the interconnected nature of marginalisation, universities can create opportunities for Queer individuals and allies to lead the way in driving meaningful change. This leadership not only advances scholarship but also provides role models and guidance for future generations of Queer individuals, proving that systemic transformation is achievable. In this context, universities can become Queer institutions, just as they can become feminist and Indigenous institutions.

To realise this potential, universities must dismantle structural inequalities that perpetuate heteronormativity and cisnormativity. Intersectionality must be embedded into every aspect of academia, recognising and addressing the overlapping identities of Queer individuals, women and Indigenous communities. Collaborative, equity-driven networks across disciplines can lead this charge by challenging entrenched academic hierarchies and fostering meaningful change.

Queer academics must align with feminist and Indigenous scholars to reimagine a truly intersectional academy—one that values diverse knowledge systems, prioritises equity, and actively resists oppressive practices. This reimagined academy would empower staff and students to work freely across disciplines, challenge harmful norms and create environments free from violence and discrimination. Such an academy would not only serve as a model for inclusivity but also inspire broader social change, setting a foundation for a more equitable and inclusive future.

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What Homophobic Thinking Looks Like:
Insights from New Zealand's Homosexual Law Reform Debates of the Late 20th Century

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Abstract

"… wide range of homosexual manifestations … effeminate attitude, a mincing walk, the typical fairy … at the other extreme are the sodomites, and I do not believe that the majority of New Zealanders wish to be forced by law to accept a sodomite into houses that they own or even into their workplaces. …"
Hon. Peter Tapsell (HRAB, 2R, NZPD, 27 July 1993) [voted against]

This excerpt from a well-known and widely respected parliamentarian is indicative of deeply entrenched homonegative attitudes that were not unusual for the time—in fact, an accurate reflection of the mindset of many individuals throughout Aotearoa/New Zealand. In this article, I examine the Hansard transcripts of the New Zealand parliamentary debates around three parliamentary Bills: the Crimes Amendment Bill of 1974/75, the Homosexual Law Reform Bill of 1985/1986, and the Human Rights Amendment Bill (HRAB) of 1992/1993. From our contemporary vantage point, it is strange to reflect on a period when homonegative sentiments were so easily articulated, so diverse in content, and so seemingly correct in the mind of those who uttered them. The passage of time helps us to overlook much of what has happened in the past, but when we choose to focus on particular aspects of historical interest, forgotten details emerge with clarity. My objective in this article is to help us remember—or discover—the sorts of things that were said about 'our people' by members of parliament who opposed the legislation. In revisiting twentieth-century parliamentary discourse relating to homosexual law reform, we may find it surprising to apprehend the intensity and pervasiveness of societal homonegativity in Aotearoa/New Zealand last century. Applying the lens of Systemic Functional Linguistics, analysis of the text elucidates a homonegative discourse, with arguments based on ignorance and emotion, rather than logic or empirical evidence. This article contributes to our understanding of historical homonegativity in New Zealand, providing important implications for contemporary perspectives on LGBTQ+ issues.

Keywords: homophobia; homonegativity; Aotearoa/New Zealand; homosexual law reform

Introduction

Homophobia (also known as homonegativity) is an intriguing phenomenon. As Hocquenghem (1978, p. 35) asks: "Why does the mere mention of the word [homosexuality] trigger off reactions of recoil and hate?" Foucault (1976/1981) identified the nineteenth century as a period when sexuality came under unprecedented scrutiny and, as others have noted, "the consequences of these great 19th century moral paroxysms are still with us", including negative reactions towards homosexuality (Rubin, 1984/2007, p. 150). My interest stems from the time I was reviewing the literature for doctoral research into internalised homonegativity, as manifested in the lived experience of gay men in Aotearoa/New Zealand who have come out later in life (Allan, 2017). I was overseas during the time of the homosexual law reform debates (1985/1986 and 1992/1993) and so I had little idea of what had taken place during those tumultuous

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decades. When I started reading through the Hansard transcripts of the New Zealand parliamentary debates (NZPD), I was initially surprised, then increasingly angry at the things members of parliament (MPs) were reported as saying. Now, I think it is useful to share excerpts from these transcripts with a wider audience; first, because many of us will have little idea of the intensity and pervasiveness of societal homonegativity in the closing decades of the twentieth century, and second, because engaging with these excerpts can help us to understand the homonegativity that persists in contemporary society, and provide insights into aspects of transphobia (Fenaughty, 2019; Fenaughty et al., 2023; InsideOUT, 2015; Rainbow Youth, 2023).

At this point, it is worth noting the distinction in terminology. The non-clinical term *homophobia* was coined in the late 1960s by US psychologist George Weinberg and popularised in the early 1970s (Weinberg, 1972). However, given the pejorative clinical connotations carried by the suffix -phobia, the term *homonegativity* may be more appropriate. This term, coined by Hudson and Ricketts (1980) and further elaborated by Herek (2004, 2009), more comprehensively captures the full range of negative attitudes— manifested through thoughts, speech and behaviour—rooted in the belief that homosexuality is inherently undesirable.

Numerous books and studies have focused on the political machinations of homosexual law reform and the sociological consequences of these reforms (Atmore, 1995; Barnett, 2009; Guy, 2002, 2005; Janewieski, 2022; Laurie, 2004; Laurie & Evans, 2009; McCreanor, 1996; Parkinson, 2009; Peters, 2016; Pritchard, 2005; Street, 2009). However, no single study has explored the homonegative language of MPs from a Systemic Functional Linguistics (SFL) perspective (Halliday, 1985; Halliday and Hasan, 1985). The axiological motivation for using SFL centres on its commitment to uncovering and critiquing the ideological underpinnings of language (Fairclough, 1995). This approach invites the researcher to examine how linguistic choices are influenced by the social and cultural environment (Aotearoa/New Zealand during the 1970s, 1980s and 1990s) and the institutional context (in this case, the New Zealand House of Representatives). The language employed by MPs in the parliamentary debates reflects the attitudes that were common at the time.

In this article, I argue that the insights gained from analysing homonegative discourse from the late twentieth century provides a solid platform of understanding from which to revisit the rhetoric of the radical right in contemporary society.

In order to situate the sociocultural landscape of the late twentieth century, it is instructive to examine the period prior to homosexual law reform, highlighting the dramatic shift that has occurred. Bearing in mind the colonising history of Aotearoa/New Zealand, following the signing of te Tiriti o Waitangi, New Zealand became a British colony. Therefore, British law began to be applied in Aotearoa/New Zealand and the legal system was structured according to British models (Guy, 2002). This meant that sexual acts between consenting male adults became illegal in 1840. As an historical aside, it is worth noting that sodomy remained a capital offence until the early nineteenth century in the United Kingdom. This history helps to explain why penalties for men who were convicted in a New Zealand court of law were so brutal (see Figure 1).

Figure 1: Penalties relating to homosexual acts in Aotearoa/New Zealand
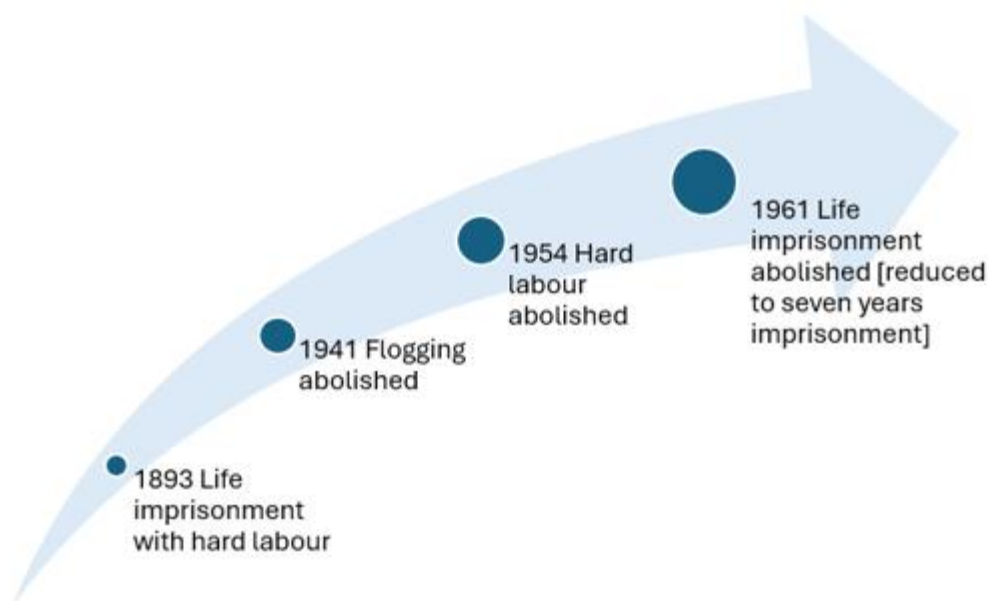
It should be noted that life imprisonment was a maximum, and not the usual sentence. By the 1920s, two to four years was the usual sentence, and before that, sentences varied quite widely; the exercise of police discretion also meant that some cases were not prosecuted (Brickell, 2008a, 2008b). These historical details notwithstanding, future generations may struggle to understand the moral conservatism that resulted in legislation such as is outlined in Figure 1. Yet, from the nineteenth century through to the present day, a clear trend is evident, indicating a reduction in severity. This trend is even more pronounced as seen in Figures 2 and 3, indicating an increase in tolerance and understanding.

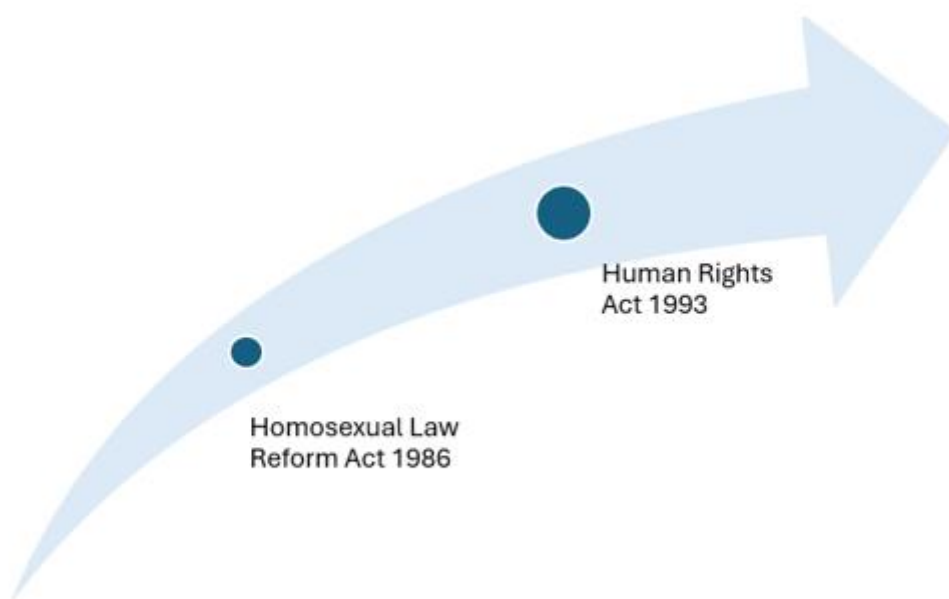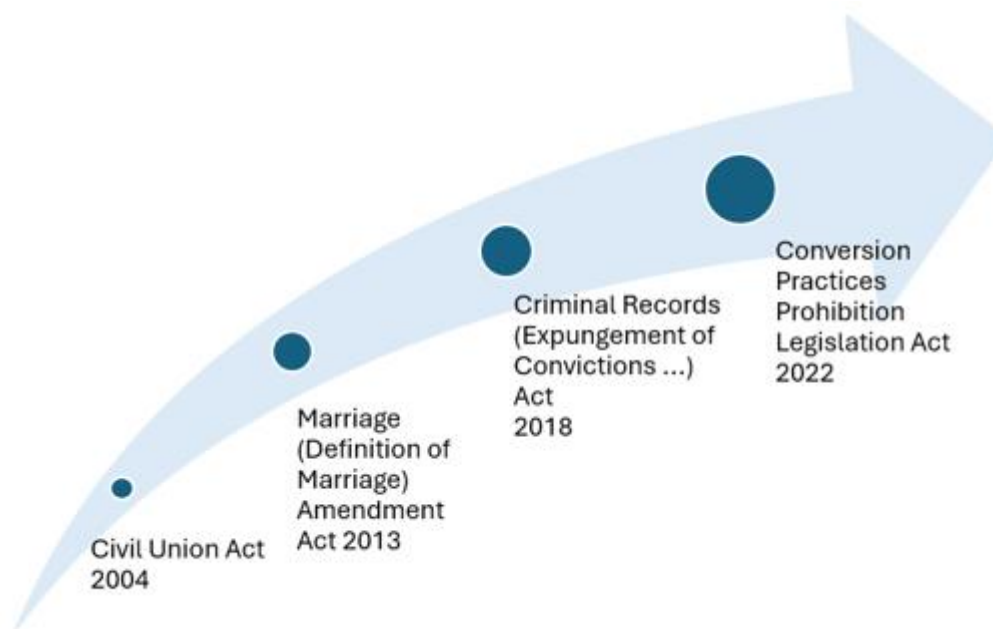Figure 2: Positive legislation in Aotearoa/New Zealand: Twentieth century

Figure 3: Positive legislation in Aotearoa/New Zealand: Twenty-first century

Despite the positive trending, the process of change was tumultuous, and the 1970s, 1980s and 1990s were characterised by the vociferous exchange of ideas relating to homosexual law reform. In considering the tenor of debate during these three decades, themes remained remarkably constant, with the most significant shift relating to public health risks with the arrival of HIV/AIDS in the early 1980s. Drawing on perspectives from other jurisdictions, opponents drew their arguments from a combination of religious and moral beliefs, concerns about traditional family structures, fears of wider social change, and a desire to maintain legal and social order according to traditional values. Brickell (2022) draws attention to another, more subtle shift during the 1990s debate relating to the reframing of human rights as 'special rights' for Rainbow communities.

Following the defeat of National MP Venn Young's Crimes Amendment Bill (CAB) of 1974/75, Labour MP Fran Wilde's Homosexual Law Reform Bill of 1985/1986 was fiercely contested, with feelings running high on both sides of the debate. The final vote was close, and the Bill passed with 49 votes in favour and 44 opposed. Coming seven years later, the Human Rights Act 1993 (HRA) was a significant piece of legislation for Rainbow communities, advancing LGBTQ+ rights by explicitly adding sexual orientation as a prohibited ground of discrimination. The Bill was sponsored by Katherine O'Regan, Associate Minister of Health. The passing of this legislation meant that individuals were protected by law from discrimination in various areas of public life, including employment, accommodation, education and healthcare services. MPs arguing against the Bill were fewer in number, but no less vociferous in their opposition. The final vote was a convincing win, with 64 MPs voting in favour and just four opposing.

For each Bill, there was well-coordinated opposition, the strongest from community groups, and significantly, from the Coalition of Concerned Citizens, formed in 1985 (Guy, 2002). The Reformed Churches of New Zealand published their views of homosexuality as "a gross evil behaviour pattern which is worthy of criminal sanctions and yet can be broken by the power of God" (Flinn & Steenhof 1985, as cited in Burke, 2007, p. 32). A supporter of the Coalition, National MP Norman Jones invoked Old Testament fears of fire and brimstone when he drew attention to a group of gay rights protesters in 1985. He invited his mainstream heterosexual audience to gaze at the homosexuals and contemplate the sinners' ultimate destination: "You're looking into Hades!" (Watkins, n.d.). Public protests were organised with input from 'moral missionaries' from the United States of America who helped to organise a petition

containing more than 800,000 signatures (Lichtenstein, 1996). In a carefully choreographed stunt involving numerous boxes, this petition was dramatically delivered to Parliament, the event captured by journalists and television cameras; commentators have likened the "uniformed and flag-wielding ranks of the Salvation Army [that] lined Parliament's steps" to a Nuremburg rally (Janewieski, 2022, p. 246).

To provide balance, this section will summarise the arguments in support of the proposed legislation in each decade. Articulation of these arguments dates from the time of the UK Wolfenden Report (Committee on Homosexual Offences and Prostitution, 1957/1963). Those in favour of homosexual law reform tended to base their argument on the grounds of humanitarianism, equity, consistency, justice and utilitarianism.

Arguments on humanitarian grounds cited disproportionately high rates of suicide; instances of inappropriate marriages; and the reality of gay men living in constant fear of blackmail, 'gay bashing', or social consequences, such as ostracism (Logan & Davidson, 1985). Noting that homosexual law reform would remove the stigma of criminality, a number of MPs arguing in favour of reform referred to the historical oppression, intolerance and discrimination that homosexuals had experienced. As Pritchard (2005, p. 87) observed, "… an uncompromising Bill treating homosexuality and heterosexuality the same could help undermine discrimination."

Arguments on equity grounds emphasised equal rights to employment, housing and access to goods and services. The Gay Task Force argued that far from being special rights, they were "fundamental … for every citizen" (Logan & Davidson, 1985, p. 54). Pro-reform MPs also referred to the UK's 1885 Labouchère Amendment, underlining the illogicality of a law that discriminated between male homosexual acts, which were considered criminal, and lesbian acts, which were not considered criminal (Atmore, 1995). One interesting aspect of this research relates to the foregrounding of gay men and the marginalisation of lesbians in the parliamentary debates, an aspect that was commented on—with some irritation—by MP Lianne Dalziel in the second reading of the Human Rights Amendment Bill:

> When one talks about homosexual people one is talking about gay men and lesbians. One is talking not just about men, but also about women, and that seems to have been lost in the debate. This apparent obsession with a particular sexual act ignores lesbians completely. I have to say that lesbians are sick to death of being invisible in the debate. (HRAB, 2R, 27 July 1993)

Arguments on the grounds of consistency pointed out that the New Zealand Police did not consistently enforce the existing laws, while penalties were also inconsistently applied, leading to an undermining of the integrity of the legal system, weakening the role and authority of the judiciary. Consistency in the enforcement of laws is crucial for maintaining the rule of law and the trust of the public in the judicial system. The Gay Task Force argued that "Decriminalisation … is a necessary progressive move for New Zealand, which is currently out of step with legislation in most other Western countries" (Logan & Davidson, 1985, p. 53).

Arguments on the grounds of justice sought to differentiate between church-based morality on the one hand, and Parliament-enacted laws on the other. It was noted, for example, that Parliament does not legislate against adultery; therefore, neither should Parliament legislate against consensual same-sex acts (Dworkin, 1966; Logan & Davidson, 1985).

Arguments on the grounds of utilitarianism pointed to public health considerations, noting that law reform would do much to reduce the incidence of sexually transmitted diseases, in creating a climate of trust whereby gay people would feel encouraged to seek help (Lichtenstein, 1996; Logan & Davidson, 1985). An interesting twist on this reasoning sought to portray gays as 'saviours'. As Pritchard (2005, p. 92) observed, "Rather than being the cause of the AIDS crisis as the Christian Right charged, gays were said to be proving useful in protecting the heterosexual population from the worst aspects of the epidemic."

When considering the role of biomedical science in framing arguments against law reform, it is important to note that homosexuality was characterised as a problem, indeed a 'disease', until 1973 when it was formally removed as a diagnostic category from the American Psychiatric Association's Diagnostic and Statistical Manual (Drescher, 2015).

During the final three decades of the twentieth century, New Zealanders took an unprecedented interest in the arguments for and against homosexual law reform, both in Parliament and also in forums where law reform opponents clashed with the various Gay Task Force groups and other pro-reform activists (Guy, 2002; Pritchard, 2005). Intense media scrutiny focused on details from both parliamentary debate and community action. For many New Zealanders, homosexual law reform was a critical period of consciousness raising and opening of minds (Brickell, 2022). However, not everyone was open to having their minds opened. For many people—including a number of MPs—deeply entrenched homonegative attitudes and opinions guided their response.

In examining the Hansard transcripts of the three Bills, this article considers two key research questions:

1. How were gay men characterised by MPs?
2. What arguments were used by MPs who opposed the proposed legislation?

This research offers valuable insight into the attitudes of individuals who held homonegative views, particularly regarding what they deemed acceptable to say about gay men during a time when such expressions were socially permissible. Thirty years later, in a more inclusive and socially responsible climate, homonegative attitudes are less widespread, and language surrounding same-sex issues is more carefully regulated. There is also a strong sense that with the legislation in place we have 'moved on'; anecdotally, I have observed people say that there is "nothing to worry about", and "gays need to get over themselves". However, this research provides a salutary reminder of what many New Zealanders have conventionally thought—and continue to think—about gay people and others in the Rainbow community. Given the current rhetoric around transphobia, acknowledging that the use of discriminatory language remains a significant issue puts us in a stronger position to address these challenges in practical terms.

Methodology

The methodological lens for this study draws on SFL as outlined by Halliday and Hasan (1985). The central concept in SFL, 'context of situation', can be broken down into a tripartite framework comprising three domains of discourse.

The *field of discourse* refers to "what is happening, to the nature of the social action that is taking place: what is it that the participants are engaged in, in which the language figures as some essential component?" (Halliday & Hasan, 1985, p. 12). The setting here is the debating chamber of the New Zealand House of Representatives, and the formal debate of three parliamentary Bills:

- Crimes Amendment Bill (CAB) of 1974/75
- Homosexual Law Reform Bill (HLRB) of 1985/1986
- Human Rights Amendment Bill (HRAB) of 1992/1993

The *tenor of discourse* focuses on "who is taking part, to the nature of the participants, their statuses, and roles: what kinds of role relationship obtain among the participants" (Halliday & Hasan, 1985, p. 12). The specialised term 'obtain' suggests that these role relationships come into existence or are established as the interaction unfolds, emphasising the social construction of roles and the relational aspects of language

use. The participants under consideration here are MPs who each stood up to speak in opposition to the proposed homosexual law reform. The dynamics of interaction are formal and ritualised, having evolved over generations of Westminster tradition and circumscribed by Standing Orders, which are the written rules under which the House of Representatives operates. The societal role of an MP is open to interpretation, but a close reading of the Hansard transcripts suggests that each MP is very aware of the representative nature of the role, and the consequences of disappointing expectations of constituents.

The *mode of discourse* refers to "what part the language is playing, what it is that the participants are expecting the language to do for them in that situation: the symbolic organisation of the text, the status that it has, and its function in the context, including the channel … and also the rhetorical mode" (Halliday & Hasan, 1985, p. 12). In terms of medium, the language of Parliament is formal and spoken. However, it is, to a large extent, written to be spoken aloud. While there is scope for extemporaneous speaking, the text is carefully crafted beforehand. The primary audience for each speech is the people present in Parliament that day: colleagues in the same party, opposition MPs, visitors sitting in the public gallery, including representatives of the press, and members of the public who might be listening to a radio/television broadcast. The anticipated secondary audiences include readers of newspaper articles in which salient details will be quoted, and an additional audience is future generations of readers and researchers who have access to written transcripts of all speeches via Hansard in print copies, freely available via the internet after 1990 (New Zealand Parliament, 2016). With respect to dynamics of interaction, the speeches are primarily monologic and formal and interjections can be made according to rules of the debating chamber. One curious convention of the Westminster system stipulates that MPs must not directly address each other during speeches or points of order. All speeches and interjections are therefore addressed to the Speaker, who presides over formal debates. The rhetorical thrust of MP speeches is typically hortatory, intended to persuade, and structured as argument (Toulmin, 2003).

In outlining a metadiscourse approach to probing argumentation, Hyland (2018) invites the analyst to draw on Aristotle's three means of persuasion: ethos, pathos and logos (Aristotle, n.d./1991). In this parliamentary context, these appeals can be summarised as follows:

- *Ethos*: the personal appeal of an MP's credibility in terms of character, reputation, expertise, integrity, professionalism, knowledge and relatability.
- *Pathos*: an appeal to the target audience's emotions and affective state.
- *Logos*: the logical appeal of an MP's argument, focusing on the reasoning and structure supporting each claim. Logos emphasises rationality, clarity and the use of evidence to persuade.

Methods

Data collection and analysis

The starting point involved accessing Hansard transcripts of the three parliamentary debates and organising them, by date, according to the order of readings. During the initial coding process, hard copies of each page were annotated to indicate how each MP voted, and a summary was made of the arguments in favour of and against each Bill. Highlighters were then used to identify instances of supportive or homonegative language, with yellow specifically marking homonegative language.

Next, instances of homonegative language were imported into NVivo, where preliminary node labels were assigned based on the guidance of Bazely and Jackson (2013) and Saldana (2013). The initial categories included broad labels such as 'homosexual' and 'homosexuality'.

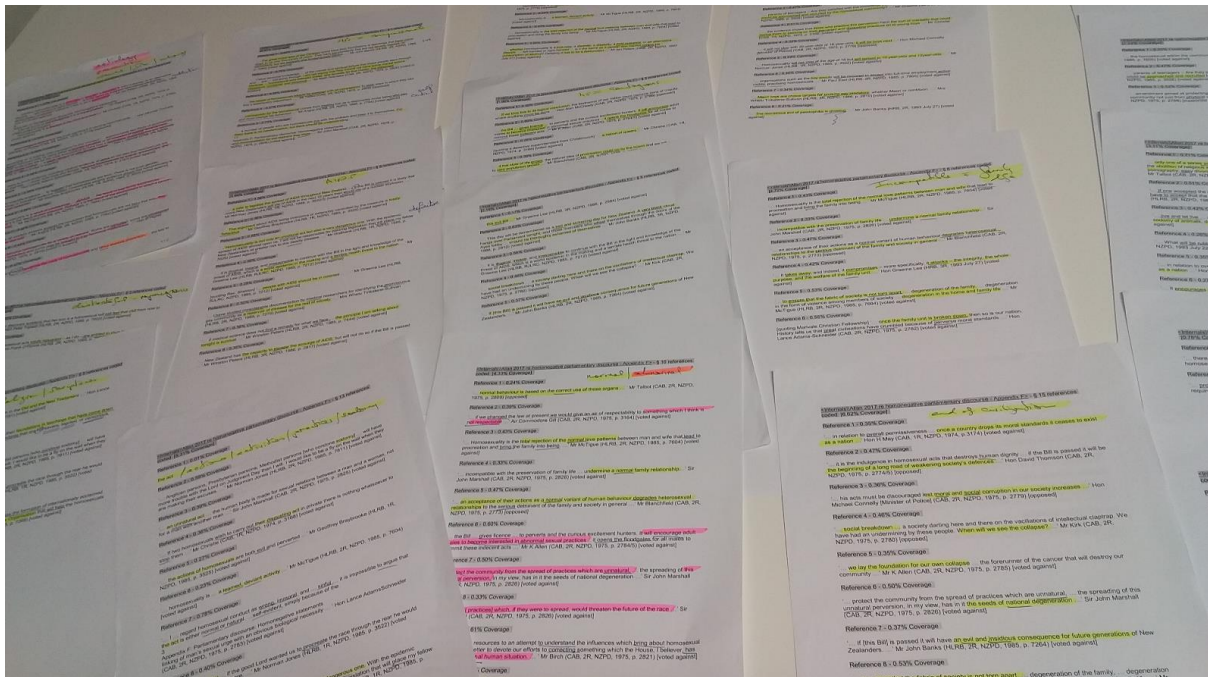Figure 4: General impression of Hansard transcripts

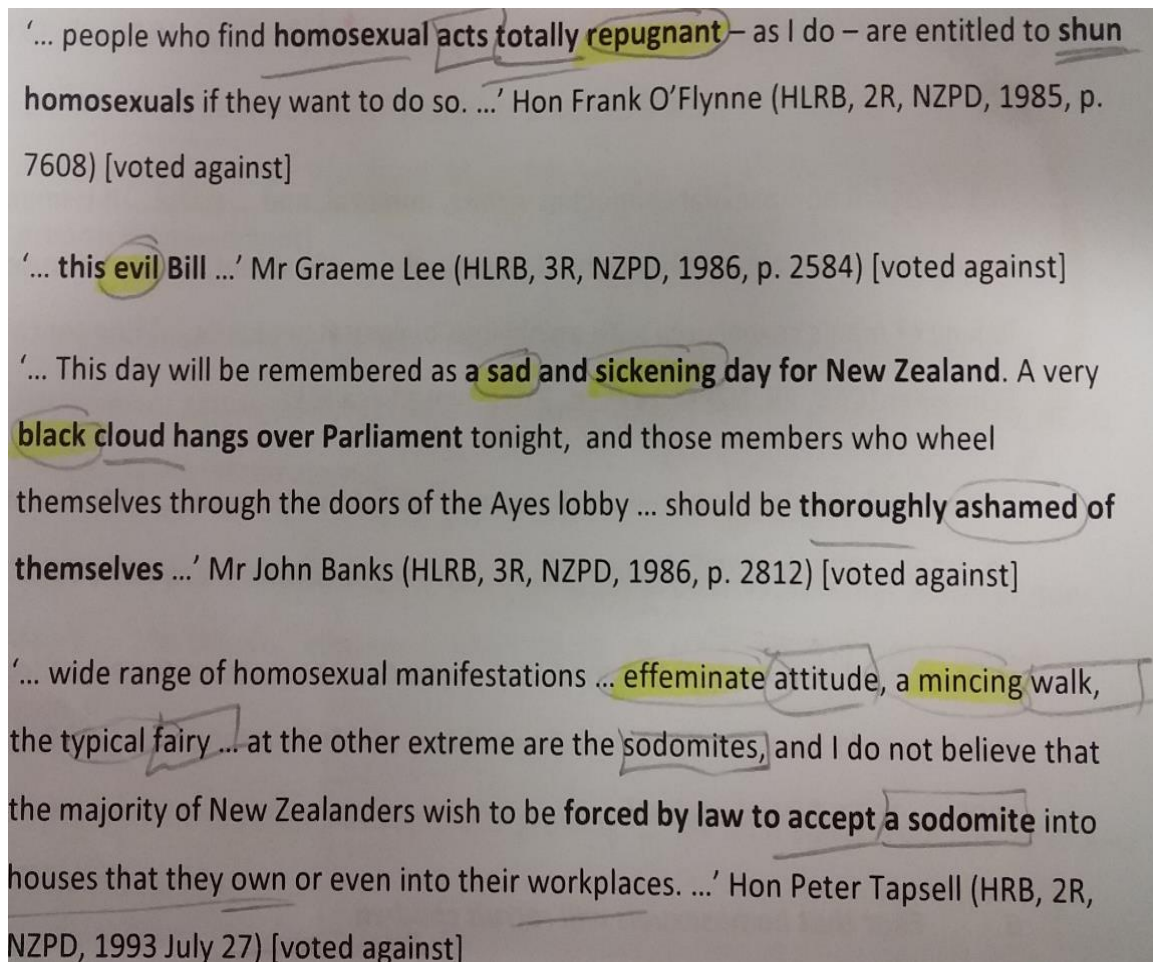Figure 5: Annotation to highlight homonegative language

Figure 6: NVivo to assign node labels
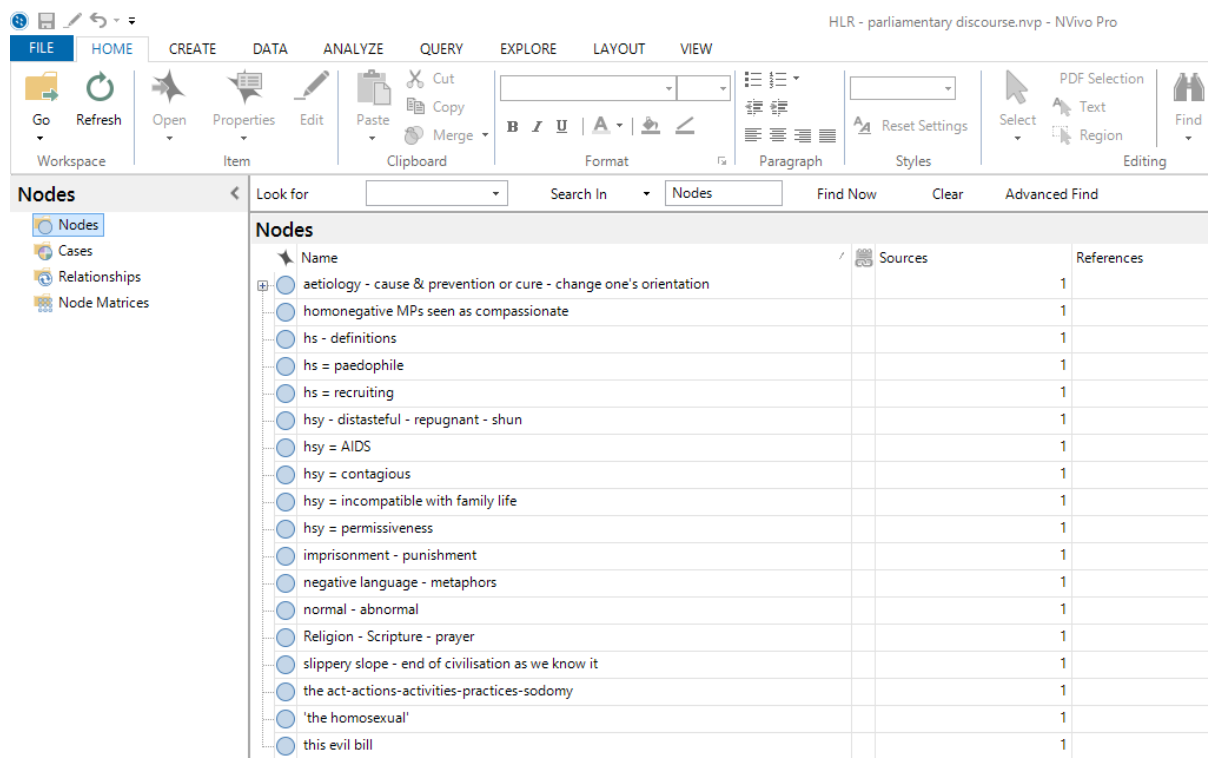
Once the data were coded, each node was explored individually, with an examination of all instances of a particular node across the data set to identify patterns based on similarities and relationships. For example, nodes relating to common misconceptions were grouped together and separated from subjective responses from MPs. Through the analysis of these nodes and their content, overarching themes began to emerge. During the examination of the three Bills, a reflexive journal was maintained to record insights and questions regarding MPs' voting behaviour, language choices and argumentation strategies. One intriguing question raised was the potential for chronological development. Since the data set spanned three decades—from the 1970s to the 1990s—there was an expectation that attitudes and language would become more modulated by the 1990s. However, it soon became apparent that a focus on chronology was proving to be a distraction. Over several months, the process was fine-tuned, ultimately resulting in the organisation of the nodes under five main thematic headings:

- MPs' understanding of homosexuality
- Foundations of a stable society
- Fears for the stability of society
- Fear for the future of civilisation, and
- Homosexuality framed in terms of 'a problem' to be solved.

MPs' understanding of homosexuality

MPs shared their understanding in a number of ways. This personal response from MP Les Gandar conveyed a limited understanding of homosexuality partly due to his own sexual orientation, but also because of limited exposure to positive role models:

> I am not a homosexual, and as far as I am aware I have not even met one. (Hon. Les Gandar, CAB, 1R, NZPD, 1974, p. 3162) [1]

Some MPs did declare familiarity. Former prime minister Sir Keith Holyoake begins by acknowledging the psychic pain he had observed, followed by an expression of his own affective response:

> I have personal knowledge … of the mental and spiritual torture that those people went through … and … are … still going through. I am not saying that they should not have some mental torture because … homosexual acts between males, and females for that matter, are abhorrent … obnoxious, unnatural, and abnormal. (Sir Keith Holyoake, CAB, 2R, NZPD, 1975, p. 2820)

Holyoake's vote in favour at the second reading of the Crimes Amendment Bill 1974/75 did not necessarily mean he supported full decriminalisation, but he felt that the Bill should be examined and debated further.

A number of MPs who opposed the legislation had quite definite affective responses to their understandings of homosexuality, and objected to proposed legislation that would require them to provide accommodation or employment:

> … people who find homosexual acts totally repugnant—as I do—are entitled to shun homosexuals if they want to do so. (Hon. Frank O'Flynne, HLRB, 2R, NZPD, 1985, p. 7608)

O'Flynne's statement reflects a deeply conservative stance, while, ironically, asserting the importance of personal freedom.

As a key element of their argument, MPs were careful to define their terms. An authoritative reference point, biomedical science was commonly foregrounded in terms of framing understanding. Some statements are assertive, the choice of a relational verb suggesting no other explanation:

> Homosexuality is a disease of the mind and body… (Mr Gordon Christie, CAB, 1R, NZPD, 1974, p. 3168)

The rhetorical strategy of hedging is a common feature of political discourse (Hyland, 2018), and can be seen in many of these excerpts. For example, Ian Peters carefully considers a range of possibilities, in this case starting with the subordinating conjunction 'whether', the concluding statement prefaced with the attitudinal adverb 'certainly':

> … whether homosexuality is a sickness, a disorder, a disability, a mild nuisance, or an alternative lifestyle. … Certainly it has to be a dysfunction ... (Mr Ian Peters, HRAB, 2R, 1993, July 27)

In contrast, Michael Connelly's statement employs no hedging, instead making a bold assertion:
> … homosexuality is an unnatural habit ... (Hon. Michael Connelly [Minister of Police], CAB, 2R, NZPD, 1975, p. 2779)

In discussing their understanding of homosexuality, many MPs provided biased commentary, characterised by emotionally charged language, negatively evaluative terms and a preoccupation with physical acts:

> If two homosexuals wish to **carry out their disgusting act** in private there is nothing whatsoever to stop them. (Mr Gordon Christie, CAB, 1R, NZPD, 1974, p. 3168)

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[1] The following format has been to used to reference quotations from the three Bills: CAB is the Crimes Amendment Bill; HLRB, the Homosexual Law Reform Bill; and HRAB, the Human Rights Amendment Bill; 1R and 2R are the first and second reading of the Bill, respectively; and NZPD (New Zealand Parliamentary Debate), the date and page refer to the Hansard Reports.

Invercargill MP Norman Jones was one of the most outspoken opponents of law reform (Guy, 2002). His fixation on sodomy reflects a combination of religious conviction, moral opposition and an emphasis on the reproductive purpose of sex.

> … it is about sodomy … if the good Lord wanted us to procreate the race through the rear he would have put the womb down there. (Mr Norman Jones, HLRB, 1R, NZPD, 1985, p. 3522)

Many MPs expressed their preoccupation with the root cause of homosexuality, with their observations sometimes making with references to the age-old nature versus nurture debate (Di Nicola, 2023). Here MP McTigue asserts that homosexuality is an acquired behaviour:

> … homosexuality is … a **learned, deviant activity** ... (Mr Maurice McTigue, HLRB, 2R, NZPD, 1985, p. 7604)

Note the language used, and again, a framing of homosexuality as an 'activity'. Here the same MP offers a string of possible causes:

> … homosexuality is a result of conditioning … **perhaps** … the result of bad family experiences. **Perhaps** it is the result of peer pressure. **Perhaps** it is the result of the environment in which a person is nurtured ... (Mr Maurice McTigue, HLRB, 2R, NZPD, 1985, p. 7604)

In terms of ethos, MPs seek to establish their credibility in a variety of ways, including alluding to empirical research to underscore the authority of their assertions:

> … **no scientific evidence** … to suggest that homosexuals are born. There is not such genetic, hormonal, or biological evidence. Indeed, considerable weighty evidence shows that homosexuality is a learned behaviour. (Mr Geoffrey Braybrooke, HLRB, 1R, NZPD, 1985, p. 3524)

In the moment of utterance during an intense parliamentary debate, these references to 'scientific' and 'weighty' evidence might appear to strengthen the argument being made. However, closer scrutiny exposes the evidence as vague and unreliable. Similarly, the use of approximations with no further backing is not characteristic of robust debate:

> … nearly **all modern analysts** support the conclusion that homosexuals are not born that way; they learn to be that way ... (Mr Derek Angus, HLRB, 2R, NZPD, 1985, p. 7794)

Pseudo-science in the form of references to psychology features in many of the excerpts:

> … psychological factors are the most significant in causing homosexuality ... (Hon. Michael Connelly [Minister of Police], CAB, 2R, NZPD, 1975, p. 2779)

Familiar tropes are used to explain homosexuality as a result of inappropriate parenting:

> … approximately two-thirds of psychiatrists regard homosexuality as being either a neurotic symptom or an inversion of normal development … other tendencies are for the male homosexual to have had a dominating, overprotective and basically male-hostile mother … a weak, absent, or affectionless father ... (Hon. Les Gandar, CAB, 1R, NZPD, 1974, p. 3162)

From these excerpts, we can see that MPs betrayed limited understanding of sexual orientation, made value judgements (often from a religious perspective), and relied on folk wisdom. Gay men were referred to

collectively as "homosexuals", or, like some sort of David Attenborough-type specimen; "the homosexual". When referencing literature, MPs typically drew from heteronormative, biomedical sources, where homosexuality was framed in deficit terms—characterised as a disease, sickness, disorder, disability or dysfunction. Rather than being seen as an inherent aspect of an individual's psycho-social make-up, being homosexual was referred to in the language of behaviour, acts and actions. In contrast, the concept of an innate sexual identity (d'Emilio, 1983/2007; Foucault, 1976/1981; Plummer, 1992; Weeks, 2017) was a key argument of law reform proponents. In particular, Foucault's foundational work (1976/1981) had a profound influence on contemporary discussions about how arguments for innate sexuality might challenge the moral and legal foundations of laws that criminalise homosexuality. The term 'sexual orientation' was not used by MPs who were opposed to the various Bills. Rather, their language suggested that a same-sex identity was due to aberrant conditioning in the formative years, or a lifestyle choice.

In appealing to constituents' emotions and affective states, MPs' statements invoked morality and (presumably, a shared) sense of revulsion, as evidenced by their use of various evaluative epithets: wrong, immoral, sinful, unnatural, perverted, deviant, abhorrent, repulsive, obnoxious, disgusting and evil.

Foundations of a stable society

For many MPs, the traditional family unit—seen as heterosexual mother and father plus well-regulated children—was seen as the foundation of a stable society (Plummer, 1975), and this stability had to be protected. Recognition of homosexuals and endorsement of same-sex relationships was seen as a threat to society:

> … if we changed the law at present we would give an air of respectability to something which I think is **not respectable**. (Air Commodore Gill, CAB, 2R, NZPD, 1975, p. 3164)

Some MPs expressed concern about the impact the legislation would have on traditional family life:

> … **incompatible** with the preservation of family life … **undermine** a normal family relationship… (Sir John Marshall, CAB, 2R, NZPD, 1975, p. 2826)

Many MPs referred to the foundational role of the Judeo-Christian tradition in establishing family values:

> The great moral laws of the Christian world have their foundations in teachings that have come down to us over thousands of years. They have set standards that are not **severe, bigoted, or censorious**, but are basically and fundamentally decent. (Mr John Banks, HLRB, 2R, NZPD, 1985, p. 7264)

The irony of this statement was not evident to Banks. Other MPs made reference to the moral code as found in the Bible, and to the explicit proscription in Books such as Leviticus:

> … the act is **condemned in the Scriptures**, both in the Old and the New Testament. (Hon. Lance Adams-Schneider, CAB, 2R, NZPD, 1975, p. 2781)

Given the eventual passage of the HLR legislation (the Homosexual Law Reform Bill passed with 49 votes to 44; the Human Rights Amendment Bill passed with 64 votes to 4), we note that arguments rooted in more conservative interpretations of Christianity were ultimately ineffective in swaying public opinion.

Fears for the stability of society

Some MPs viewed the proposed legislation as the 'thin end of the wedge', expressing a genuine concern that tolerance would lead to permissiveness:

> … his acts must be discouraged lest **moral and social corruption** in our society increases. (Hon. Michael Connelly [Minister of Police], CAB, 2R, NZPD, 1975, p. 2779)

Many MPs expressed concerns regarding social decay and moral degeneration, apprehension about the potential consequences of societal shifts, such as the breakdown of traditional values:

> … the spreading of this **unnatural perversion**, in my view, has in it the **seeds of national degeneration**. (Sir John Marshall, CAB, 2R, NZPD, 1975, p. 2826)

This viewpoint critiques the growing trend in society towards loosening restrictions on various moral and legal issues. More conservative MPs expressed concern that these changes were harbingers of a broader push for personal freedoms that would challenge traditional norms:

> … **only one of a series sought by many permissive groups** in our society. … includes the abolition of religious education in schools, easier abortion, removal of censorship or control of pornography, easy divorce, permissive laws on soft drugs, and even the introduction of euthanasia. (Mr Robert Talbot, CAB, 2R, NZPD, 1975, p. 2807)

Anti-social behaviours were carefully itemised:

> … practices such as **orgies, prostitution, pornography, polygamy, adultery, incest, sodomy of animals, drug abuse**, and so on … (Mr Maurice McTigue, HLRB, 2R, NZPD, 1985, p. 7604)

Intriguingly, without being explicit, some MPs encouraged their listeners to associate homosexuality with a seedy underworld:

> It encourages those **people on the fringe of a twilight world of crime**. (Mr Keith Allen, CAB, 2R, NZPD, 1975, p. 2786)

The ubiquity of fear, ignorance and misinformation relating to homosexuality can be observed with a number of MPs confusing homosexuality and paedophilia:

> … child molesters … would be encouraged by the green light that … this Bill would give to homosexual relations. (Mr Patrick Blanchfield, CAB, 2R, NZPD, 1975, p. 2773)

A contemporary commentator of the 1993 debate (Lichtenstein, 1996, p. 36) observed that John Banks's use of rhetoric had "propelled the image of the gay man into that of a sociopathic predator":

> The monstrous evil of paedophilia is growing. (Mr John Banks, HRAB, 2R, 1993, para. 11)

Another familiar trope was the idea that young males would be "recruited" by homosexuals:

> …parents of teenagers—Are they satisfied with the knowledge that their son, at the age of 16 years could be approached and **recruited by the homosexual community**? (Mr Graeme Lee, HLRB, 1R, NZPD, 1985, p. 3526)

Given that the proposed age of consent was 16 years old, MPs expressed concerns regarding the age at which homosexuality might manifest:

> Homosexuality will not stop at the age of 16 but **will spread to 10-year-olds and 12-year-olds**. (Mr Norman Jones, HLRB, 1R, NZPD, 1985, p. 3522)

In an early debate, MP Dr Wall expressed a generalised concern for impressionable people:

> …we have **a duty to establish a norm**, a standard for those who need protection against involving themselves in homosexual behaviour. (Dr Gerard Wall, CAB, 2R, NZPD, 1975, p. 2788)[2]

For some MPs, a preoccupation with physical health (and especially HIV-related issues) is understandable, given the arrival of the global AIDS pandemic in the 1980s (Brickell, 2022; Lichtenstein, 1996). In the 1985/86 debate MPs gave voice to a very real fear that homosexuals would spread this disease:

> …the homosexual community … is a **promiscuous** community. (Mr John Banks, HLRB, 2R, NZPD, 1985, p. 7270)

Proponents of the legislation argued that enactment of legislation would encourage men with HIV/AIDS to seek medical help. However, not all MPs were persuaded by this logic, fearing instead a plague-like catastrophe of Biblical proportions:

> New Zealand has the **capacity to escape the scourge of AIDS**, but will not do so if the Bill is passed. (Mr Winston Peters, HLRB, 3R, NZPD, 1986, p. 2817)

Genuine fears of an HIV/AIDS epidemic prompted one MP to suggest isolation:

> …[quoting Rev. Sheldon] **people with AIDS should be in colonies**. (Mr Graeme Lee, HLRB, RJLRC, NZPD, 1985, p. 7212)

Other MPs were moved to make wild predictions—an apocalyptic future was predicted if the proposed legislation was passed:

> …a vote to legalise the **spread of AIDS** throughout New Zealand. … If the Bill is passed it is likely that more New Zealanders will die of AIDS in the next 10 years than would die of a nuclear explosion. (Mr Norman Jones, HLRB, 1R, NZPD, 1985, p. 3522–3)

These excerpts reveal deep-seated fears about individual and collective behaviours—and consequences. They also highlight ways in which MPs equated homosexuality with various socially taboo and immoral practices: sadism, bestiality, incest, orgies, prostitution, pornography, polygamy, adultery, incest, sodomy of animals, drug abuse, promiscuity and paedophilia.

MPs deployed these extreme scenarios as scare tactics, asserting that they had a responsibility to establish societal norms and standards, arguing that homosexuality needed to be controlled.

Fear for the future of civilisation

Some MPs considered homosexuality to be contagious, and expressed concern that if the legislation was passed, many heterosexual men would become homosexual:

> …the Bill … gives licence … to **perverts** and the curious excitement hunters. It will encourage adult males to become interested in **abnormal sexual practices** ... it opens the floodgates for all males to commit these **indecent acts**. (Mr Keith Allen, CAB, 2R, NZPD, 1975, p. 2784/5)

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[2] Dr Wall supported the Bill but proposed an Amendment.

Underpinning this concern is what appears to be a Freudian assumption about universal bisexuality (Freud, 1905/2010; Rubin, 1984/2007). Following the logic of *reductio ad absurdum*, if "homosexuality" were to be legalised, it could follow that everyone would become gay, and therefore humans would stop procreating:

> …a **nation of queers**. (Mr Gordon Christie, CAB, 1R, NZPD, 1974, p. 3168)

With reference to the decline of great nations and civilisations of the past, the passing of this proposed legislation was seen by some as the beginning of the end:

> … [unnatural practices] which, if they were to spread, would **threaten the future of the race**.
> (Sir John Marshall, CAB, 2R, NZPD, 1975, p. 2826)

This argument centred on the spread of certain "unnatural practices," which Marshall believed posed a significant threat to the future of humanity. Drawing on historical precedents, he suggested that similar societal shifts had contributed to the decline of great civilisations in the past.

Homosexuality framed in terms of 'a problem' to be solved

Having identified homosexuality as problematic for the individual, for society as a whole—perhaps even for the entire human race—it followed that this problem needed to be addressed, with prevention as the primary objective:

> A wise law should recognise the roots of homosexuality and **strive towards prevention**.
> (Mr Robert Talbot, CAB, 2R, NZPD, 1975, p. 2808)

The need for research was emphasised, the argument being that understanding the causes of homosexuality would lead to effective means of 'correcting' or 'adjusting' abnormal behaviours:

> …devoting more resources to an attempt to **understand the influences which bring about homosexual behaviour**; much better to **devote our efforts to correcting something which** the House, I believe, has agreed **is not a normal human situation**. (Mr Bill Birch, CAB, 2R, NZPD, 1975, p. 2821)

Many MPs expressed the importance of adopting a compassionate approach, albeit with the ultimate objective of reversing the homosexual orientation:

> …the needs of homosexuals should be explored with all compassion, to seek ways in which they can find **a satisfactory adjustment**. **(**Mr Robert Talbot, CAB, 2R, NZPD, 1975, p. 2808)

If prevention was not possible, then perhaps a punitive approach should be considered:

> …provide for other forms of **punishment—for periodic detention, for fines, for probation**, or for requirements as to **treatment**. (Sir John Marshall, CAB, 2R, NZPD, 1975, p. 2827)

A common understanding relates to the possibility of change:

> Recent evidence has shown that **the homosexual can be changed,** and they proved that to me. (Mr Derek Angus, HLRB, 2R, NZPD, 1985, p. 7795)

Some MPs alluded to conversion therapy practices that seek to change or suppress a person's sexual orientation:

> Some 50,000 ex-gays can attest to the fact that they have been **totally changed to a heterosexual orientation**. (Mrs Whetu Tirikatene-Sullivan, HRAB, 1R, NZPD, 1992)

MP John Banks, an avowed fundamentalist Christian himself, explicitly cited international Christian organisations such as Exodus, which claimed to be able to 'pray the gay away':

> …internationally acclaimed bodies such as **Homosexuals Anonymous** and the **Exodus Organisation** that will help the homosexuals of this country. (Mr John Banks, HLRB, 2R, NZPD, 1985, p. 7269)

Some MPs expressed the belief that homosexuals should be viewed as responsible moral agents who should be encouraged to modify their behaviour, exercising strength of character or personal discipline:

> Compassion for the homosexual comes from treating him as **a responsible moral being who can and must change his behaviour**. (Mr Derek Angus, HLRB, 2R, NZPD, 1985, p. 7794)

A common perception was that homosexuality is a phase through which sufferers can be counselled:

> A certain number of these people can be **counselled and helped through what is often a very difficult time**. (Mr Kenneth Comber, CAB, 2R, NZPD, 1975, p. 2825)

Given the high status accorded the medical profession, MPs tended to defer to biomedical science for a cure. MPs adopted a fideistic trust in the capacity of science to solve the 'problem':

> Homosexuals … need both **medical and psychological treatment**. They do not need a change in the law. (Mr Geoffrey Braybrooke, HLRB, 1R, NZPD, 1985, p. 3524)

If a remedy was not found, MP Winston Peters predicted an apocalyptic future:

> If medical science does not find **a remedy** for what we face … the principle I am talking about tonight is **survival**. (Mr Winston Peters, HLRB, 2R, NZPD, 1985, p. 7444)

In framing homosexuality as a problem to be solved, MPs employed the language of change, using terms like "cure", "adjust", "solve", "fix" and "remedy". Many emphasised the role of biomedical science in addressing homosexuality, promoting interventions such as conversion therapy, also known as reparative therapy, or masturbatory reconditioning (Laws & Marshall, 1991). Other approaches included lobotomy, chemical castration, with hormonal treatment, and electro-convulsive therapy (Ashworth, et al., 2018; Liu & Marrow, 2022).

   By the late twentieth century, the methodologies of reparative or conversion therapy lacked empirical support, had been discredited as pseudo-science, and were found to be ineffective and potentially harmful (ILGA World, 2020; Scot, 2013). The intellectual arguments against organisations like Homosexuals Anonymous and the now-defunct Exodus International primarily stem from professional psychological and psychiatric consensus, as well as ethical considerations (Fenaughty et al., 2023; Zaeske, et al., 2024). In Aotearoa/New Zealand, the Conversion Practices Prohibition Legislation Act 2022 has made illegal conversion therapy practices that seek to change or suppress a person's sexual orientation, gender identity or gender expression. In contrast to hyperbolic predictions of an apocalyptic future from MPs such as Winston Peters, it was observed by former prime minister Helen Clark that despite the panic-mongering, "not a single fear has materialised" (Clark, 1992, as cited in Janiewski, 2022, p. 248).

Concluding thoughts

In summary, the findings of this study have revealed MPs' limited and biased understanding of sexual orientation, many seeing homosexuality in terms of 'a problem' to be solved. MPs' arguments against homosexual law reform were not founded on empirical sexological research. Rather, they appealed to vague absurdities involving negative stereotypes and drew on emotive fears for the stability of society, indeed for the future of civilisation.

Shifting the focus to the present, it is troubling to witness similar arguments being raised against trans rights (Cunningham et al., 2022), with the statements being made reminiscent of the attacks made against gay men during the height of the HIV/AIDS crisis and the homosexual law reform campaign. The homonegative language of the late twentieth century has morphed into a new trans-negative discourse that has currency with right-wing factions, such as Family First, Destiny Church, New Zealand First and, increasingly, with many conservative mainstream New Zealanders.

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Folding in Performativity: The Utilisation of Western Gendered Theory for Māori Gendered Reality

Maia Berryman-Kamp[*]

Abstract

Judith Butler's influential work on gender performativity has been praised for cutting to the heart of the formation and deployment of gender in the modern world, but its academic popularity has been accompanied by critiques on its applicability to discourses of race and Indigenous perspectives. The article proposes a Māori theory of gender that draws on local contexts and challenges some of Butler's more universalist, Western notions, not necessarily discounting performativity, but treading around its more Eurocentric elements. While performativity offers valuable insights into the function and purpose of gender, it must evolve beyond theoretical abstraction to address material and ontological realities, especially concerning Indigenous communities' experiences with colonialism. This article advocates for Indigenous-led gender theories that take performativity further, to embrace community-aligned research that focuses on the impact, practice and politics of gender in New Zealand.

Keywords: performativity ontological discussion; racialisation; Indigenous gender; Māori philosophies

Introduction

By interrogating the philosophical basis of performativity, the theorists Butler draws on to inform the context of performativity, and how the theory works alongside ideas of race, this article attempts to thread a theoretical needle. It embraces the fluidity offered by performativity and agrees with its general thesis that gender is constructed; however, it questions the reliance of gender theory on one idea. Few works engage with the theoretical aspects of performativity, likely because from the moment race and class is brought into discussion, it becomes clear that theory alone will not suffice. The philosophical and ontological discourses of Western gender are simply not materially pressing enough to justify activist engagement: Indigenous peoples are aware that our bodies are not our own, that the state can remove our agency at any moment, and Eurocentric ideas can be imposed onto even the most steadfast of traditions, such as the modern obsession with gender roles in pōwhiri (Irwin, 2019). Material interventions are a necessity in community-aligned research, but without following Barad's (2015) example and interrogating our ontological assumptions, we risk those interventions being channelled or blunted into short-term survival techniques under an oppressive system, rather than transformative anti-colonial projects (Coulthard, 2014). When research is led by Indigenous gender theorists (Luna-Pizano, 2023; Paora, 2023; Wilson, 2015), however, we routinely look past performativity to our own theories, frameworks and narrative constructions of gender.

Theoretical background

Judith Butler's concept of performativity has been cemented at the centre of contemporary queer theory. Even when Butler (2024) has admitted to moving beyond performativity and only really thinking about it in terms of revision, those early texts on performativity "have changed the way scholars all over the world think, talk and write about identity, subjectivity, power and politics" (Barney, 2013, para 3). It is for this

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reason that this article centres performativity as the principal theory through which academics see and discuss gender, but injects it with a Māori framework to ensure such prominence can service all populations.

Since the imposition of colonial ideas of gender propriety, binaries and family structures onto Aotearoa in the 1800s (August, 2004; Hutchings & Aspin, 2007; Hoskins 2017; Mead 2016; Simmonds 2009),† a genealogy of staunch Māori have resisted what gender could, and should, look like. In 1985, Carmen Rupe was the first 'New Zealander' to have a passport marked without F or M, having instead a single '–' (Archives NZ, n.d., R24289738), and in 1995 Georgina Beyer was the first openly trans mayor to be elected in the world (Casey, 1999). These whakawāhine, trans- Māori and Pasifika femmes, "were community matriarchs" (Hansen, 2022) at the forefront of gay and queer liberation. They were critical to the culture, as the camp language of the mid-twentieth century queer New Zealand scene was a mix of "prison slang, pig Latin, Polari, gay slang, [te reo] Māori and localised dialect" (Ings, as cited in Hansen, 2022, para. 15). It was on Māori land, under Indigenous manaakitanga, that generations of queer people created a sense of home where they may not have experienced one prior. Snippets of mātauranga Māori were passed on through generations, and these 'matriarchs' were often raised in and around rural te ao Māori (Casey, 1999; Townsend, 2018), moving into cities and forging communities that could create the same sense of being and belonging that Māori know as tangata whenua.

By taking a broader approach that looks to the lived philosophies of gender arising from Indigenous and racialised peoples existing within and without their cultures, we can create more opportunities for theorists of gender to apply performativity in a way that resonates with communities, rather than at a discursive, abstract distance.

Race, gender and performance

The ideas of race, ethnicity and nationality are fraught with tension in the social sciences, but it is most often agreed that they are all constructed rather than predetermined concepts, much like performativity. Here is a brief summary of what this article sees as the key points and distinctions between the three ideas. *Race* is a series of biological and genetic markers which are imbued with meaning to then form the 'idea of race', which is then often applied for eugenics, White supremacy, and inadequate social organisation that reinforces certain notions of political alignment and status (Akerovd, 1994; Anthias et al., 2005; Gillon et al., 2019). *Ethnicity*, meanwhile, is the lived experience of those assumptions of race. Ethnicity is functional but often contested and intimately bound to political needs and historic inaccuracies (Allen, 1994). While ethnic identity is often given validity through perceived race, the two can exist without one another (Gillon et al., 2019). *Nationality* is typically considered to be purely political, typically associated with citizenship and used for organisation rather than any personal identifier (Joseph, 1929/2021; Hertz, 2022).

Butler (1999) has admitted, often in preface or interviews rather than in the core of their works, the significance of how race engages with performativity for highlighting and challenging the "limits of gender as an exclusive category of analysis" (Butler, 1999, p. xvii). Race seems to be the natural direction of performativity, perhaps as the two both deal with the visual and assumptions of identity, over the more cultural ethnicity and political nationality. Despite the clear intersection of Butler's work and theories of race/ism, their work is littered with statements that ignore race and ethnicity entirely, such as: "Bodies cannot be said to have a signifiable existence prior to the mark of their gender" (Butler, 1999, p. 12). The original text of *Gender Trouble* does not refer to race in any significant way, demoting the sole critical racial scholar used—Frantz Fanon—to the notes. Though the edited edition does recognise in the preface that "racial presumptions invariably underwrite the discourse on gender in ways that need to be made explicit" (Butler, 1999, p. xvi), and Butler's later works seek to engage with decoloniality, it is clear that their content

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1 Aotearoa is used in this instance to refer to the proper name of the country pre-colonisation, while New Zealand has been used at all other times as the article deals with issues of colonial import. It is not tika to use the two interchangeably, as they do not refer to the same nation.

may have changed but their habits have not. In *The Force of Nonviolence: An Ethico-Political Bind*, Butler (2020, p. 76) again begins their analysis from "psychoanalysis with both moral philosophy and social theory", rather than environmental or material analysis. It is not difficult to read this work alongside Tuck and Yang's (2012) *Decolonisation is not a Metaphor* and see a clear issue with the approach Butler takes. The prevalence of White, urban and wealthy scholars is particularly of note in Chapter 3 of *The Force of Nonviolence*, when discussing the ethics and politics of nonviolence. Foregrounded are Michel Foucault, Walter Benjamin, Étienne Balibar and Maurice Merleau-Ponty. The engagement with non-White perspectives on violence is placed squarely on Franz Fanon, with a mention of Achille Mbembe's development of Foucault's biopolitics but little else, and nothing of note from the Indigenous Peoples of Turtle Island.

Despite the clear direction of gender to race in Butler's work, Ewara (2020, p. 266) has pointed out that there is a "general silence surrounding Butler's theorizing about race" and rarely does academic work consider how both gender and race are performed simultaneously, outside of foundational texts by authors such Mahmood (2012), Strings (2019), Harrison (2021) and Moreton-Robinson (2020). When race and gender are understood in tandem, it is often from a Western perspective, which does not challenge the ideas at the basis of performance, such as self, other and human. However, by choosing to engage with racial, gendered performativity as more than a translation of one to the other, but actually rewriting the ontological and epistemic assumptions being made, and thinkers being privileged, we see a new form of performativity and agency occur.

Indigenous selfhood

Inhabitants of Te Moana-nui-a-Kiwa largely see all people as being born into a web of relations that extend past space and time within multiple realities that create the individual (Nokise, 2017). So, as Burgess (2023, para. 3, emphasis in original) lays bare, "This is the very nature of our existence as Māori. To *be* is to *be in relation*." This idea is reinforced by Hoskins's (2017, p. 4) speculation that "We come into being not as autonomous entities but always already as relations." Wilson (2015) applies this to the queer experience by arguing that 'coming out' is not the appropriate term for queer Indigeneity, we rather 'come in' to our communities for whatever purpose our full selfhoods lead us to. Once a union of parents occurs, the self is already defined among relations and propriety, so the common trans- experience of self-creation is more of a repositioning than a fundamental change in character. This Māori selfhood emphasises that the subject exists prior to any sort of specific existence. Our pathways have been set for us by ancestors who have died, and those who have not yet lived—the self is entirely social. While such an approach to selfhood appears restrictive, this is not to say that individual agency is entirely extinguished and "the idea that 'traditional' societies are more socio-centric and are without a notion of the individual, bounded, autonomous self has been criticized in anthropology" (Moore, 2007, p. 27). Māori do have a strong concept of selfhood, but also recognise that care for others comes through the self (Kohu-Morgan, 2019), and when selfhood has been denied from you, reclaiming the self as Māori is central to community, and thus, personal fulfilment and well-being (Green & Pihama, 2023). Part of this reclamation of the self for the determination of the whole is intimately grounded in re/understanding Māori ontologies, rather than just reiterating Western ways of being.

Ideas of a Māori self emerge from Māori cosmology—back to the time of gods and creation as an assertion of validity and legitimacy of a specific time of identity grounded in the stages of self-conceptualisation (Green & Pihama, 2023; Mika, 2015). Nikora et al. (2017) apply these cosmological considerations through a whakapapa of Māori creation. Te Kore gave way to Te Pō, which folded into Te Ao Mārama, and then expanded into Te Ao Tūroa. Each of these states can be associated with a figure, as well as a type of self-conceptualisation. For Te Kore, Hereaka (2021) applies the figure of Kurangaituku, the bird-woman of Te Arawa legend. She created herself from within the possibilities of Te Kore, but she

was not recognised as a self until the birds that came from the same nothingness perceived her, and "my identity was defined in relationship to the other – the birds became my negative space" (Hereaka, 2021, p. 22). The selfhood within Te Kore is thus potential, the ability to become. Te Pō can be attributed to the conception of Papatūānuku, where 'nothingness' breeds 'something', an agent which begins to shift the space around them (Grace, 2019). The selfhood within Te Pō is thus origins, the beginning of a state of existence and tapu. Te Ao Mārama is characterised by the separation of Ranginui and Papatūānuku, and the exploits of Tāne-Māhuta. This is by translation the Māori Enlightenment and the beginning of our world, where Tāne set to gather the three baskets of knowledge that connect the abstract and concrete, cognitive and speculative realms of existence (Marsden, 1975; Lilley, 2018), and craft the first human, Hineahuone, from the period blood and labia of Papatūānuku (Ihimaera, 2020). Te Ao Mārama's selfhood comes from communion and dialogue. Finally, Te Ao Tūroa can be attributed to Hinetītama, the daughter of Tāne and Hineahuone who bore the next children of Tāne (Mead, 2016). Upon learning of her father's betrayal and incest, Hinetītama rejected the form Tāne placed upon her and became Hinenui-te-pō, choosing to guard their children in death rather than in Te Ao Tūroa with him (Hereaka, 2021). In this, she achieved the selfhood characterised by Te Ao Tūroa—self-realisation, taking agency over one's life while still fulfilling obligation to others. Through these figures, it is possible to see that Māori do have a complex idea of selfhood characterised by the stages of potential, origin, communion and, finally, realisation.

While there are clearly intersections with performativity in this cosmological timeline of selfhood—particularly in the idea that the self is predominantly created in light of others—gender in this sense is more accountable to forces that humans have no control over. Selfhood involves the active balance of the self-as-inheritor (of status and mana), the self-as-celestial (with the essence and input of gods and spirits), the self-as-necessary (based on physical abilities and context), and the self-as-known (built over time based on personal experiences and development). In the modern New Zealand context, and especially within Māori spaces, it is clear to see that these two philosophies of what it means to be the self are at odds. To borrow framing from Amin (2022), this contrast between autological and genealogical selfhood was made apparent in a New Zealand context by Awatere (1984), when writing that there is an inherent divide between Māori and Pākehā in ways of being and politics, and that centres around the prioritisation of the self versus the other. These philosophical differences spill over into performativity, where the priorities and takeaways of the theory can be easily misaligned, leading to the privileging of Butler's discursive emphasis.

The politics of the self

Self-determination in the Māori sense is intimately linked to identity as tangata whenua. Ormond and Ormond's (2018) conceptualisation of homeland stresses that collective conscience, ritual and shared narrative enrich tikanga and cement the importance of land and community for self-determination. Without the ability to protect and develop land and tikanga, Māori will cease to exist, as written in the whakataukī "Whatungarongaro te tangata toitū te whenua" ("As the people vanish, the land endures"). Self-determination is thus a political action, rebellion against the extinctionist and assimilatory politics that seek to repress Māori identity. How this Māori identity is shaped in relation to this oppression can be harmful, co-opted or assimilatory (Pihama, 2021; Simmonds, 2011; Smith, 2012), but the identity must be agreed upon and acted out by the people in order to be considered self-determined. It is not about any one individual being able to claim a label; rather, the survival of a people and their land (Awatere, 1984). The idea of a self is only important so far as it advances your people, as a whole, and many Indigenous theories, including Kaupapa Māori, must be materially applicable to the communities they seek knowledge from in order to be considered legitimate (Simmonds, 2011; Smith, 2012; Tocker, 2015).

Performativity's emphasis on abstract theorising aligns well to the more discursive Western idea of selfhood which privileges a disconnected individual, but for a more genealogical and relational selfhood,

theory does not translate well. Theorists from within these more relational communities often point out the harsh truth that while historical, philosophical and ontological debates *can* be useful, they rarely provide any tangible, practical intervention (Gamble et al., 2019; Zalewski, 1996). A Māori selfhood, and thus a Māori approach to performativity, must consider the material impacts and effects of gender as its primary origin point. It must not only consider Te Ao Mārama, communion and discourse, but also Te Pō and Te Ao Tūroa, the conditions existing prior to us, and those we exist within.

Some of the more influential works in gender that critique performativity and stress the relational rather than individual process of gender emphasise that the material is not simply the end result of performativity, but an active participant in it, as people embody the philosophies that inform abstract ideas of self and being. Barad's work (2003, 2015), in particular, pushes this further. Rather than zoning in on linguistic-discursive approaches or psychoanalysis, Barad looks at the ontological assumptions that underpin how bodies and selfhood function through their background in theoretical particle physics. This new way of approaching gender, while not directly related to racial contexts, has provided a revitalisation of performativity as a theory concerning a series of intersecting events and entanglements, where knowing, being and material are inseparable from one another (Barad, 2007). If we follow Barad, and apply a new philosophical framework to performativity, there is a somewhat clear path to a theory of Māori gender that admits the material reality of gender performance, the uniquely social and relational importance of gender to Māori and other Pasifika peoples, and the pre-human, unknowable aspects of our world.

The discursive emphasis of performativity is theoretically exciting and rebellious, allowing anyone to break off from social norms and chart their own path, but it rarely crosses into material action. Halberstam (2005, 2018) concedes that while trans- bodies are contradictory, they are not, by virtue of their existence, non-normative or politically challenging. While queer actors can disidentify with normative gender structures by blurring them to externally produce visibility (Eleftheriadis, 2018), Bordo (2003, p. 294) stresses that:

> …subversion is contextual, historical, and above all, social. No matter how exciting the destabilizing potential of texts, bodily or otherwise, whether those texts are subversive or recuperative or both or neither cannot be determined in abstraction from actual social practice.

Conclusion

Performativity is a theory rife with destabilising potential. It offers, at its most optimistic, a way to cut through the reiteration of gender and explore an agency that exists outside of the current options. Butler's work has been rightly heralded as landmark, bringing Foucault's ideas of power to gender relations and refining it across the 30 years of work they have produced. Such a pedestal has, however, resulted in issues of transference. Racialisation in performativity is overwhelmingly an effort of translation, often looking at how race is performed, or how gender is impacted by race. Rarely does literature look at how the performance of race and gender coexist, or how our approach to one can be tweaked by considering our approach to the other. By investigating how performativity derives from Western notions of selfhood, we can mirror that trajectory and consider Māori selfhood. From there, a Māori theory of gender that draws on the useful parts of performativity, and dismisses universalising Western notions, can be created. This framework draws from local contexts, structural and material analysis, and linguistic-discursive experiences to consider how, on both a microsocial and macrosocial level, gender is embodied, reiterated and used by both individuals and collectives. Textuality, existence, embodiment and the litany of individualised theoretical terms used when referencing performativity are useful up until the point of social change, when theory needs to step aside, and an experience-driven, contextually informed theory of performativity comes to the fore.

Glossary

Kupu Māori	Brief English translation
hīkoi	directed march/protest walk
mana	authority, power bestowed upon an individual
manaakitanga	extended warmth
mātauranga	combined knowledge
pōwhiri	process of clearing the way upon first meeting
tangata whenua	people of the land
tapu	state of spiritual restriction from divine realm
te ao Māori	the normal world, non-divine, Indigenous centred
te kore	a state of potential nothingness
te Moana-nui-a-Kiwa	reclamation of Polynesia, Melanesia, and Micronesia
te ao mārama	the first light
te pō	the long night of something
te ao tūroa	the long day
tikanga	proper way of acting
wero	challenge
whakapapa	three-dimensional genealogy
whakataukī	ancestral wisdom
whakawāhine	those who move into femininity

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Trans Film and Theatre in Practice: Emerging Artists in Aotearoa Speak to Industrial Challenges and Opportunities

Paige Macintosh*

Abstract

This article summarises discussion points raised at a recent Rainbow Studies panel between trans scholars and creatives from across Te Whanganui-a-Tara Wellington. In discussing their work in various local film and theatre projects, trans creatives Jules Daniels, Seren Ashmore and Willem Koller—in a discussion led by Missy Molloy and Paige Macintosh—shed light on the industrial realities, opportunities and challenges that inform contemporary trans film and theatre in Aotearoa. What trends do these creatives see in emerging local trans media and what do they consider critical to contemporary depictions of gender diversity? How do their trans and genderqueer identities impact their creative practice? And what might their experiences reveal about a nascent trans culture in Aotearoa?

Keywords: Aotearoa; transgender; media; authorship; embodiment

Introduction

As trans scholarship moves beyond debates about good versus bad media representation (Keegan, 2022), opportunities emerge for researchers to attend to trans creatives' lived experiences, particularly of those living and working outside of the United States. This movement away from discussions of mainstream, cis-authored productions—which tend towards reductive and trauma-fixated transition stories—to consider more radical and affirming forms of trans media produced by trans creatives has led to a renewed interest in media authorship (Horak, 2017; Keegan, 2018; Steinbock, 2019). An emerging trans-authored category of media and performance depends upon significant contributions by trans and gender-diverse creatives—as performers, writers, directors, scholars and viewers, to name a few—to deliver and meaningfully respond to genuinely trans-authored and oriented stories. This article spotlights the experiences of early-career creatives who are part of a broader movement of interdisciplinary artists in Aotearoa/New Zealand (hereafter, Aotearoa) who are overturning cisgender storytelling conventions to assert realities and fantasies of gender diversity and nonconformity. The insights presented below summarise and contextualise discussion points raised at a November 2023 Rainbow Studies panel—Writing, Performing, and Screening Trans in Aotearoa—which featured trans scholars and creatives from across Te Whanganui-a-Tara Wellington.[1] Reflecting on the conversations that arose during this roundtable, which I led alongside Missy Molloy, I draw attention to the ways that trans people negotiate different media landscapes as they relate to trans and non-trans communities. By talking through their work in various local film, theatre and performance projects, trans creatives Seren Ashmore, Jules Daniels and Willem Koller shed light on the industrial realities, opportunities and challenges that inform contemporary trans film and theatre production in Aotearoa. Emerging from this roundtable exchange were several compelling questions: How do these

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[1] The original panel from which this article draws featured as part of the Rainbow Research Network's 2023 symposium: Rainbow Studies NOW.

creatives engage with mainstream media? How do their trans and genderqueer identities affect their creative practices? And finally, what might their experiences reveal about a nascent trans culture in Aotearoa?

Our roundtable provided an opportunity for early-career trans creatives to speak back to transnormative media practices and explain how their own work challenges those traditions that they inherited but do not want to sustain.[2] All three participants spoke with enthusiasm about genre's power to address alternative forms of trans embodiment. They also celebrated innovative approaches to coming-out narratives and expressed frustration with mainstream trans representation. Regarding media production's more practical aspects, the panellists likened their own creative processes to Fourth Cinema, an influential account of Indigenous cinema originally proposed by Aotearoa's Barry Barclay, in that they privileged a trans worldview when producing trans media. They also discussed theatre's ephemerality and the complications arising from community collaboration. While talking through these issues, they shared concerns about accessibility and the fraught power relations underpinning local film and theatrical production. Ultimately, the roundtable and its presentation of its key points reveal fundamental tensions between mainstream culture and the work these trans artists want to see and produce. Their comments suggest that, in contemporary trans-led media and performance, issues related to trans embodiment take precedence over 'trans representation' (in the most literal and reductive sense). Meanwhile, in industries dominated by cis creatives, producers and audiences, complicated power relations underscore the community's ongoing vulnerability.

Critical contexts: Debates currently occupying trans scholarship

Trans media scholarship is a continuously evolving field. Responding to emerging pop culture and media studies trends, the discipline is in constant conversation with trans media critics, audiences and creatives. This dynamic is essential to the discipline's capacity to attend to rapid changes in trans media production and reception. Screen histories of gender variance date back to film's silent era, but only in the past few decades have recognisably transgender characters emerged. Appearing initially as psychotic killers (*Dressed to Kill*—De Palma, 1980) or comic relief (*The World According to Garp*—Hill, 1982) and later as 'pathetic' (*Transamerica*—Tucker, 2005) or 'deceptive transsexuals' (*Ace Ventura: Pet Detective*—Shadyac, 1994; see Serano, 2007), mainstream trans characters evolved into preternaturally tragic figures early in the 2010s (*Dallas Buyers Club*—Vallée, 2013; see Cavalcante, 2013). This representational shift—from perpetrator to victim of screen violence—both responded and contributed to trans people's increased visibility since the so-called 'trans tipping point' (Feder & Juhasz, 2016; Steinmetz, 2014). But most recently, the popularity of inclusive casting practices and calls for 'for us, by us' media authorship have had the greatest impact on trans media scholarship. As trans-affirmative casting became more prevalent in film and television production, arguments among scholars about the need for positive representation gave way to discussions about who has the right to produce, write and claim legitimacy for trans narratives (Macintosh, 2023).

Underpinning trans media scholars' increased attention to performance authenticity and credible authorship are concerns trans scholars raised as far back as the 1990s: that the field was not adequately invested in real trans communities, but rather in the propagation of fantasies about trans communities that originate in and reinforce cis imaginaries (Namaste, 2005; Prosser, 1998). In 1997, Jacob Hale outlined rules for scholars writing about trans subjects. In doing so, he challenged academics to interrogate their own positionality and address trans people's historic subjugation: "Don't imagine that you can write about the trope of transsexuality, the figure of the transsexual, transsexual discourse/s, or transsexual subject positions without writing about transsexual subjectivities, lives, experiences, [and] embodiments" (Hale,

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[2] Austin H. Johnson (2016, p. 466) defines *transnormativity* as a hegemonic ideology that "structures transgender experience, identification, and narratives into a hierarchy of legitimacy dependent upon a binary medical model and its accompanying standards, regardless of individual transgender people's interest in or intention to undertake medical pathways to transition".

2009). What Hale's ground rules did not address was how research into creative industries might redress the exploitation of trans "subjectivities, lives, experiences, [and] embodiments," which is precisely the work Alexander Eastwood (2014), Laura Horak (2017), Cáel Keegan (2018) and Helen Hok-Sze Leung (2014) undertook in the decades following Hale's publication. Their research foregrounds trans creatives, trans media production and trans spectators, thereby raising provocative questions about trans media-making in the twenty-first century: Is trans media work that features trans characters and/or work made by trans creatives? Can it be work that appeals to trans audiences regardless of whether it was trans-authored or includes trans characters? Considering the high level of competition in the creative industries, which also tends to be quite costly, who should be supported in making trans media? These questions turn on the thorny subject of how trans authorship claims are negotiated within inherently collaborative industries, like film, television, theatre and live performance.

Trans scholars and creatives continually wrestle with these questions; as such, this roundtable sought to reframe these debates within the national context of Aotearoa to offer new perspectives. Responding to Jay Prosser and Viviane Namaste's original demands for trans scholarship invested in trans communities, Molloy and I invited three local trans creatives to discuss their experiences as both trans media viewers and creatives. In doing so, our aim was to contribute to the debates outlined above while working towards and refining a specifically Aotearoa trans culture. While scholars such as Will Hansen (2022) have successfully illuminated trans legacies within Aotearoa's gay liberation movement, attention to the country's trans media history is in an early stage. This invisibility is no doubt linked to the conspicuous absence of trans people from the culturally dominant cinema and television of the past few decades. That said, the financial and critical successes of *Rūrangi* (Currie, 2020)—the locally produced trans film which broke new ground by foregrounding trans viewpoints and was picked up for global distribution by Hulu— demonstrated the commercial viability of state-funded trans media, thus signalling a turning point in local trans media production and reception. The independent drama follows trans activist Caz Davis (played by Elz Carrad) as he returns to his rural hometown (Rūrangi) for the first time since beginning his gender transition. The web-series-turned-feature-film modelled a radically inclusive production process, centring both trans and Indigenous voices as it grappled with issues of identity, community and environmental activism. The series and film's cultural significance was mentioned and reiterated at multiple points throughout the roundtable, with the panellists repeatedly referencing it as an aspirational text. That being the case, our conversation with Ashmore, Daniels and Koller sheds light on the specificities of trans media production in Aotearoa in the wake of a *Rūrangi*-inspired sea change, which prompted the panellists to explore the relationship between their trans identities and creative practice at greater depth. Repurposing the trans media debates outlined above to the specific national context of Aotearoa reveals rich opportunities to explore the uniquely compelling dynamic between trans communities and trans media production.

Defying trans storytelling traditions

The Writing, Performing, and Screening Trans in Aotearoa panel featured three early-career trans creatives: Jules Daniels (a non-binary trans-masc creator working in the local comedy, theatre, film and drag scenes), Seren Ashmore (a trans filmmaker working mostly in camera and art departments) and Willem Koller (a trans filmmaker interested in scriptwriting, directing and editing). At the time of the symposium, Koller had recently finished his first short film, *NEST*, which he wrote, directed and co-edited (Koller, 2023). Ashmore also contributed to the project, working as 1st Assistant Camera, art director and graphic designer. The roundtable kicked off with the panellists discussing their relationship with mainstream trans media: their first encounters with trans characters on screen and the impact these works had on the evolution of their creative practice. The discussion repeatedly mentioned frustration with work like Tom Hooper's *The Danish*

Girl (2015), which they cited as exemplary of mainstream media's problematic treatment of (and fixation on) trans femininity and its hyperbolic focus on dysphoric trans bodies (sentiments echoed by Feder and Juhasz (2016), Keegan (2016) and Straube (2020)). For Daniels, films like *The Danish Girl* "overly sexualise … and sensationalise" trans women while simultaneously marking them as tragic figures. *The Danish Girl's* trans protagonist is typical of the 'Indiewood' prestige films popular (and profitable) during the 2010s: Lili Elbe is a pathetic figure obsessed with feminine garments and driven by crippling gender dysphoria that ultimately leads to her death (Filippo, 2016). Daniels's commentary on the tragedy of her narrative arc echoes trans scholars' concerns with mainstream media's persistent pathologisation of trans characters. According to Keegan (2013), trans identity "has been sutured to specific forms of negative affect—rage, sorrow, wishfulness, denial"—as instruments of pathologisation and "expressions of what is imagined to be an inherently dysphoric ontology". For the likes of Lili Elbe, as depicted in Hollywood cinema, dysphoria is tantamount to self-hatred and tragedy; therefore, becomes "the defining paradigm for narrativizing gender variance" (Cavalcante, 2013, p. 88). As Daniels explained, the message trans audiences receive from mainstream media texts such as *The Danish Girl* is "I'm undesirable, I'm going to be alone and I'm going to die trying to be happy with myself."

For Koller, such disregard by the media for trans audiences is the driving force behind the problematic nature of their *mis*representation. By appealing primarily to cis spectators, mainstream media that delves into trans issues (by, for instance, including a trans character marooned among cisgender people) often produces content that functions primarily as 'introductions' to trans identities (thereby excluding communities that are quite familiar with them). According to Koller, this 'Trans 101' media holds little appeal for trans audiences: "I don't feel like I gain anything from stuff like that … it's teaching the basics of transness and not very well (in the case of *The Danish Girl*)." Simply put, the sensational (and often sensationalised) allure transness holds for cis characters and audiences does not translate for viewers already immersed in trans communities and cultures. While trans viewers applauded Daniela Vega's casting in *A Fantastic Woman* (Lelio, 2017), for example, they were less excited about the character's "spectacular" depiction (Macintosh, 2023). Koller acknowledged that such media could be useful for normalising trans identities, but he was "a little bit less interested in it. It's stuff [he] wouldn't make". The panellists made little distinction between debatably well-meaning introductory texts like the Academy Award-winning Chilean film and films peddling the tragic tropes condemned by Daniels. In the case of *The Danish Girl*, the film's liberal appeal to cis audiences was the crux of its failure to land with trans viewers. Such media does not merely introduce mainstream audiences to trans people, it pedagogically employs sentimentality to evoke pity for trans characters (thus rendering them as tragic failures that shore up the comparatively successful cis identities juxtaposed with them; for example, Lili's wife Gerda in *The Danish Girl* and Ron Woodroof in Jean-Marc Vallée's 2013 film *Dallas Buyers Club*). Since sentimental pedagogy aims to generate compassion for one individual rather than inspire social change for a collective (Piontek, 2012), films like these inevitably reinforce the (transnormative) status quo. Indeed, *The Danish Girl* leaves the historical social and ideological structures that inform the film's tragedy intact, rather than interrogate the transphobia embedded within them, which remains evident in contemporary culture (Filippo, 2016).

The panellists' intense frustration with traditional media and performance formed the backdrop from which their own work emerged. This process has two stages. First, the panellists drew attention to their recognition of the absence of certain types of representation, particularly trans masculinity. *Time's* much discussed "transgender tipping point" (Steinmetz, 2014) might have signalled a new era of trans visibility within mainstream media in the mid 2010s, but increased visibility did not herald a new era of trans liberation (Aizura et al., 2014). Visibility, in this instance, meant hyper-visibility — and increased vulnerability — for trans women in particular (Aizura, 2018). For Daniels, trans men and non-binary people's relative invisibility inspires them to introduce their own representation in a paltry field: "I really wanted to try and be that representation, to show that we could get somewhere and make it." Secondly,

Ashmore's and Koller's exasperation with mainstream media tropes—including mirror scenes, transphobic violence and psychotic trans killers—compels them to write and shoot unconventional screen narratives that undermine and reclaim elements of this problematic tradition. Despite criticising the oversaturation of coming-out stories throughout the roundtable, Koller's short film *NEST* is in many ways a surreal repurposing of this same narrative, albeit with a focus on the internal process of "coming out to yourself". Using pregnancy horror as a metaphor "for the feeling of being forced to come to terms with something that is growing inside of you, something inexorable" (Hewison, 2023), *NEST* employs body horror to depict the emotional experience of trans self-actualisation. By emulating David Cronenberg's surrealist approach to body horror—and refusing to label any of his characters as explicitly trans—Koller subverts the trans killer/victim tropes firmly rejected by trans communities:

> I would be too afraid to inflict pain on realistic trans characters because that's awful to watch and to experience. But if we get to play pretend, the funnest [sic] parts are the violence and the drama of it all.

For Koller, how filmmakers use recognisable tropes is key to repurposing them. In *NEST*, mirrors and violence "enhance the specific feeling" of being trans rather than representing actual trans experiences and the film's generic elements clarify that purpose, repurposing trans villains as a manifestation of internalised transphobia.

Koller's reliance on body horror to subvert otherwise transnormative tropes speaks to the panellists' interest in genre filmmaking as a transgressive mode of trans storytelling. For Koller:

> … a lot of the feelings that are explored within the genre, disconnection from the body and the feelings surrounding that, feeling like your body is taking you places you can't control … I just always thought that was super trans.

In terms of cinematic influences, the panellists repeatedly referenced the films of David Cronenberg and John Waters. For Koller, these filmmakers' depictions of grotesque spectacle spoke to his own trans experiences, despite neither filmmaker identifying as trans. Complicating arguments about who can write trans stories, Koller identifies a particular trans "feeling" he associates with Cronenberg's films: "To me, I think he makes super trans films … like for me *The Fly* [Cronenberg, 1986], that's a trans guy. That is a trans masc story. That's just how I've always taken it." Ashmore similarly associates transness with monstrosity and the posthuman when discussing his own short film *Lazy Boy* (Ashmore, 2015), arguing that the way his film's monster is "part of the machine … his body is not fully human" is "very trans". Both filmmakers demonstrate an affinity for horror filmmaking, despite the genre's problematic history.[3] The psychotic trans killer may have emerged from this same tradition, but by turning away from literal trans representation to surreal depictions of trans embodiment, both Koller and Ashmore contribute to an emerging canon of progressive trans horror.[4]

For both filmmakers, the horror genre offers opportunities to move beyond typical transition narratives to focus on exploring trans embodiment on screen. Accordingly, horror could convey what they regard as uniquely trans experiences without betraying any weaknesses of the pitiable trans figure in *The Danish Girl.* In doing so, they reject tragedy, rooted in realistic conventions, in favour of more playful and cathartic genre storytelling. Death and violence, in the context of camp horror, can be playful and pleasurable for both performer and audience. The on-screen violence in a slasher film, for example, does not translate into a traumatic viewing experience for fans of the genre. As Koller explained, death "gets too

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[3] This is not to say that all trans people have an affinity for body horror. One trans member of the audience expressed discomfort with the associations Koller's film made between pregnancy and monstrosity.
[4] Jane Schoenbrun's I Saw the TV Glow (2024) is a recent example of this type of filmmaking.

complicated when you're grounded in reality. I don't want to [get into] that. I want to play with all of the parts of film that are exciting." In Koller's view, violence is both liberating and joyful when performed within certain generic expressions, which lends it a critical function it would not otherwise perform. An emphasis on trans embodiment, rather than literal trans characters, was critical to this process of depicting trans perspectives. Koller explains that in *NEST*, "No one is a trans character; they're representing a trans feeling", although it was still important "to have trans people portray the trans feeling because obviously they understood it and could perform it better". Similarly for Ashmore, *Lazy Boy* is not textually trans but rather is inherently "trans because I am trans and the people I'm around are trans… it's a good example of the way just having trans people there brings transness to the fore." These comments revitalise debates about trans-affirmative casting. For these creatives, it was not enough to simply have trans performers play trans roles. For their creative projects to fully capture a sense of trans embodiment they needed to be immersed within trans communities. For both filmmakers, repurposing trans embodiment in their screen work is a critical tool for circumnavigating troubling tendencies they identify in mainstream trans representation.

Trans media making in Aotearoa

Underpinning these conversations about trans embodiment were questions about authorship. Koller's and Ashmore's comments assume that trans-authored media inevitably invests the work with a trans sensibility. But film, television and theatre's collaborative structure complicates this assumption—particularly in an era when mainstream cis media producers often wield trans consultants, writers and performers as markers of cultural legitimacy while withholding creative control and financial profits for themselves (Macintosh, 2023). For the roundtable panellists, the aim was not to have a single trans author but to hire trans creatives at all levels of production, a practice they model after Fourth Cinema. An Indigenous filmmaking philosophy defined by Māori filmmaker Barry Barclay and based on his own filmmaking practice, *Fourth Cinema* privileges the Indigenous gaze and the Indigenous audience. According to Barclay (1990, p. 9), Indigenous peoples were attentive to how they might "take this maverick yet fond friend of ours—the camera—into the Māori community and be confident it will act with dignity". One response was to hire as many Māori cast and crew members as possible, using every production as an opportunity to upskill within the community. This philosophy of story sovereignty appealed to the panellists, inspiring a similar 'for us, by us' movement. Daniels spotlit the work of Barclay and Merata Mita (a Māori filmmaker and contemporary of Barclay's), comparing the way Māori stories were traditionally told "from a colonised viewpoint" to the way cis perspectives dominate mainstream trans storytelling. Daniels argued that "unless you're part of that culture, you're not going to understand" their stories. Koller explicitly acknowledged Barclay's influence on *NEST*'s production: "I was always really inspired by the way he wanted to make Māori films with as many Māori cast and crew as well." His experience working with a primarily trans production team was transformative and—according to Koller—critical to the film's success, both in terms of efficiency ("it takes so much less explaining" when they "completely understand … visual references") and validation ("They knew the feeling I was talking about."). For Ashmore, Daniels and Koller, Māori filmmaking practices and scholarship transformed their own creative practice and distinguished Aotearoa film and theatre traditions. Moreover, by connecting their work to a wider legacy of Indigenous storytelling, the panellists demonstrated the importance of solidarity, both between and within marginalised communities.

Indigenous and trans filmmaking practices intersect in *Rūrangi*'s production. The show's pre-production process reflected its commitment to trans and Māori inclusivity: Fifty-nine per cent of the show's cast and crew were trans or gender diverse and the filmmakers established an advisory board of trans consultants with veto power over the production ((New Zealand International Film Festival, 2020).

The team brought Tweedie Waititi on board during the first film as a Māori consultant and hired Briar Grace-Smith as the sequel's co-director. According to writer Cole Meyers (2020), the production set up a paid internship programme for the film (funded by the New Zealand Film Commission), pairing trans interns with heads of departments to help upskill a future generation of trans filmmakers. For Meyers, "It was important that there was an opportunity for trans people to be involved in the film industry and that we plant a seed for the future talent" (New Zealand International Film Festival, 2020). The panellists read this commitment to inclusive production practices as an extension of Barclay's Fourth Cinema and as a model for them to emulate. As Koller explained, they saw what the *Rūrangi* crew was doing and thought, "That's exactly what I want." Koller's *NEST* was similarly committed to not only hiring as many trans cast and crew members as possible, but using the production as an opportunity for these creatives to learn from more experienced industry members. For Daniels, the lack of trans elders in creative fields reflects wider accessibility issues and a "real loss" to the community. They recognised *Rūrangi* as an attempt to address these gaps. Although the panellists celebrate *Rūrangi* as a turning point for local trans cinema, both in terms of its content and production, it remains one of only a few trans media productions to come out of Aotearoa since its release in 2020.

Trans theatre performance, on the other hand, offers more opportunities for these young trans creatives to practise their craft. In comparison to film and television, drag provides an immediacy that the panellists found compelling. Koller compared his experiences as a film director and drag king, explaining that film was "a very slow-moving industry" whereas drag was "the complete opposite, it's such an immediate thing, it's so interactive with the audience". Its ephemerality was both a blessing and a curse: drag can be spontaneous and reactive but lacks cinema's resilience. Koller continued, "With drag, it's much less permanent. It's there in the moment and then it's gone and that's the beauty of it." Film, on the other hand, allows trans people to "make [their] mark in history", as Daniels put it. Throughout the roundtable, the panellists compared Aotearoa's drag scene favourably to *RuPaul's Drag Race*, spotlighting the country's diverse range of performers. Wellington in particular boasts a considerable number of drag kings, as well as an 'Anti-Pageant' competition celebrating Aotearoa's top Drag Monster. These 'monstrous' performances are emblematic of the campy body horror showcased in Koller's film and a testament— according to Koller—to the work of local organisers like Amy Thurst: "There have been lots of people within the community who have really put in the mahi [work] to shift the narrative" away from more the more traditional, feminine drag featured in *RuPaul's Drag Race* (Murray, 2009–present). For Koller, takatāpui performers like The Tīwhas (a live singing Māori drag ensemble) are quintessential to Aotearoa drag. They're not "something you're gonna get anywhere else and that's incredibly valuable". For all three creatives, local drag was a rich source of creativity and community from which they could develop their own artistic practice.

Conversations around the importance and fallibility of community for locally produced trans media recurred throughout our discussion. Both film and theatre are inherently collaborative industries (Gaut, 1997). Low-budget, independent productions are even more reliant on community support. For Koller, drag culture fosters the kind of community that made his film possible: "When you're performing weekly with the same … group of people you become very close … What made us able to move into making the film version of *NEST* was because we ha[d] those tight-knit communities." Koller financed *NEST* through local crowdfunding site Boosted and relied heavily on the drag community for fundraising. It was this same sense of community that the panellists felt was missing from mainstream trans representation. Daniels found an "eerie loneliness" permeated films like *The Danish Girl*, which omits references to Berlin's vibrant trans culture despite being set in the city during the 1920s (Filippo, 2016). But while community support plays a critical role in these creatives' work, it came with its own set of problems. Daniels noted that transphobia and misogyny remain an issue in some parts of the drag scene and recounted some troubling

behaviour they encountered while performing.[5] For Daniels, "You can't separate how insular the community is", especially when "everyone's competing for a small amount of resources". Lack of funding for local arts emerged as a significant concern for the panellists, reinforcing their reliance on community fundraising and material support. Like Koller, Ashmore depended on friends and classmates during *Lazy Boy*'s production. Community was, in these instances, the only means by which these creatives could counter chronic underfunding of the arts.

Industrial relations: Flaws and frustrations

The trans masculine underrepresentation panellists identified in mainstream media was in some cases replicated on the local scene, marginalisation that extended to disabled performers and people of colour. The panellists' concerns spoke to general accessibility issues impacting trans creatives in local film, television and theatre. Trans scholarship clearly illustrates how trans groups—in particular, trans People of Colour—experience marginalisation within mainstream society and queer communities (Irving, 2008, p. 5; Stryker 2017, p. 138). Although drag is comparatively more accessible than film and television production, it requires an enormous amount of time and funding. Daniels pointed out how *RuPaul's Drag Race* normalises expensive lace front wigs and professional costuming, thereby making the art form less accessible to younger trans performers. According to the panellists, the show celebrates a "certain style of drag": feminine, polished and extravagant. Even the more inclusive events discussed above, such as Thurst's Anti-Pageant, remain inaccessible to wheelchair users. As Daniels pointed out, "There is no place in Wellington that has a green room that's accessible." Film and television's prohibitive costs, meanwhile, also exacerbate trans people's marginalised status: if trans people are "more likely to be denied housing, work and healthcare" (Irving 2008, p. 40), it follows that they are less likely to have the capital to invest in film or television production. Trans creatives' underrepresentation in local screen media is therefore an extension of their wider disenfranchisement.

Throughout the roundtable, discussions about trans productions often returned to the leadership roles and power (im)balance between cis producers and trans creatives. Ashmore, Daniels and Koller were committed to having trans workers in all levels of production, but they were particularly cognisant of trans people's underrepresentation in leadership roles. For them, hiring trans writers, producers and directors was critical for trans media-making going forward. But Koller also acknowledged how valuable cis producers could be for inexperienced trans creatives, provided they were committed to uplifting trans voices. Koller collaborated closely with cis producer Dean Hewison on *NEST*. The two met in a film production course at Te Herenga Waka | Victoria University of Wellington, when Hewison was a lecturer and Koller a student. Hewison was both producer and mentor, providing invaluable support for the first-time filmmaker. As Koller explained:

> [Hewison made the film] better because he had industry knowledge. He has a lot of experience. And completely poured himself into helping with those aspects he knew so much more about. But he sat back on anything I was more competent in and he … made an effort to let me move into those spaces. I think that's where we worked really well together, because we had really opposite strengths. And we respected where each other sat. I think anyone could be involved with any project, as long as they're only doing the parts that they're suited for. And they can actually bring something to them. I think the problem comes when they try to overstep into places where trans people should be.

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[5] Although there are many trans drag performers in Aotearoa/New Zealand, it is worth clarifying that drag and trans communities are not synonymous.

According to Koller, Hewison's professional input was always in service of Koller's vision and this contributed to the film's eventual success. But as Daniels pointed out, this is not necessarily typical of cis producers. Daniels explained that they see a lot of non-binary and women-only shows curated by cis producers that use problematic language while simultaneously trying to profit off their show's assumed progressiveness. As they put it, "It's hard when it's out of your control." Ultimately, what the panellists desired above all when working with cis creatives was accountability and the freedom to express their own artistic vision.

Our panellists' investment in media made by and for trans communities inevitably raises questions about their works' intended audience. For Ashmore, Daniels and Koller, the ideal audience for their work was always the trans community. As Koller explained, "The audience that I'm thinking about … when I'm writing is just trans peers and trans artists I admire. I want to be in conversation with them." For *NEST*, this comes across through community in-jokes and cultural references. In online trans communities, the term 'egg crack' refers to the first stage of self-realisation for trans people: the moment they first come to terms with being trans. And in *NEST*, Mother's egg 'cracking' is the point where "she finds her strength and asserts herself and becomes really protective". Koller uses this as a metaphor for his own trans becoming, a moment he argues is recognisable to many community members. But writing for a primarily trans audience does not mean these creatives' work has no value for cis people. For Daniels, when they perform at comedy shows, they're working on the mode of: "It could be for anyone; it's not for everyone." They went on to explain that trans content can speak to universal truths: "Quintessentially we all know what it's like to be othered … there are things that you feel being trans that are just extensions of the human experience." Moreover, everyone is impacted by gender roles "and societal expectations of those gender roles". There is an underlying tension to these responses, between the desire for their work to be shared and anxiety about losing control of its reception. Koller's reclamation of transnormative tropes, for example, might appear less transgressive when screened at a mainstream festival. But they ultimately return to a desire to share something of their own experience. Films like *NEST* and *Lazy Boy* might not be read as trans by cis audiences, but the filmmakers hope "that they feel something unique" while they watch. As Koller says, "I hope that they just feel a different feeling that they haven't felt before. That would be the coolest thing for someone that far away [from trans experiences]."

Conclusion

In her 2017 article "Tracing the history of trans and gender variant filmmakers", Laura Horak advocates re-evaluating the trans media canon. Arguing that "most writing on transgender cinema focuses on representations of trans people, rather than works made by trans people" (p. 9), Horak asks scholars to instead centre trans-authored media productions in their research. Our roundtable responds to such provocations by spotlighting trans writers, directors and performers' perspectives. Bringing Seren Ashmore, Jules Daniels and Willem Koller into conversation with trans scholarship creates opportunities to explore many of the issues currently occupying trans communities: their frustration with mainstream media, their investment in collaborative media-making practices, and their economic vulnerability. Reflecting on the conversations prompted by the Writing, Performing, and Screening Trans in Aotearoa roundtable, this article has outlined these artists' rejection—and at times subversion—of the mainstream media tropes that informed their introduction to trans screen stories. Their interest in trans embodiment in lieu of traditional transition narratives mirrors wider trans media-making trends, but their interest in Fourth Cinema speaks to the specificities of Aotearoa trans media production. Ultimately, this work reveals trans communities' need for accountability, community collaboration and financial capital in their pursuit of a local trans media tradition.

Acknowledgements

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Taking Comfort in the Binary: Examining Language, Gender and Sexuality in a Sports Organisation

Stephanie Foxton[*]

Abstract
Sport, like any social institution, plays a key role in shaping society. It has thus been a focus across many disciplines, including sociology and linguistics amongst others. Previous findings indicate a noticeable exclusion of the Rainbow community, with instances of homophobia, sexism and transphobia reported as widespread in most sporting contexts. To redress these recognised issues, sports organisations, as institutional guides in their respective codes, are increasingly expected to promote social inclusion by creating and enforcing diversity and inclusion policies and through leading by example in their own practices. As a sociolinguistic researcher, I investigate these everyday organisational practices through the lens of language, gender and sexuality. Using approaches from linguistic ethnography, in particular those developed by the Language in the Workplace Project, this research examines how wider social discourses are reproduced in a sports organisation. Working with a regional sports organisation in New Zealand over a period of five months, the analysis draws on a data set comprised of ethnographic field notes, workplace documents, and around 25 hours of audio-visual recordings of naturally occurring workplace interactions (e.g., office small talk and team meetings) alongside follow-up interviews with participants. By analysing talk in this setting, and by investigating interaction between society and language more broadly, we gain deeper understanding of how, and potentially why, discourses of transphobia, homophobia and sexism remain prevalent. The findings suggest that while the cooperating organisation makes a public commitment to inclusion in sport (e.g., by developing policies, publishing guidelines that emphasise inclusion, and investing in various inclusion initiatives), in their daily work practices they often revert to binary thinking in regard to gender, sex and sexuality identities. This leads to recurring discourses of exclusion and repeated microaggressions within the workplace, such as presupposing heterosexual relationship structures and using assumed pronouns. Despite talking the talk, this particular organisation is taking a few stumbles when trying to walk the walk.

Keywords: language, gender and sexuality; workplace discourse analysis; sports organisations; interactional sociolinguistics; ethnographic approach; Rainbow inclusion

Introduction

Throughout the history of sport, there has been noticeable inequalities (e.g., opportunities, funding, development) between male and female athletes (English, 1978; Hargreaves & Anderson, 2014) and an exclusion of lesbian, gay, bisexual and transgender (LGBT) sportspeople (Krane, 2016). Much of the research into sport settings has found instances of homophobia (Brackenridge et al., 2008), sexism (Fink, 2016; Goldman & Gervis, 2021), and transphobia (Smith et al., 2012). The findings demonstrate that such instances are not isolated but are widespread within sporting contexts and are not confined to one sport or level (Spaaij et al., 2014). There has been a focused attempt to redress these issues with numerous sports organisations creating policies and guidelines to support LGBT athletes (Kelley, 2020; Lawley, 2019). However, despite these interventions, instances of transphobia, homophobia and sexism within sport remain (see Denison et al., 2021). In a study by Menzel et al. (2019), 82% of participants had witnessed homophobic or transphobic language in sport in the previous six months and transgender women were

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most likely to report that they had been the victim of direct discrimination. Moreover, 90% believed that homophobia and transphobia was a current problem in sport settings.

In this article and the wider project on which it reports, I bring together existing knowledge from the areas of language, gender and sexuality, language in the workplace, and the growing field of sports linguistics, to study the prevalence of heteronormativity within sports organisations. Aligning with queer theory, as operationalised through discourse analysis and adopting the goal of examining the pervasiveness of cisheteronormativity within these organisations, I explore the use of language and the (re)negotiation of gender, sex and sexual identities by individuals within sports organisations. It is important that we investigate discourse within this context to gain a deeper understanding of how, and potentially why, transphobia, homophobia and sexism are still prevalent within sport settings. Sports organisations play a key role in creating and enforcing policies for the inclusion, or in some cases the exclusion, of Rainbow athletes (Stewart et al., 2021).[1]

Theoretical framework

Queer theory has been a valuable tool to critically debate sport and the gender and sexuality issues within it (Caudwell, 2006). Queer theory aims to not only examine 'queer' behaviour but also "increase understanding of human behaviour and to question exclusionary theoretical assumptions across academic disciplines" (Barrett, 2002, p. 25), with theorists analysing gender and sexuality as socially and culturally constructed concepts (Motschenbacher & Stegu, 2013). The field evolved from feminist cultural studies and gay and lesbian (now, LGBT or Queer) studies and has a primary aim of combating social inequality (Morland & Willox, 2017). In addition to being used as an analytical tool for research into gender and sexuality issues in sport, queer theory played a key role in shaping the direction of research into language, gender and sexuality and a shared aim of redressing gender disparities within society that are echoed in, and reinforced by, language use (Meyerhoff & Ehrlich, 2019).

As a discourse analyst in the critical sociolinguistic tradition, in my exploration of language, gender and sexuality, I subscribe to the principles of social constructionism, taking the stance that meaning exists in the interactions between people, each other and the world (Bo, 2015). This is best demonstrated in Gee's (1990, 2015) concept of Big 'D', little 'd' discourses. *Discourse* (with a capital 'D') is institutionalised 'traditional' ways of interacting and doing things, and *discourse* (with a small 'd') is the everyday talk through which these Discourses are expressed, and in turn created and sustained. That is, interactions between people create Discourses, which over time are regarded as 'common sense' and are accepted and normalised as a means of expression. In this way, Discourses regarding gender, sex and sexuality impact on the construction of gender, sex and sexual identities which are understood as negotiated with others in interaction. To explain this complex connection between identities, discourse and Discourse, I offer the following example in Table 1. Discourses around sport have created a fixed view of what it is to be a man and a woman and have also categorised various sports based on their 'appropriate' gender.

Table 1: Examples of Discourse regarding masculinised and feminised sports

Gender	Sport	Stereotype
Male	Football	Heterosexual/straight
Female	Football	Lesbian/gay
Male	Gymnastics	Gay
Female	Gymnastics	Heterosexual

Source: Adapted from Englefield (2012).

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[1] Rainbow is used throughout this article and refers to people who identify as lesbian, gay, bisexual, transgender, takatāpui, queer, intersex and asexual (LGBTTQIA+).

These Discourses uphold the traditional view of sport but also enforce the stereotypes of sportspeople who both align or step outside these ideas. As seen in Table 1, a sportsperson who participates in their 'gender appropriate' sport is assumed to be heterosexual. Thus, constructing a female gender identity as a gymnast or a male identity as a footballer simultaneously presupposes an expectation of heterosexuality. Discourses surrounding this have in turn promoted the notion of heteronormativity within sport (Kauer, 2005). Cameron (2005, p. 489) defines *heteronormativity* as "the system which prescribes, enjoins, rewards, and naturalises a particular kind of heterosexuality – monogamous, reproductive, and based on conventionally complementary gender roles – as the norm on which social arrangements should be based". It constructs (cis) men and women as opposite (Auran et al., 2024). In a similar vein, *cisnormativity* applies "the belief that gender is a binary category that naturally flows from one's sex assigned at birth" (Frohard-Dourlent, 2016, p.4). Cisheteronormative standards are prevalent in most social institutions, like education, religion, the media and the law. For example, members of the Rainbow community are often erased from sexual health education and are often underrepresented in the media or are presented stereotypically (Elia & Eliason, 2010; Magrath, 2020). Athletes who do not fit within hegemonic understandings of masculinity and femininity, such as effeminate men and masculine women, are often stigmatised within sport settings (Eng, 2008).

Literature review

Research on gender and sexuality issues in sport has focused on, for example, homophobia (Sherwood et al., 2020), the phenomena of homo-negativism (Hartmann-Tews et al., 2021), and the experiences of Rainbow athletes (Caudwell, 2014; Phipps, 2021; Tanimoto & Miwa, 2021). As outlined by Shaw and Cunningham (2021), to improve the experiences of Rainbow sportspeople and spearhead change, research into the experience of the Rainbow community is key. Furthermore, within the New Zealand context, researchers have analysed discursive practices surrounding work on equality, diversity and inclusion (EDI) in sport (Turconi et al., 2022) in addition to examining anti-homophobia policy development in national sports organisations (Shaw, 2019). Other studies have focused on the prevalence of heteronormativity (Herrick et al., 2020; Semerjian, 2018) and there are some that have aimed to outline possible ways to deconstruct heteronormative principles as a way of correcting homophobia and heterosexism in sport; for example, by forming gay/lesbian sports clubs and communities (Caudwell, 2003; Elling et al., 2003). While this can be viewed as a queer alternative to mainstream sport, it is unclear whether this would have a lasting impact on dominant heteronormative discourses on sex, gender and sexuality in sport in general (Eng, 2008).

Within linguistics, studies regarding gender and sexuality have examined how individuals construct identity in and through discourse and have challenged the homogenous and dichotomous nature of the categories that were the foundation for earlier research (Baker, 2008; Lazar, 2017; Zimman et al., 2014). Researchers now recognise that there are diverse expressions of gender (and sexuality), and identity is viewed as fluid, situated and dynamic (Angouri, 2015, 2021). Moreover, research in this field has become more intersectional, multiracial, multilingual and queer- and trans-inclusive (see Calder, 2020). There is a growing body of linguists who view gender, sex and sexual identities as being connected by the ideology of heteronormativity (Dawson, 2019; Pollitt et al., 2021). Sexuality is coupled with gender and/or sex and this is influenced by the assumption of heterosexuality as the norm (Mills & Mullany, 2011). Consequently, the construction of gender and sexuality relies on the same discursive resources (Morrish & Sauntson, 2007, p.13).

The wider political goal of gender equality within linguistics is an explicit motivator for researchers who examine language, gender and sexuality in the workplace (Baxter, 2010; Holmes, 2006; Mullany, 2007). Gender inequality in workplace settings can take many forms—like wage inequity, incidents of sexual

harassment, and disparity in promotions—and yet, despite decades of study and developments in workplace policies, little appears to have changed (Holmes, 2020). Recent research by Thomas et al. (2021) found that Rainbow women are more likely to experience microaggressions in the workplace, such as having their judgement questioned, being interrupted or spoken over, and being expected to speak on behalf of all people who share their identity category. Moreover, it was found that they are more likely to hear negative feedback related to how they present themselves at work. Similar findings were echoed in research carried out by Dashper (2012), who found evidence of increased visibility, and tolerance towards, gay men within equestrian sport. However, constructions of femininity, be it from male or female competitors, were devalued, suggesting that a decrease in homophobia does not automatically lead to a decrease in instances of sexism.

While the workplace has become a dominant setting for exploring issues of language, gender and sexuality, sport is increasingly finding its own space (Wilson, 2021). The publication of Special Issues, such as *Te Reo 64*(2), and edited collections on this topic (Caldwell et al., 2017; Schnurr & File, 2024) is evidence that sport settings are being used as a context for sociolinguistic research. Often termed 'sports linguistics', research in this area has looked at sport in the media (Chovanec, 2021; Gillen, 2018), social identity construction within sport (Hugman, 2021; O'Dwyer, 2021; Sauntson & Morrish, 2012; Wolfers et al., 2017) and the discourses surrounding specific sports, such as football (Adams et al., 2010; Caudwell, 2003; File, 2018), rugby (File, 2022; Kuiper & Leaper, 2021; Wilson, 2009), and hockey (Whitehouse, 2019). The construction and (re)negotiation of gender, sex and sexual identities have been the focus of study in various sport settings, such as university football and community ice hockey. Sauntson and Morrish (2012) examined the construction of sexual identities within a university women's football team and found that these identities were often viewed as temporary, and this temporality was discursively signalled in many ways. DiCarlo (2016) examined the negotiation of gender and sexual identities among female ice hockey athletes on male teams, finding that many of the women (re)produced hegemonic ideas about gender, sex and sexuality.

Just as this represents an overlap between sports linguistics and researchers of language, gender and sexuality, there is a notable intersection between those who investigate sports linguistics and researchers of workplace discourse. For example, Schnurr et al. (2021) investigated the emergence of leadership within a netball team and found that leadership is dynamically constructed and negotiated; File (2018) focused on the construction of professional identities within sport settings and analysed the identity performance of professional football managers in media interviews; and Wilson (2018) examined the construction of team in a semi-professional rugby club.

Across the research outlined above, a consistent finding is that cisheteronormativity is prevalent within sport settings and this in turn impacts upon the number of instances of homophobia, transphobia, sexism and other forms of exclusion/stigmatisation. My research sits at the crossroads of the various fields of workplace discourse analysis, gender and sexuality, and sports linguistics, allowing me to address the very real and ongoing societal issues around gender, sexuality and inequality.

Methodology and data collection

Understanding language use involves an understanding of the context. Building on the well-established methodological framework for conducting discourse analytic research in the workplace that the Language in the Workplace Project (LWP) has developed (Holmes et al., 2020; Holmes & Stubbe, 2015; Vine & Marra, 2017), I took a participant-centred ethnographic approach,[2] working in collaboration with a sports organisation to collect data over a period of five months.[3]

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[2] For more information about ethnographic approaches as used in linguistics, see Rampton et al. (2015).
[3] A full timeline of the data collection process is presented in Appendix 2.

Upon receiving ethical approval from my home institution, I began observing the daily interactions of the participants. During this time, and throughout the data collection process, detailed ethnographic field notes were recorded. After the first three weeks of observations, I asked volunteers (referred to as focus participants) to record samples of their normal everyday workplace interactions over a period of eight weeks. This was followed by debriefing interviews to collect comments and reflections on the process. At the request of the organisation, team meetings were video recorded. For this, I used small cameras which were fixed in place, switched on and left running for the whole meeting. The subsequent data set consists of ethnographic field notes, workplace documents and approximately 25 hours of audio-visual recordings of naturally occurring workplace interactions alongside follow-up debrief interviews with the participants. As noted by Holmes et al. (2020, p. 6), LWP's policy "is to minimise our intrusion as researchers into the work environment, all the while paying attention to the practices of the workplace community in which we are working and adjusting our methods in culturally sensitive ways". Consequently, the data set includes examples of workplace interactions which are as close to 'natural' as possible.

For data analysis, I take an interactional sociolinguistics approach. This approach to discourse analysis looks at authentic interactional data while also considering the wider context (Vine, 2023, p. 98). Ethnographic observations, field notes and follow-up interviews are used to provide contextual information. For example, the participants were asked about their interactions during the interviews. This helped gain greater insight into the data and uncovered different perspectives which deepened the analysis.

Participants

The co-operating sports organisation (a regional sports organisation; hereafter, referred to as the RSO) focuses on all community- and performance-level participation in a specific sport at a regional level. It has a strategic aim of increasing community participation and has a dedicated community department, in which most of the participants work. Typically, employees in this department focus on encouraging participation in sport as well as promoting equality and diversity. As such, they are often present during discussions about Rainbow athletes, and they also lead on the creation and implementation of participation guidelines. Moreover, working on EDI themselves, the staff in this department were actively interested in being part of a research project and eager to contribute to work improving EDI in a sports context.

Fifteen participants were recruited to participate in the research (see Figure 1). Peter and Isla (highlighted in yellow) were part of the Senior Leadership team of the organisation; Andrew, Braden, Mary, and Jess (highlighted in green) were part of the Support team; and the remaining participants (Hugh, Chuck, LeBron, Frank, Johnny, Oscar, Patrick, Rhys and Kate) were part of the Community team.[4] Three participants (Kate, Isla and Braden; in the boxes with the dashed lines) volunteered to be focus participants (FPs). As previously discussed, the FPs played an integral role in the data collection process. They became my co-researchers, controlling when and where we recorded the team interacting (Holmes & Hazen, 2013). This approach not only helped to establish a strong working relationship between me (as the researcher) and the team (as the participants), but also ensured that participants were recorded when they felt most comfortable.

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[4] In keeping with my participant-centred ethnographic approach, the participants chose their own pseudonyms.

Figure 1: The organisational structure of the regional sports organisation involved in this research
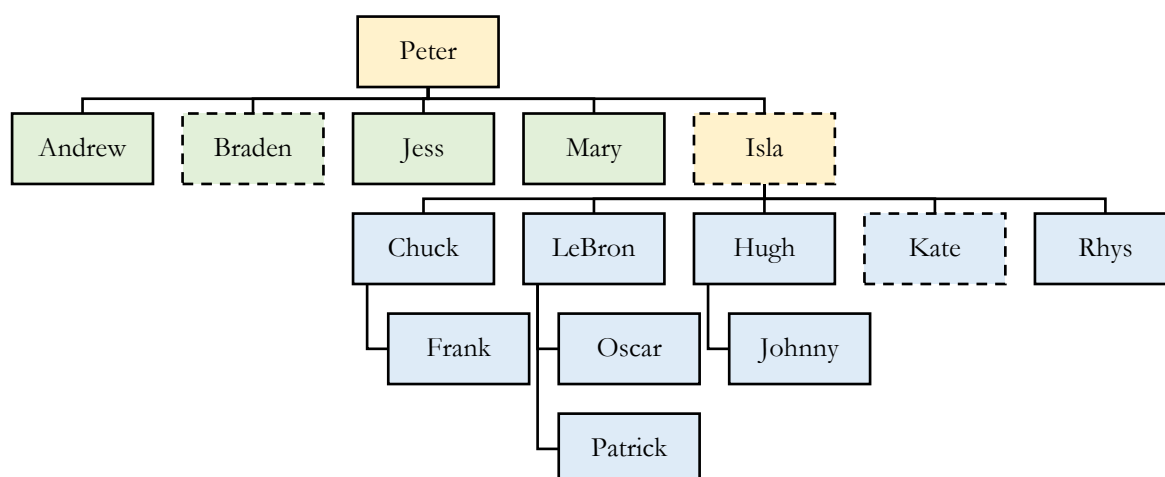
Note: The three people in the dashed boxes volunteered to also be focus participants.

Positionality statement

I considered my own position within this research setting before and during the research process. As someone who has previously volunteered and worked for different sports organisations, I draw upon my knowledge of sport governance and sport management. Additionally, as a queer person who regularly participates in social and competitive sport, I also draw upon my knowledge of various sports and my experiences of taking part. Sadly (although not unsurprisingly) I have witnessed and experienced homophobia and sexism while existing in sport spaces. Moreover, like many others, I have noticed the stark increase in transphobia in sport over recent years. My research is inspired by my experiences, and I intend to use it as catalyst for change, to improve the experiences of Rainbow sportspeople.

Data analysis

Commitment to inclusion

At an organisational level, the RSO makes a public commitment to EDI in its sport. It acknowledges religious and cultural holidays through its various social media channels, has invested in multi-faith prayer rooms within its facilities, is developing a pathway for Māori athletes, and has partnered with national charities to deliver disability sport festivals within the region.

Regarding Rainbow inclusion, the RSO publicly states that they aspire to be an inclusive and welcoming community for all Rainbow staff, players, coaches, administrators and fans. They acknowledge that they are on a journey to achieve this goal and are reviewing their policies, processes and procedures. To achieve its aspirations, the RSO engages in various Rainbow initiatives, such as an online learning series for employees focused on Rainbow awareness and inclusion, as well as participating in educational workshops run by local charities and consulting with national charities that specialise in the inclusion of Rainbow communities in the workplace. Engagement in such initiatives were noted during ethnographic observations, as demonstrated in Extract 1.

Extract 1
Observation field notes [230717MM]
Team members gather in main office before heading to weekly team meeting (to be held in meeting room). Kate, LeBron, Johnny and Chuck talk about homework from last week's inclusion workshop, run by [national organisation]. Hugh states that he's already completed the homework. Kate teases him that he must have done it wrong. Further discussion in group about how to complete the homework task.

The workshop mentioned in the extract was part of a series of workshops run by a national sports organisation. It was mandatory for all members of the Community team to attend, and each workshop focused on a different aspect of inclusion. Last week's inclusion workshop specifically focused on Rainbow inclusion and the homework the team discussed required them to reflect on their own individual and team practices. By taking the time to attend these educational workshops, members of the Community team aim to understand why the Rainbow community might struggle to engage in community sport. Ostensibly they can then adapt their practices, both in the community and within their workplace, to be more considerate of these challenges and be more inclusive as a result. However, this is often easier said than done. While efforts are being made to be more inclusive, within the data set there is evidence of repeated microaggressions and regular reproduction of cisheteronormative ideologies. This results in recurring discourses of exclusion, which I illustrate below.

Transgender athletes

In their quest to be an inclusive and welcoming community for all the Rainbow community, the Community team often works with Rainbow athletes to ensure that they're playing in a division/league that best suits them, and also to check that they are being well-treated by their club and teammates. As an example of this work in action, Extract 2 is taken from an interaction that took place in the office.[5]

Extract 2
```
1   Kate:    I'm not sure what her pronouns are
2   Hugh:    I dunno
3   Johnny:  [across the room]: I think they use either they them
4            or he him pronouns:
5   Kate:    ah right!
6   LeBron:  [across the room]: yeah that's right + they he:
```

Within this extract, Kate and Hugh are talking about a transgender athlete who wishes to participate in community sport. As evidenced in the earlier example, the team are improving their understanding of Rainbow issues. But growth is not always linear. In the first line of Extract 2, while stating her uncertainty ("I'm not sure what her pronouns are"), Kate uses assumed pronouns when referring to the player; i.e. "her". Johnny and LeBron provide assistance (lines 3 and 6), telling Kate the correct pronouns to use ("either they/them or he/him pronouns"). The extract demonstrates how there is a shared understanding of the importance of using the correct pronouns when addressing or, in this case, talking about transgender people—Johnny and LeBron engage in the conversation from across the room to ensure that the correct pronouns are used. Within the data, other instances of using assumed pronouns were found in both the ethnographic field notes and other recordings of interactions, and in these instances, colleagues would typically correct one another. This further illustrates how the team have created a space where colleagues

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[5] Transcription conventions adapted from Vine et al. (2002); see Appendix 1.

can challenge one another: correct each other's mistakes, call out everyday microaggressions, like a colleague's sexist comment or joke, and question cisheteronormative discourses.

This suggests that the RSO's public commitment to inclusion is filtering through to everyday team practices and individual discourses. While there are external pressures for sports organisations, like the RSO, to improve EDI policies and practices (Stewart et al., 2021), the success of these initiatives is dependent on individual 'buy in'. As illustrated in Extracts 1 and 2, most of the team's individual values align with the organisation's public commitment. If we subscribe to the view that organisational values "are both individual and collective structures" (Bourne & Jenkins, 2013, p. 510), then this is what we might expect. However, the examples described above are typically instances that relate to the community on which the team is focused, and not necessarily on their own practices within the team, which may go under the radar.

Putting in the "hard yards"

In seemingly off-topic group discussions, attitudes towards gender roles are typically shared by many of the men in the team. These are sometimes challenged by their female colleagues. For example, in Extract 3, heteronormative ideas regarding childcare responsibilities are challenged by Isla (line 7). In this interaction, Kate asks whether Hugh is available to attend an evening meeting with key stakeholders. Hugh explains that he would have to check his availability with his wife (line 2). He suggests that because he spent time looking after his child the previous evening, he should be able to attend.

```
Extract 3
1   Kate:    and did you want to come and talk about pre-season?
2   Hugh:    [elongated]: yeah: + I'll have to check with the missus
3            +++ but I put in some HARD YARDS the other day
4   Kate:    oh yeah? for bragging rights?
5   Hugh:    yeah + I did a [elongated]: lot: of //babysitting\
6   Kate:    /[elongated]: right:\\
7   Isla:    y'know that's also called um looking after your child
8            right?
9   Kate:    [laughs]
```

This interaction shows how some in the team expect that childcare responsibilities, within heterosexual families, should fall upon women/mothers, rather than men/fathers. While research suggests that there has been an increase in men becoming involved in childcare over recent decades (Sayer, 2016), those who strongly adhere to traditional masculine values are less involved in the care of children (Offer & Kaplan, 2021). These traditional masculine values centre on emotional restraint, fear of femininity, achievement and status (Petts et al., 2018), such as arguing that men, as primary breadwinners for the family, should not be expected to engage in childcare, or "babysitting" as Hugh describes it before Isla's rebuke. As outlined by Hugh, men who put in the "hard yards" (line 3) and look after their children are afforded "bragging rights" (line 4) and should be praised for being attentive fathers. This deeply rooted ideology is further evidenced through ethnographic observations. In one example, Kate brought her child to work when it was the school holidays and she could not find childcare for the morning. Kate was teased for being unprofessional and Peter (the CEO) questioned whether she would be able complete any work. However, no one within the team offered to help Kate, either by looking after her child or by sharing the workload. In contrast, when LeBron brought his child into the office under similar circumstances, he was instead praised by some of the women in the team for caring about his children. Moreover, Mary and Jess, arguably signalling their alignment with traditional gender norms, took turns entertaining his child so that LeBron could focus on work. In various ways, the team reproduce heteronormative Discourses and the difference in treatment of Kate and LeBron by their co-workers exemplifies strong attitudes within the team regarding traditional

gender roles. Kate seemingly opposes these traditional norms, by choosing a career over being a full-time mother/carer, yet her commitment to her job is questioned when she brings her child into work, and she receives an overall negative response from the team. LeBron also challenges traditional gender roles through his involvement in his child's care but, unlike the response Kate received, LeBron gets a positive response when he brings his child into work, mainly from the women in the team.

These heteronormative ideas surrounding parenthood also affect how women are viewed in leadership positions. As shown in Figure 1, Isla is part of the Senior Leadership team in the organisation, yet within the data she is often challenged when giving directives to the team and is interrupted or spoken over in team meetings. These findings are sadly unsurprising, given that similarities have been shared in other research examining language and gender in the workplace (Baxter, 2010, 2018; Holmes & Stubbe, 2015; Tannen, 1994). During interviews, Isla shared that her leadership style has often been described as "motherly", as though her position is legitimised by her being a mother. Women are often considered the 'behind the scenes' leaders of families, either through parenting family systems (Kerig, 2019) or parental gatekeeping (Schoppe-Sullivan & Altenburger, 2019), or because of societal expectations around heterosexual relationships (Sells & Ganong, 2017). It appears it is more palatable for Isla to be in her position as a leader, giving directives and solving problems, because she is a mother as that fits within heteronormative ideas surrounding family (see also Kendall & Tannen, 2015).

Husbands, wives and partners

Discourses related to heterosexual/heteronormative relationships are similarly reproduced in the team's interactions. In Extract 3, Hugh notes that he has to "check with the missus" (line 2) to see if he can attend an evening meeting. In a similar vein, within Extract 4, Chuck hesitates when asked to attend a working group meeting because "it's the wife's birthday" (line 3). The nominalisation of female partners as "the wife" and "the missus" as non-named actors was a common occurrence, used by most men within the team. Though there are instances within the data where these terms were used in an ironic way (predominantly by younger men in the team), it was noted throughout ethnographic observations that men within the team used "the wife" and "the missus" as serious terms when referring to their spouses. While it could be argued that these are used as terms of endearment, it could be viewed that by referring to their spouses as 'the' wife rather than my wife or my missus, they are instead referring to the role their spouses fulfil (the monolithic idea of a wife) rather than the people they are outside of it. This type of objectification is often seen in romantic heterosexual relationships (Mahar et al., 2020) and both examples reproduce Discourses related to the 'ball and chain' that are commonly associated with heterosexual couples (Deutsch, 2020). In their answers to Kate's question, the two men are implying that their partners are a restriction or a burden.[31] Both men suggest a possible lack of freedom because of their spouses, as though they would be able to agree to attend both meetings without hesitation if they were single.

```
Extract 4
1   Kate:       we've got the working group meeting tomorrow + are you
2               good for that? [elongated]: or?:
3   Chuck:      [elongated]: well: um ++ it's the wife's birthday tomor-
4   Kate:       sorry Wednesday not tomorrow
```

While the above examples are produced by men, a gender divide should not be assumed. There are many instances within the data where female staff, all of whom are married to men, moan about their husbands. The usual talking points centre on the lack of housework, unfair divisions of labour, and low levels of

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[31] Arguably expressing it as a spouse's decision simultaneously provide a justifiable reason not to attend work events supporting the expectation and authority of heterosexual relationships.

support in raising children, themes which have been found in other research that relate to marriage structures and marital hegemony (Chen et al., 2009; Schippers, 2018). However, when talking about their husbands, it is interesting to note that unlike the men in the team, there is very little objectification. The women in the team almost always refer to their husbands by name or (in the rare cases) as "my husband". These examples (of both the men and women) highlight and reinforce the endemic heterosexual assumptions about relationship structures that occur in the organisation's daily practices.

Due to these assumptions, the term 'partner' becomes marked. There are examples in the data set where members of the team try to guess the gender of someone's partner (either male or female, with no consideration beyond this binary) when they feel someone has been vague, having used they/them pronouns when referring to their partner. No mention of a partner/spouse is even more marked, particularly when an individual has children. As mentioned previously, LeBron is a father and sometimes brings his children into the workplace. Moreover, he covers his desk in drawings made by his children along with cards and family photos. While LeBron constructs a strong parent/father identity, he does not talk about a partner. This challenges the team's heteronormative standards of family. At its core, it seems a family should consist of two parents, presumably a mother and father, and children (Saggers & Sims, 2005). This is evidenced in the interview data (Extract 5) when I was debriefing with Kate.

```
Extract 5
1   Kate:     he still hasn't talked about his partner + I've never
2             heard him talk about his partner + I don't know if he's
3             married or whatever + it's weird + the rest of us rabbit
4             on about our husbands or wives but he doesn't ... when he
5             goes out to the schools in the area and he looks like
6             them it's really cool it's really powerful + they can see
7             that oh it isn't just boring old straight white guys
```

As described by Kate, it is deemed "weird" (line 3) that she has never heard LeBron talk about his partner (line 2). It is assumed that he must have a partner because he has children. It is further assumed that LeBron is gay, or at least not straight (line 7), because he does not "rabbit on about" or mention a wife, unlike Hugh and Chuck (Extracts 3 and 4). On the one hand, it is refreshing that the possibility of LeBron being gay is not seen as problematic, especially when one considers how pervasive homophobia is within sport settings (Brackenridge et al., 2008). What is more interesting is that these heteronormative ideologies surrounding traditional or nuclear families are so prevalent that Kate assumes that LeBron was not straight before she even considered that he might not have a partner at all, as a single parent.

Discussion

As the examples above illustrate, workplace norms that have been established, reproduced and reinforced by the team, and the organisation more broadly, have a strong alignment to cisheteronormative standards. Although the organisation's public commitment to inclusion is filtering through to everyday team practices, these considerations do not necessarily expand to encompass individual practices within the team. The overall inclusivity of the organisation is reliant on individual engagement, in the Rainbow initiatives themselves and also in the personal reflection of individual norms and practices that comes because of these workshops. As has been exhibited in the previous examples, there are varying levels of engagement in this process within the team.

Extract 1 highlights these differences. While most of the team are discussing the homework task, Hugh states that he had already finished it. This was a frequent occurrence that was noted in other ethnographic field notes and spoken about in team meetings. Along with racing through tasks, often asking colleagues to provide quiz answers as he "doesn't have the time" to complete online learning modules, Hugh was late or sometimes absent from workshops, despite attendance being mandatory for Community

team members. Furthermore, when challenged about his lower level of engagement by Isla and other members of the team, Hugh queries how and why the workshops are relevant to his role. Within the team, Hugh has a primarily administrative role where he organises community leagues and competitions within the region. He focuses on senior/adult competitions while Johnny, whom Hugh manages, organises junior competitions and leagues. It is evident that Hugh believes that his administrative job is not immediately affected by the organisation's public commitments to inclusion, as he does not directly work with members of the Rainbow community. This additional contextual information provides greater insight into the interactional data collected, particularly Extract 2 when Kate accidentally misgenders a transgender athlete (using she/her pronouns rather than he/him or they/them). After Kate signals her uncertainty, Hugh responds with "I dunno" (line 2). In the audio recording, one can hear Hugh's dismissive tone, suggesting his desire to move the meeting along or complete the task quickly. As mentioned previously, Hugh often spoke about not having enough time to do his job, which resulted in his meetings being very efficient. They rarely deviated from the primary purpose and contained very little small talk. As the primary purpose of the interaction is to sort players into different competitions, it could be argued that Kate asking about a player's pronouns deviates from this task.

While Hugh might question the relevance of inclusion initiatives to his role, others do not feel the same. Johnny's involvement in the conversation (Extract 2, lines 3–4) highlights this. As touched on previously, Johnny is managed by Hugh and also has a predominantly administrative role. However, it appears that Johnny views his role differently. During ethnographic observations, there was a clear change in Johnny's workplace practices following his engagement in the educative workshops. Recognising his privilege as a straight, White, cisgender man, Johnny often asked colleagues (and myself) about their experiences in sport, actively listening and adapting his behaviour accordingly. Despite not having a community-based role, Johnny recognises the importance of using inclusive language and engages as an active bystander (Meyer & Zelin, 2019). In Extract 2, he witnesses a problematic situation and takes action to improve it; in this case, he informs Hugh and Kate of the player's correct pronouns. By preventing Kate from continuing to use assumed, and incorrect, pronouns, Johnny prevents Discourses of exclusion to be reproduced in the workplace. Similarly, when Isla challenged Hugh about his comments related to childcare and "babysitting" his child (Extract 3), she challenged his heteronormative and traditional masculine views. By using humour, she did not overtly challenge Hugh during the team meeting (Norrick & Spitz, 2008); however, her remark will encourage Hugh to reflect on his thinking. Even though, as an organisation, there is a public commitment to improving inclusion, these examples show that the responsibility to actively engage in positive change falls upon individuals within the team. Moreover, they illustrate the importance of analysing language within this setting. By examining how Discourses of exclusion are (re)produced, and sometimes challenged, in everyday interactions, we can develop better resources and training materials that can be used by organisations to empower individuals and equip them with the tools to challenge exclusionary Discourse.

However, empowering individuals to confront these Discourses is not without its challenges. As demonstrated throughout this article, members of the team, either subconsciously or inadvertently, affiliate with cisheteronormative standards and values. Cisheteronormativity is a power regime that creates and upholds a social hierarchy based on the belief that heterosexuality is the norm and that everyone falls into two opposing but complementary genders: a man and a woman (Dollar, 2017, p. 10). This hierarchy, paired with the dominant, deeply engrained Discourses on sex, gender and sexuality (re)produced by sports institutions, means that it is extremely challenging to break free from gender binary thinking (Eng, 2008). It is evident that the team often struggle to understand and adapt for those who sit outside of these established gender, sex and sexuality binaries. The battle between these binaries and the sports context in which they operate is illustrated if we consider how Extract 2 continues.

Extract 6 (Extract 2 extended)
```
1   Kate:    I'm not sure what her pronouns are
2   Hugh:    I dunno
3   Johnny:  [across the room]: I think they use either they them
4            or he him pronouns:
5   Kate:    ah right!
6   LeBron:  [across the room]: yeah that's right + they he:
7   Kate:    cool +++ so yeah + we need to work out where he's
8            going to play + [quickly]: I mean which //competition:\
9   Hugh:    /[elongated]: yeah:\\ + like what would he prefer
10           to play?
```

After being informed of the correct pronouns, Kate and Hugh continue their conversation using he/him rather than they/them pronouns. By using he/him pronouns, they subscribe to the prescriptivist views of gender that are policed by sports institutions. As there are no specific competitions (at least none that have been created by the RSO) for only genderqueer or non-binary athletes, it could be argued that Kate and Hugh default to he/him in order to pre-emptively justify their decision to include the athlete in men's league/competitions. However, considering that the topic of conversation centres on the athlete's preference of competition, it could be countered that Kate and Hugh chose to use he/him pronouns because it aligned with their own understandings of gender and sex within a sporting context.

I argue that the team, and the RSO more generally, are *comfortably challenging*. The ever-increasing range of sex, gender and sexuality identities challenge traditional understandings of sport and competition. By working with transgender men and women, and allowing these athletes to partake in community sport, the RSO embraces this new era of sport and challenges the increasingly exclusionary Discourses that are being (re)produced by international and national sports bodies (Harper, 2022). However, to make this change more palatable, or 'comfortable', these athletes are only accepted on a case-by-case basis, and their inclusion predominantly relies on their conformity to binary categories (i.e. man/woman). As outlined by Love (2014, p. 337), sports organisations have devoted time and resources to create and maintain a "segregated system organised around a binary understanding of sex". The RSO relies upon this established system because to do otherwise would challenge much larger concepts, like the very foundations of sport.

Within competitions, even those at community level, concerns regarding fairness are of paramount importance. Athletes should be fairly matched, which means men should not play against women and vice versa, and all players should follow the rules (Anderson et al., 2019). Fair play in sport is key for maintaining the credibility, popularity and integrity of the game. This concept of fairness is often used as a weapon to delegitimise a transgender athlete's right to play and compete (Bailey & Jones, 2024). This view that inclusion conflicts with fairness is shared widely across sports (Devine, 2018) and is also evident within the data set. There are some who have tried to deconstruct this conceptualisation of fairness by forming Rainbow sports clubs and communities (Barras, 2024; Cronn-Mills & Nelson, 2016; Greey & Lenskyj, 2022) and while this can be viewed as a queer alternative, this arguably does not resolve exclusionary practices in mainstream sport. To move beyond comfortably challenging and become fully inclusive for all Rainbow sportspeople, the RSO and other sports organisations need to question and deconstruct these prevailing Discourses about fairness while continuing to challenge pervasive Discourses regarding gender, sex and sexuality.

Conclusion

To conclude, analysis of the data shows that when members of the Community team are consciously thinking about and working with the Rainbow community, they are mindful of their language use, such as trying to use correct pronouns, and actively work to implement learnings from their engagement in educative Rainbow initiatives. However, when team members engage in everyday workplace interactions,

or interactions that do not explicitly relate to their work with the Rainbow community, they reproduce Discourses that align to cisheteronormative standards, such as traditional masculine values, assumption of heterosexual relationships, and traditional gender roles, which in turn reinforces Discourses of exclusion on the basis of age, status, gender and sexuality. By conducting linguistic analysis, we can examine how these Discourses are (re)produced, but also challenged, in everyday interactions.

While the RSO is talking the talk regarding Rainbow inclusion, it is clear that they are taking a few stumbles while walking the walk. Though they make a public commitment to becoming a fully inclusive and welcoming community for all Rainbow players, staff, coaches, administrators and fans, I argue that they are only comfortably challenging. By including transgender athletes in community competitions, they challenge the exclusionary policies and practices prescribed by international and national sporting bodies. However, by aligning to the prescriptive gender categories established by sport institutions, they are not fully challenging the cisheteronormative hierarchies that are entrenched within sport. The issues that surround Rainbow inclusion, particularly regarding transgender athlete participation, are not disappearing any time soon. While the RSO is putting in the 'hard yards', and are continuing their journey to be more inclusive, they cannot become complacent. As examples throughout this article show, progress is not always linear, and people can easily revert back to binary thinking, especially when operating within a sporting context. Only by fully questioning and pushing the boundaries of this aspect of sport, can they truly begin to be inclusive for all.

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Appendices

Appendix 1: Transcription conventions

The following transcription conventions are used in the extracts.

(well)	Transcriber's best guess at unclear speech.
[quietly]: : [laughs]	Comment tags for paralinguistic features and relevant non-verbal features. Colon at beginning and end of section indicates where comment tag applies.
+ ++ +++ (4)	Short pause of up to one second. One to two second pause. Two to three second pause. Four seconds or longer pause (length indicated by number in parentheses).
wha-	Hyphen indicates the utterance is interrupted/cut off mid-flow.
?	A rising intonation at the end—usually indicative of a question.
!	More animated intonation—usually indicative of an exclamation.
CAPTIALS	Emphasis/stress.
// \ / \\	Indicates start of simultaneous or overlapping speech of current speaker. Indicates end of simultaneous or overlapping speech of current speaker. Indicates start of simultaneous or overlapping speech of incoming speaker. Indicates end of simultaneous or overlapping speech of incoming speaker.
…	Signals that sections of the transcription have been omitted—usually to cut out personal information and protect the participant's anonymity.

Appendix 2: Data collection timeline

Month(s)	Activity
March 2023	Ethical approval granted by home institution.
April–May	RSO recruitment—negotiation period.
June	RSO organisation consent obtained. Individual consent obtained from participants.
July	Ethnographic observations begin; field notes recorded. Focus participants (FPs) recruited. FPs trained to use recording equipment. Recordings of team meetings begin. FPs begin recording workplace interactions.
September	End of recordings (team meetings and FPs). Feedback session with the RSO Senior Leadership team.
October	FP interviews recorded.
November	End of ethnographic observations. Feedback session with FPs and other participants.
February 2024	Feedback workshop with the RSO.

Pursuing Reproductive Justice for Rainbow People in Aotearoa/New Zealand through Research: Insights from the Field

George Parker and Chelsea R. D'Cruz[*]

Abstract

Rainbow people experience unique challenges to equitable reproductive healthcare access and outcomes, resulting from entrenched norms and assumptions embedded in health services that anticipate, legitimise and privilege (White and able-bodied) cisgender, heterosexual women as the users of these services. This article presents a discussion of two recent Aotearoa/New Zealand research projects that have identified and addressed the effects of such norms and assumptions across two reproductive healthcare spaces: perinatal care and abortion care. The operation of cisheteronormativity within these services is explored through a reproductive justice lens that directs our attention to the broader power relations and social structures that shape and determine people's control of their reproductive destinies. The need to address cisheteronormativity and its intersectional entanglement with other oppressive power relations, such as colonisation and racism, to secure Rainbow people's reproductive self-determination is affirmed.

Keywords: reproductive justice; LGBT; cisheteronormativity; intersectionality; pregnancy; abortion

Reproductive justice is a framework developed by Black and Indigenous women of colour to challenge a narrow White, middle-class-centric conceptualisation of the struggle for reproductive freedoms, as largely confined to the ability and means to prevent and end unwanted pregnancies (Ross & Solinger, 2017). In order to foster a deeper, complex engagement with reproductive freedom and choice, *reproductive justice* centres intersectionality, the principles of social justice, and a holistic understanding of well-being (Ross & Solinger, 2017). The framework draws attention to the intersecting relations of power and oppressive social structures stemming from colonisation, racism, sexism, socio-economic disparities, queerphobia and transphobia, and ableism: systems that undermine people's ability to self-determine their reproductive destinies and exercise reproductive "choice" (Ross, 2017). Through the lens of reproductive justice, *reproductive freedom* demands securing not only the right to not have children through access to contraception and abortion, but also the right to have children, and to parent children with dignity and self-determination (Ross & Solinger, 2017). For (Rainbow) people of diverse sexualities, genders and variations of sex characteristics, this includes interventions across the reproductive life course including: trans people's ability to imagine and pursue family building as part of gender-affirming healthcare (Ker & Shaw, 2024); equitable access to the technologies and services to achieve family building (Tam, 2021; Vicinelli, 2024); equitable access to the means and resources to control fertility (Marshall et al., 2024); and equitable access to safe and inclusive healthcare across the reproductive life cycle including menstrual health, perinatal and abortion

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care, menopause healthcare, and reproductive cancer prevention (Connolly et al., 2020; Lowik, 2021; Rydström, 2020).

The framework of reproductive justice is a critical resource for understanding and addressing the intersecting forms of oppression and privilege that undermine the reproductive self-determination of Rainbow people in Aotearoa/New Zealand. Queer theoretical developments in family studies highlight the impacts and harms of cisheteronormativity as one such form of oppression (Allen & Mendez, 2018; Oswald et al., 2005). *Cisheteronormativity* describes a socially and culturally embedded ideology that legitimises and privileges binary gender aligned with sex assigned at birth, heterosexuality, and traditionally organised nuclear families as natural and morally superior to other ways of being in the world (Oswald et al., 2005). Cisheteronormativities are pervasive and entrenched in societal understandings about reproduction and family building and reproductive health institutions, constituting the conditions for the erasure, exclusion and harming of Rainbow people. The emancipatory aim in research seeking to make cisheteronormativities visible is not to facilitate Rainbow assimilation into reproductive health and family building norms, but rather to resist and deconstruct these norms through acts and ideas that challenge gender, sexuality and/or family binaries and question what is natural and normal in relation to reproductive and family building (Oswald et al., 2005). Furthermore, the intersectional framework of reproductive justice insists that Rainbow people's self-determination over reproduction and family building will not be secured through addressing cisheteronormativities in isolation. Rather, reproductive justice calls for actions that challenge the multiple and enmeshed systems of power and oppression that limit reproductive freedom for multiple marginalised Rainbow people including the impacts of colonisation, racism, ableism and socioeconomic disparities (Allen & Mendez, 2018; Wesp et al., 2019).

The following discussion highlights two recent research projects into under-researched areas of Rainbow people's access to reproductive healthcare in Aotearoa/New Zealand, informed by a reproductive justice framework. We contextualise the need for these studies, briefly describe the studies, and connect these studies to the broader movement for Rainbow reproductive justice in Aotearoa/New Zealand.

Current gaps in knowledge

Rainbow populations have been underrepresented in existing research on reproductive healthcare. From research examining birth control, pregnancy and birthing to research investigating experiences of abortion, most literature focuses on the experiences of cisgender, mainly heterosexual, women. For example, in their research exploring the abortion experiences and preferences of people who are not cisgender, Moseson et al. (2021) highlighted that no studies had reported the types of abortions, gestational ages or preferences of transgender, nonbinary and gender diverse people in the United States of America. Furthermore, Greenfield and Darwin (2021) reported on the lack of data on nonbinary and trans parents, and in a scoping review of research in the Global North, identified a complete absence of research on trans and nonbinary experiences of traumatic birth and perinatal mental health. The dearth of research on Rainbow reproductive healthcare directly contributes to unmet healthcare needs and poorer outcomes, by perpetuating the invisibility of Rainbow people in services and producing a deficit in reproductive healthcare capability for Rainbow inclusive care (Ussher et al., 2022). Because reproductive justice calls for access to the means (and meanings) that enable people to self-determine whether they will have children and to bring those children safely and securely into the world, a shortfall in reproductive healthcare preparedness to provide Rainbow-affirming and inclusive care constitutes a reproductive injustice (Ross & Solinger, 2017). Moreover, reproductive justice puts the onus on healthcare systems and providers to have adequate knowledge about Rainbow people's unique reproductive healthcare needs and respond accordingly. Without addressing the exclusion of Rainbow people in reproductive healthcare research and ensuring reproductive health services are

resourced to provide safe and inclusive care, ultimately this population will continue to lack visibility and access to responsive care.

Despite these significant gaps, there has been a recent increase in research that aims to diversify the literature on reproductive healthcare. This research considers reproductive healthcare through a lens that acknowledges that not all people who experience pregnancy are women, heterosexual or organise themselves in nuclear family formations. For example, Falck et al. (2020) assessed the healthcare experiences related to pregnancy, childbirth and nursing of transmasculine people in Sweden, and identified the direct influence of cisheteronormativity as a barrier to affirming and safe care for this population. Similar research expands binary understandings of reproductive care through examining transgender and nonbinary experiences and perspectives of menstruation (Lowik, 2021), adolescent pregnancy (Lowik et al., 2023), and identity disclosure versus concealment in reproductive healthcare spaces (Lowik, 2023). Common across this research is the need to identify and address cisheteronormativity as a key contributing factor in the lack of Rainbow safety within reproductive healthcare. Furthermore, this research highlights that to achieve reproductive justice, research in reproductive healthcare must consider the diverse experiences of different population groups, especially those marginalised at the intersection of multiple oppressive social categories including race, class and disability (Parker et al., 2024). Indeed, these research findings demonstrate that the dismantling of cisheteronormativity, and its enmeshment with other oppressive power relations within reproductive healthcare, is vital.

Below we highlight two such recent research studies in Aotearoa/New Zealand that draw on a reproductive justice framework to address cisheteronormativity in reproductive healthcare: the Trans Pregnancy Care Project and the Rainbow Abortion Project. We briefly describe our approach to and key findings from these studies and discuss how they connect with broader movements to secure reproductive justice for Rainbow people in Aotearoa/New Zealand.

Trans Pregnancy Care Project

The Trans Pregnancy Care (TPC) Project was an 18-month, sequential, mixed methods, two-phase study, funded through a joint initiative between the Health Research Council NZ and Manatū Hauora | Ministry of Health (Parker, Ker, et al., 2023). The project's aim was twofold: (1) to understand what constitutes trans-inclusive and affirming perinatal care; and (2) to assess the preparedness of the perinatal care system to provide this level of care to trans people and their whānau (families) across the spectrum, from fertility treatment, pregnancy and birth through to postnatal care (up to six weeks after birth). Prior to this project, little was known about the perinatal care journeys of trans people and their whānau in Aotearoa/New Zealand. In fact, entrenched cisheteronormative assumptions about who uses perinatal services meant that figures on gender diversity were neither collected nor reported in perinatal data, resulting in the presumed absence of trans people as perinatal service users at a national and local level (Health New Zealand | Te Whatu Ora, n.d.).

We sought to address this absence in phase one of the study, by exploring the perinatal care experiences of trans people and their whānau. Twenty whānau with at least one trans parent (both gestational and non-gestational) participated in an in-depth semi-structured qualitative interview, where they reflected on their experiences of perinatal care. Interviews were transcribed and analysed using reflective thematic analysis (Braun & Clarke, 2022), informed by a constructionist perspective and drawing on the principles of intersectionality (Wesp et al., 2019).

The findings from phase one of the study were used to develop a national perinatal workforce survey in phase two. The survey asked respondents about their knowledge, beliefs and clinical preparedness for trans-inclusive practice, their education experiences, preferences for inclusive practice, and how they

rated their workplaces in relation to trans inclusion. A total of 476 responses were collected and analysed from midwives (67%), doctors (19%) and other health professionals (14%).

A key finding of the study, across both phases, was that trans whānau are currently neither anticipated nor actively included and affirmed at a system level in perinatal care. Individual perinatal care providers reported working in a system where cisheteronormative assumptions that legitimise and privilege cisgender women in heterosexual monogamous partnerships were built in and operationalised in ways that erased and excluded trans whānau. Expressions of cisheteronormativity were identified in the physical environment of perinatal services—for example, in the provision of 'women-only' bathrooms—and in normative imagery on display in services—for example, in posters and logos. The use of gendered language to describe who services were assumed to be for (such as 'women's clinic') and to describe service users (woman, mother) were another expression of cisheteronormativity commonly described in our data. Personal information-collection processes such as service registration or intake forms and care plans commonly did not collect information in ways that created space for trans whānau to be known to their care providers; for example, by not asking about gender and who is part of their whānau. In their interactions with unknown care providers, such as when whānau were in-patients in antenatal or postnatal wards, experiences of misgendering and negative attitudes were common. Navigating structural and interactional cisheteronormativity was described by trans whānau as a mental and emotional tax that undermined trust and engagement in perinatal care, added layers of stress and exhaustion, and detracted joy from the childbirth journey. The impacts of navigating cisheteronormativity during the family-building journey are exemplified in the following excerpt from an interview with Brodie (trans man) and Moana (cisgender gay man) discussing their first interactions with fertility services:

> But our first experience with [the fertility service] was very awkward in the sense that they misgendered Brodie straight off the cuff, they sent forms out that said female, we had to do all of these tests with them and that sort of stuff … but because it was misgendered from the start, right up front, even though our GP had provided them with medical advice on who we are, it triggered Brodie, and so it triggered Brodie to almost a paralysed state, I would say situational depression for that moment … was they just twinked out the 'fe' rather than resubmit the form. (Moana, Brodie's husband)

Intersectional analysis demonstrated how cisheteronormativity is interwoven with multiple power structures, resulting in compounded failures in care for trans whānau who were further marginalised along axes of colonisation, race, class and disability. Intersectional insights from the TPC Project are explored in a forthcoming manuscript (Parker et al., in press). The perinatal workforce identified a willingness to engage in systems change (including workforce education) to build their capability for trans inclusive care; however, they lacked opportunities to do so. Identifying the need for structural and intersectional solutions for progressing trans inclusion in perinatal care, the project team developed *Warming the Whare: A Te Whare Takatāpui informed guideline and recommendations for trans inclusive perinatal care* (Parker, Miller, et al., 2023). The guideline draws on Te Whare Takatāpui (Kerekere, 2023), mātauranga Māori (knowledge) gifted by Dr Elizabeth Kerekere which embeds the values of whakapapa (genealogy), wairua (essence), mauri (life spark), mana (prestige), tapu (sacredness) and tikanga (the right way to do things), in all structures and interactions in perinatal care to provide the conditions for trans inclusion and flourishing.

Rainbow Abortion Project

Following the TPC Project, we conducted research that explored the abortion care experiences of Rainbow people in Aotearoa/New Zealand. This research was also funded by Manatū Hauora | Ministry of Health, to evaluate whether abortion services were serving priority equity groups by providing accessible, timely and quality abortion care, following the implementation of the Abortion Legislation Act 2020. The study

conducted 10 interviews with self-identified Rainbow people in Aotearoa/New Zealand. The participants described diverse genders and sexualities including transgender (1), nonbinary (1), and queer, pansexual and bisexual (10). Transcripts were analysed using reflexive thematic analysis (Braun & Clarke, 2022) and recommendations for abortion care were also provided under the framework of Te Whare Takatāpui (Kerekere, 2023). Like the TPC Project, reproductive justice was at the heart of this research, which sought to understand the structural and intersectional processes that shape Rainbow people's movement through abortion services. While Rainbow people may receive supportive care at an individual level, this project set out to understand whether, and if so, how the dynamics of cisheteronormativity identified in perinatal services were also embedded in abortion care, and what the resulting impacts were on Rainbow people moving through their abortion experience.

Like in the TPC Project, Rainbow people's access to and experience of abortion services was strongly shaped by the dynamics of cisheteronormativity. The participants described encountering norms that assumed and privileged heterosexual cisgender women as the users of abortion services throughout the abortion pathway, including within telehealth and in-person services. Similar to perinatal care, the participants described normative assumptions about gender embedded in the names of services and in the information pamphlets they were handed. The participants also reported a lack of opportunity or invitation to share their gender or sexuality in intake processes and subsequently felt assumed to be cisgender and heterosexual by default. Blair (trans man) reflected on his abortion, saying:

> I think first off, I'd just call it like a reproductive clinic instead of a women's one. Um, there's something like … something like that would've made me feel a little bit more comfortable, like going there, going there in the first place. Um, I would've definitely liked to have like an option to put down your gender or pronouns like on the, sort of all the consent forms and sort of stuff, because, yeah, then it just felt like otherwise it assumes that by going there you are a woman. Um, and this is an experience that sort of defines womanhood or something.

Similar to perinatal care services, participants reported that this added an extra layer of stress to their abortion experience, resulting in the participants either actively seeking opportunities to have their gender/sexuality known to the service, or choosing to avoid disclosure to avoid experiencing the stigma attached to their gender/sexuality. This impacted on Rainbow people's confidence and trust to disclose other aspects of their sexual and reproductive health to their abortion providers and added layers of stress that undermined their emotional well-being during their abortion. Similarly, like trans whānau in the TPC Project, Rainbow participants who were further minoritised along the lines of race, class or disability experienced compounded stress and anxieties when abortion care failed to be responsive to multiple aspects of who they are. Aubry (Māori, bisexual), for example, reflected on the lack of cultural care such as the opportunity for karakia during her abortion, which, along with her non-disclosure about her bisexuality, led to an abortion care experience that felt depersonalised and distancing:

> It is like I mean, it is a clinic but it was very clinical, which I mean it's a hospital, … but I just think some of that … I guess for them to acknowledge as well that it is also an emotional experience, it's not just like … they offer the counselling and stuff, but just to be like "Hey yeah, you're a human, this is… this is hard, so here's some, some guidance and some words of well", you know? Just for you and passing—but I know not everyone will want that acknowledged, but maybe if it's like an option on the form, right?

Overall, this research showed that abortion care that welcomes and affirms Rainbow people through the unlearning of cisheteronormativity and other marginalising processes improves physical and emotional well-being throughout the abortion process and therefore contributes to reproductive justice. Specifically, abortion care must avoid assumptions, affirm diverse genders and sexualities, and do so even in the absence

of knowing Rainbow people are there. Ensuring self-determination is vital to Rainbow-inclusive abortion care. This can be achieved by providing opportunities for Rainbow people to feel assured in disclosing their gender and sexuality, and to make choices about the method of abortion and their need for counselling.

Towards Rainbow reproductive justice

Both the Trans Pregnancy Care Project and the Rainbow Abortion Project have demonstrated the additional layers of complexity, stress and harm that result for Rainbow people when they move through reproductive health services that are delivered on the assumption that the users of those services are heterosexual cisgender women. Whether accessing care when trying to conceive, during pregnancy and childbirth, or when approaching health services to end an unwanted pregnancy, the failure of healthcare providers to anticipate and provide conditions for safety, affirmation and inclusion for sexuality and gender diverse people undermines this population's self-determination and is, thus, a reproductive injustice. Through a reproductive justice lens, the task of securing reproductive self-determination is multi-dimensional and intersectional, recognising that reproductive choice and control is always structurally and relationally determined (Ross & Solinger, 2017). Reproductive justice accounts for the struggle to secure (and defend) basic material conditions to ensure reproductive choice and control, which, for many Rainbow people, includes access to assisted reproductive technologies, fertility treatment, surrogacy and adoption, alongside access to contraception, abortion and comprehensive perinatal health services. However, reproductive justice also directs our attention and energy to focus on the broader power relations and social structures that render certain choices harder, or even impossible, when the reproductive imaginaries and concerns of White, wealthy, able-bodied, heterosexual, cisgender, monogamously coupled people are prioritised and privileged.

Our research has identified that the pursuit of Rainbow reproductive justice necessarily involves locating, making visible and addressing the operation of gender and sexuality norms that may be taken for granted in reproductive healthcare (and broader social) systems. However, we have also identified how the harmful conditions produced by cisheteronormativity are interconnected with (and amplify) other forms of oppression stemming from colonisation, racism, ableism and entrenched social inequities, that together form a matrix of reproductive injustices. Progress towards Rainbow reproductive justice through research therefore necessitates a project-wide commitment to intersectionality that informs not only what research seeks to achieve but also how it seeks to achieve this (Abrams et al., 2020; de Bres & Morrison-Young, 2024; Parker et al., 2024; Rice et al., 2019). In the projects described in this article, and in context of Aotearoa/New Zealand, this begins with a commitment to fulfilling the articles of te Tiriti o Waitangi (Huria et al., 2023). As first steps we can ally ourselves to movements to: decolonise knowledge and practice in the health system; grow meaningful, reciprocal and collaborative relationships with takatāpui Māori; and centre gifted mātauranga Māori with oversight, reflexivity and accountability. An intersectional approach to research also asks us to be (and remain) clear about our social justice aims, to engage in ongoing reflexivity about our own positionality and privilege, and to build coalitions across related movements for reproductive and social justice (Rice et al., 2019). Through a reproductive justice lens, the task to secure reproductive self-determination and safety for Rainbow people increases in breadth and scale—but so, too, do the opportunities to effect meaningful change.

This essay has traced the contribution of two recent research studies in Aotearoa/New Zealand to Rainbow people's reproductive justice by naming and addressing the effects of cisheteronormativity embedded in reproductive healthcare. Through a reproductive justice lens, it is not enough to secure Rainbow people's access to reproductive healthcare services; the conditions in which they move through these services also matter. Reproductive justice can only be achieved for Rainbow people when we address intersectional relations of power that privilege White, able-bodied, cisgender, endosex and heterosexual

reproductive subjects and exclude and harm others, as they move through reproductive healthcare spaces and systems.

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Cisheteronormativity and the Court:
A Queer Criminological Approach

Robert Sewell, Ti Lamusse, and Fiona Hutton[*]

Abstract

This article explores the experiences of takatāpui/LGBTQ+/queer people within Aotearoa/New Zealand's courts, as defendants, victims and lawyers. Within this qualitative study, participants share stories filled with various challenges, including fears about engaging with the justice system, how gender and sexuality can affect a court case, and what support is available to takatāpui/LGBTQ+/queer people accessing justice. Underpinned by a queer criminological perspective, this article interrogates the latent, structural nature of cisheteronormativity as a form of harm, with particular consideration of its implications for access to justice in Aotearoa/New Zealand. Collectively, the findings of this study underscore the challenges faced by takatāpui/LGBTQ+/queer people when navigating the criminal justice system, particularly within the District Court of New Zealand.

Keywords: cisheteronormativity; access to justice; queer criminology; gender and sexuality; Aotearoa/New Zealand criminal justice system

Introduction

The Aotearoa/New Zealand criminal justice system is a primary mechanism through which state power is experienced on these islands. For some members of marginalised or oppressed groups, the criminal justice system has been a source of imprisonment, impoverishment and incarceration. However, despite it being nearly 40 years since the Homosexual Law Reform Bill was passed, there has been limited investigation of takatāpui/LGBTQI+/queer people's experiences of the criminal justice system in Aotearoa/New Zealand. Where that research exists, it is largely in the context of a wider investigation into the lives of takatāpui/LGBTQI+/queer people more broadly (Veale et al., 2019), or where takatāpui/LGBTQI+/queer experiences are an additional demographic for analysis (Mackenzie & Dickson, 2024; New Zealand Crime and Victims Survey (NZCVS) Project Team, 2023). This existing research has provided invaluable insights into experiences of Police discrimination and mistreatment (Mackenzie & Dickson, 2024; Veale et al., 2019), as well as higher rates of victimisation experienced by takatāpui/LGBTQI+/queer people (Dickson, 2017; New Zealand Crime and Victims Survey (NZCVS) Project Team, 2023).

Queer criminology is a subdiscipline that produces criminological research and theory that puts queer people's experiences at the centre, challenges cisheteropatriarchal power relations, and deconstructs existing criminal justice discourses and practices (Ball, 2014, 2016; Buist & Lenning, 2022; Dwyer, 2022; Lamble et al., 2020). However, there is a scarcity of research that primarily investigates

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takatāpui/LGBTQI+/queer experiences of the criminal justice system in Aotearoa/New Zealand (Dwyer, 2022; Lamusse, 2023). As a result, this article draws on more-developed feminist criminological thought (Jordan, 2008, 2023), as well as research into queer experiences of the courtroom from abroad (Mogul et al., 2012). Queer criminology provides a useful theoretical underpinning and methodological approach for the present research. First, the prioritisation of queer and trans experiences, in this study, allows for deeper insight into these lived experiences. This approach contrasts with other criminological research which simply adds Rainbow people to a larger demographic 'soup' (Dwyer, 2022). Second, these experiences provide insight into the role of cisheteronormativity, as a form of social harm worthy of investigation in and of itself (Lamusse, 2023).

Adjusting Cohen's (1997, p. 440) definition of heteronormativity, *cisheteronormativity* could be defined as those localised practices and those centralised institutions that legitimise and privilege heterosexuality and heterosexual relationships, as well as a binary gender system rooted in biological assumptions, as fundamental and 'natural' within society. Instead of focusing solely on the experiences of marginalisation and discrimination of the participants, a queer criminological approach also takes aim at the power structures that create these experiences (Lamble et al., 2020), including the intersecting and mutually constitutive structures of settler colonialism, capitalism, patriarchy, ableism and racism. As such, this article interrogates cisheteronormativity as a form of harm with particular consideration of its implications for access to justice. In this way, this article adopts a *zemiological perspective*, expanding beyond traditional criminological concerns with 'crime' to a conceptualisation of social harm (Hillyard & Tombs, 2007).

This article will explore both interpersonal and structural cisheteronormativity within the courtroom and the cisheteronormative bind of how gender and sexuality are represented within that context. First, the methods are outlined, including the analytical framework and issues around reflexivity. The themes identified through this process are then explored in the remainder of this article. Second, the ways in which the participants' identities affected their court experiences, through gendered charges, gender and sexuality evidence and their ability to access justice are explored. Third, the article examines how gender and sexuality can influence court proceedings and justice outcomes in more implicit ways, such as through pronoun usage and presentation of takatāpui/LGBTQI+/queer identities. Fourth, the legal profession is critically analysed as a means of providing support for people accessing justice in the Aotearoa/New Zealand criminal justice system and suggests lawyers and judges may be causing harm to the people they are supposedly meant to protect. Finally, the article briefly demonstrates the cisheteronormative expectations placed on a Rainbow defendant, who was required to take part in a programme run by a homo/transphobic organisation.

Methods

This article is a component of an MA thesis in Criminology (Sewell, 2023), conducted by the first author, with supervision from the second and third authors. The aim of the study was to explore the experiences of takatāpui/LGBTQI+/queer people in the District Court of New Zealand. Data collection involved nine semi-structured qualitative interviews, with three victims, two defendants, three lawyers and a key informant from an advocacy organisation for non-binary and trans people. All the participants self-identified as takatāpui/LGBTQI+/queer or had represented takatāpui/LGBTQI+/queer people as defence lawyers. Participants were recruited through physical posters in the Burnett Foundation and Christchurch City Libraries and via social media posts by Rainbow service and criminal justice organisations, including Canterbury-Westland Law Society, People Against Prisons Aotearoa and Gender Minorities Aotearoa. After recruitment, each interview (approximately one hour each) was conducted online using Google Meet due to geographical distances. These interviews were then transcribed and coded manually and using the transcription software Descript to ensure accuracy.

The data were analysed using *reflexive thematic analysis* (RTA). There are six phases of RTA: familiarisation; inductive coding; generating initial themes; reviewing and developing themes; refining, defining and naming themes; and writing up (Braun & Clarke, 2021). These phases were followed, with particular attention to the necessity of reflexivity in generating codes and themes. The headings of this article reflect key themes constructed through the RTA process: gender and sexuality—evidence and influence; presentation of gender and sexuality in the courtroom; cisheteropatriarchy in the legal profession; Man Up and cisheteronormative expectations for queer defendants.

Research on people who identify as a gender or sexual minority may be considered 'high risk', and so particular care was taken to ensure the researchers were aware of the care required when researching takatāpui/LGBTQI+/queer experiences. The research adopted "duty ethics of principles" to ensure that "honesty, justice and respect" were held at the forefront of all intents (Edwards & Mauthner, 2002, p. 20). In the context of ethics, justice is an ongoing process of care based on ethical values of "reconciliation, reciprocity, diversity and responsibility" (Edwards & Mauthner, 2002, p. 23). To properly understand the participants' ability to access justice, this study took a level of care to ensure it treated the experiences shared justly. Effective research should involve partnership with marginalised communities, prioritising accountability, transparency and cultural sensitivity to enhance trust and relevance (Mortimer et al., 2023). Researchers must recognise the potential for misinterpretation or misrepresentation of their findings and strive to ensure their work does not perpetuate harm or negative stereotypes (Mortimer et al., 2023). As a result, the primary researcher sought advice and training from InsideOUT.[34] InsideOUT also provided guidance on wording of recruitment posters. The research was supervised, and this article co-written, by a queer criminologist. Further methodological underpinnings and exploration of this study are provided elsewhere (Sewell, 2023).

Gender and sexuality: Evidence and influence

The takatāpui/LGBTQI+/queer participants in this study faced challenges when accessing justice through the courts. For example, some participants had fears around accessing justice while others had those fears realised, as their gender or sexuality influenced the outcome of their proceedings. Charlie,[35] a non-binary, bisexual, sexual-violence survivor, had heard "horror stories" of people's prior experiences. Those second-hand experiences made them reluctant to share their identity with the Court:

> I never overtly said that I was—that I'm bisexual. I never mentioned that. I think because I didn't think that it was relevant. But also, because I'd heard horror stories of things being used. (Charlie)

When asked what they precisely feared would happen had they disclosed their sexuality to the Court, Charlie answered, "I think it's just like having to prove that it's valid." For other participants in this study,[36] their gender and sexuality were used as a weapon to demonise them or discredit their experiences. For those people, Charlie's fear about the horror stories of the weaponisation of gender and sexuality were a lived reality, as detailed further below.

Sophia, an experienced lawyer, represented a genderfluid and pansexual defendant, Jamie. Sophia represented Jamie through the Family Court for dissolution of marriage and care of children, and the Criminal Court, arising out of one instance of family violence. As their lawyer, Sophia recalled how opposing counsel raised Jamie's sexuality during Family Court proceedings. The lawyer for Jamie's ex-

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[34] InsideOUT is "a national charity providing education, resources, consultation and support for anything concerning rainbow and takatāpui communities" (InsideOUT, n.d.).
[35] All participant names mentioned in this article are pseudonyms to protect the participants' privacy and identities.
[36] See Felicity and Sophia's client Jamie's experiences on the following page.

partner submitted Jamie's genderfluidity and pansexuality as a reason to restrict Jamie's contact with their children. The opposing counsel claimed that Jamie was not actually genderfluid and pansexual, but that their identity and sexuality was merely a "by-product of the fact that [Jamie was] molested as a child". Sophia claims Jaime felt stigmatised by this experience. Sophia believes this stigmatisation led to Jamie's hesitancy to engage in the Criminal Court, when charged by the Police for an assault on their ex-partner.

> [Jamie], in particular, had a lot of very strong views [about pleading not guilty to the family violence charges] and was very hesitant and very opposed to engaging in the court system. [Jamie was] quite distraught about the fact [their sexuality was] played out in the Family Court. (Sophia)

Calton et al. (2016, p. 590) discuss how the intersection of stigma and sexuality can have an increased effect on queer sexual-violence survivors as the "shame, embarrassment, and guilt surrounding [sexual-violence survivors] may be compounded by LGBTQ stigma, making it even harder to seek safety and support". For Jamie, rather than being able to access justice as their true self, their previous experiences of victimisation were used to discredit and stigmatise their identity. To have their victimisation potentially weaponised against them demonstrates the alienating and stigmatising practices of courts for gender diverse people.

Another of Sophia's clients, Chris, who is non-binary, was charged with 'male' assaults 'female', even though the 'assault on a person in a family relationship' charge was available and more applicable.[37] After charging Chris, with 'male assaults female,' the Police prosecutor challenged Chris' gender during pre-trial discussions:

> There was a comment made as to whether or not [Chris' gender identity] was just a bit of a cop-out, [because Chris] "still looked male, so why on earth would they be running the argument that they weren't". Like, [the prosecutor was implying] "Are you just trying to say that they are non-binary so you can try and get a lesser charge?" (Sophia)

Charlie's (non-binary victim-survivor) fears about having to validate their identity were similar to the experience of Sophia's client Chris in court. As the complainant was their ex-partner, Chris should have been charged with assault on a person in a family relationship. However, because the Police charged Chris as a man, gender would inevitably become relevant if the matter progressed to trial.

Sophia believed that as a 'male-presenting' non-binary defendant in a small-town family violence case, Chris's gender identity might distract entirely from the relationship, clouding the perception of their culpability of the assault.

> [If Chris] had elected for a jury trial [for the male assaults female charge] ... then having to have that discussion around the fact that [Chris was] born male, and they may appear to you as the stereotypical appearance of a male, but that is not how they identify, [gender identity] was going to be a whole other issue that we were going to have to address if that went to trial. (Sophia)

In this case, Chris's gender identity never overtly affected their case before the Court, as Sophia said, "Thankfully, it didn't progress to [trial]."[38] Because of the Police's misgendered charging decision, and the subsequent role of Chris's gender identity in a potential trial, Chris expressed a desire to disengage with the court process and plead guilty. In this case, the fear of gender identity becoming a factor at trial, rather than

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[37] As there is a gender-neutral charge available, with the same penalty, charging Chris with the gendered charge was unnecessary.
[38] Chris's assault allegations were eventually resolved on the assault on a person in a family relationship charge to which they entered a guilty plea.

an actual acceptance of culpability, shaped its outcome. Consequently, the decision to misgender Chris in the charging process limited Chris's ability to access justice in the courts.

Accessing justice as a victim can also be difficult for takatāpui/LGBTQI+/queer people (D'Cruz, 2023; Dickson, 2017). Felicity is a trans woman who was sexually violated by an associate shortly after returning from gender-affirmation surgery abroad. She gave evidence as a sexual-violence survivor in a jury trial, and like Sophia's client Jamie, Felicity experienced being 'outed' in court. The prosecutors gave Felicity the option to out herself to the Court or risk the defence outing her:

> The prosecutor basically said, "Look, there are two ways we can do this." Either we don't mention [my gender] and [I] just get sprung the questions in open court or, before the cross, [the prosecutor] can basically ask me questions and just put it out there. And that essentially nullifies the argument, and [the defence] didn't bring it up. [The prosecutor] was right. [The defence] didn't bring it up in cross at all, which is fine, but it's kind of like, why? And in what way is [my gender] relevant at all? (Felicity)

On advice from the prosecutor, Felicity shared her identity as a trans woman with the Court. It is difficult to ascertain if there was any real benefit to Felicity in the prosecutor raising it in the first place. Felicity suspected that "[the defendant] was arguing that he was curious about being with 'a trans' or something". If true, it suggests that the hyper-eroticised nature of trans-women's bodies (Reback et al., 2016) serves as a justification for their objectification and victimisation, in the mind of the perpetrator or their counsel.

For Felicity, although her gender identity was not an immediate issue in the trial, the defence chose to focus on her sexuality. Felicity reported being "badgered" on the witness stand for several hours about her relationship or desire for a relationship with the defendant (a man). She had earlier identified herself to the Court as a lesbian:

> I said that I identified as lesbian.[39] Um, but [the defence] kept trying to suggest I had had a relationship or even wanted a sexual relationship with [the defendant]. And I think at one point I actually turned to the jury and said, "I'm not sure what part of lesbian they don't understand." … It fundamentally precludes that I would have any interest in this [man]. (Felicity)

Felicity was forced to prove and validate her sexuality in the same ways that Charlie feared. Not only having to say that she was a lesbian at court, but to have that ignored, was incredibly "traumatising" for her. The defence team questioned Felicity about her relationship with the defendant for nearly a full day. A relationship that she continuously insisted went against her sexuality:

> The same question over and over and over. [The defence lawyers were] trying to establish whether I was in a relationship with [the defendant] and which I kept pointing out a) [I] wasn't, but b), even if I was, that … wouldn't mean anything. (Felicity)

As Felicity mentions, regardless of whether a victim is in a relationship with a defendant, sexual contact without consent is still a crime (Crimes Act 1961, ss 128–128A). Instead, Felicity's sexuality appears to have been invalidated in order to justify or excuse her victimisation—suggesting that she actually wanted to be sexually violated. This is not an experience unique to queer victims, and has been documented by feminist criminologists in relation to women's experiences in courts as victims of sexual violence (Jordan, 2023).

Felicity's experience is not unique and does not merely reflect the experience of gender diverse people. Instead, in a formal justice system that prioritises the institutional interests of its professional

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[39] Since her court appearances, Felicity has come out as bisexual, but at the time of these events, she fully identified as a lesbian and told the court as much.

components (Christie, 1977), formalism can lead to court proceedings that embrace conflict, strategic use of facts, and repeated questions to find inconsistencies in witnesses' and defendants' stories (Crenshaw et al., 2019, p. 781). For non-professional participants in this process, the adversarial and intimidating nature of the courtroom appears to be based on "the assumption that this hostile, tense, adversary context aids the truth-seeking process" (Crenshaw et al., 2019, p. 781). This may not always be the case. In the case of child witnesses, Klemfuss et al. (2014) found that participants can engage in court more wholly and productively when presented with a warm, supportive and sensitive environment. For the multiply marginalised victims of sexual violence, it is difficult to see how the formal system of justice can offer much beyond the reproduction of cisheteropatriarchal values, for the strategic purposes of its professional class.

Presentation of gender and sexuality in the courtroom

Alongside gender and sexuality evidence, how a person presents themselves, physically, in a courtroom can directly affect the outcome of their case, whether they are a defendant or a victim (Bartlett, 1994; Mahajan, 2007; Wiley, 1995). One of the core elements of non-binary or transgender presentation is the use of pronouns (Sevelius et al., 2020). Andrew (heterosexual lawyer), at his first appearance representing a transgender client, Ella, for aggravated assault, requested correct name and pronoun usage from the Court and prosecutors.

> Everyone's been perfectly fine to call her [Ella]. There's been no pushback—there's been no snide insulting or offensive remarks or anything like that. (Andrew)

Most of the participants in this study agree that the Court has improved in recent years regarding pronoun usage. However, correcting incorrect pronouns is a relatively simple issue to address, as using incorrect pronouns represents semantic or surface-level expressions of cisheteronormativity.

Latent, structural expressions of cisheteronormativity were present throughout the participants' experiences, profoundly affecting their treatment and experience while accessing justice. Many defendants' first interaction with the court is with duty lawyers,[40] immediately before their first appearance. Mogul et al. (2012) demonstrate, in the American context, how a homo- or transphobic lawyer can be seriously detrimental to defendants and their access to justice. Emma, an experienced lawyer and a queer person herself, has worked as a duty lawyer and witnessed how other counsels refer to potential clients behind their backs. Specifically, Emma says one of the most obvious ways that duty lawyers use to tell if a client is takatāpui/LGBTQI+/queer is if the defendant brings their partner. When asked if she had seen duty lawyers mistreating takatāpui/LGBTQI+/queer clients, Emma responded:

> Only when they bring their partners. And that's something that I think defendants that have had a little bit of experience in the courts know not to do. … [T]hat's when you get negative comments from lawyers off to the side like "I'm not seeing [that client]." (Emma)

For any person, their partner is potentially their strongest support, and a heterosexual person may be able to have that partner present without adverse outcomes. Unfortunately, in Emma's experience, some duty lawyers are not willing to provide the same level of support to takatāpui/LGBTQI+/queer people.

Mistreatment by duty lawyers at first appearance is something Sam, a "queer/lesbian" person, experienced firsthand. When she was arrested for the occupation of a building during a protest, Sam was dressed how she would on any given day, which she described as "visibly queer" and "loud and proud". After being arrested, Sam appeared in Court dressed in the same clothing:

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[40] According to the Ministry of Justice (2021), "Duty lawyers give free legal help to people who have been charged with an offence and don't have a lawyer."

> I went there looking the way I ordinarily looked—just on a day-to-day basis—and quickly
> realised that was a bit of a mistake, because it meant that I wasn't being taken seriously. (Sam)

For Sam, her physical appearance meant her duty lawyer, the judge, as well as other parties in the court did not recognise her as legitimate. Takatāpui/LGBTQI+/queer defendants and victims may not intentionally dress in a way they feel will disrespect the court,[41] but judges may assess their appearance against unspoken dress standards for non-professional court participants.

Although there is some effort to minimise ethnicity and sexual discrimination in the courtroom, "the broader underlying issue of physical appearance discrimination is largely ignored" (Wiley, 1995, p. 218). The expectations of a courtroom dress code is often rationalised, by the court's professional class, through a desire for formality in procedure and aesthetics (Mahajan, 2007). However, as argued by Bartlett (1994), dress codes are never value- or community-neutral. Instead they reflect existing cultural norms, particularly of the largely White professional middle class overseeing court procedures (Bartlett, 1994). Although a defendant or victim may appear to be dressed 'inappropriately' in the court context (not in formal wear), they may be dressed appropriately in their community or cultural context. Where access to justice is assumed to be an inalienable right, people should be able to present as their true selves. However, as the participants' stories in this study show, how queerness manifests in physical appearance may affect their treatment or the outcome of their case.

In Sam's experience, the duty lawyer was dismissive and did not take her as seriously as her co-defendants:

> I was probably the only person who looked that way ["loud and proud"]. I was maybe taken
> a bit less seriously [than] some of my co-accused. I think largely just because of my appearance
> and looking quite weird. (Sam)

Sam's feelings of being treated differently, for presenting her sexuality and queerness through her outfit choice, demonstrate a form of cisheteronormative stigmatisation of non-normative appearance in the courtroom. This stigmatisation may have led to Sam describing herself as "looking quite weird" after recalling this incident, when previously she had used the words "loud and proud". It may have prevented Sam from accessing justice through her duty lawyer.

> I remember the [duty] lawyer being quite dismissive of my contributions and looking more
> towards the 'straight guys' I was co-accused with. I remember the other co-accused, who was
> also a woman, was also being dismissed—the lawyer was taking the guys much more seriously.
> (Sam)

Sam's final point highlights that this may not have been solely queerphobic but also mysogynistic, as the lawyer took only the "straight guys" seriously. The stigma attached to Sam, as a queer person, and the stigmatisation she perceived, as a woman, further impacted her access to justice. Sam's appearance directly influenced the quality of her legal representation and, therefore, her voice in the courtroom.

Rather than being treated differently due to their appearance, some participants were told to appear in a cisheteronormative way. Charlie, a non-binary sexual-violence survivor, appeared at their attacker's sentencing to read their Victim Impact Statement.[42] The detective in charge of Charlie's case advised them to dress in a "feminine" way to gain favour from the judge. At the time, Charlie was in the "discovering

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[41] For many queer/LGBTQI+ people, their choice of dress is a political choice of rejecting hegemonic standards of decorum and dress (Nelson, 2020). Therefore, when queer/LGBTQI+ people dress 'queer', they may be doing so in an attempt to subvert cisheteronormativity (Nelson, 2020).

[42] The purpose of a Victim Impact Statement is to tell the Court and the perpetrator how the crime has personally affected the victim and to enable the court to better understand the victim's perspective on the offending (Manaaki Tāngata | Victim Support, n.d.).

phase" of understanding their gender identity.[43] In retrospect, this advice from the detective had a "traumatising effect":

> When it came to the sentencing hearing, it wasn't "You have to dress this way, this way, this way" in how you present yourself, but the detective was very much like: "So there's certain things that you probably shouldn't wear because it gives off the wrong vibe." (Charlie)

Charlie initially expressed concerns, throughout the research interview, about stereotypes around their sexuality leaking into the case. Cabatingan (2018) argues that clothes allow these social artefacts, such as cisheteronormative femininity, to seep into the courtroom. In this way, the Police advised Charlie to present in a particularly feminine manner to induce different (ostensibly more helpful) stereotypes within the judge.

> I felt like I had to dress in pink with a bow in my hair to seem like the perfect victim and that kind of stuff, which I found quite strange. So, I wore pink, like baby pink, a pink floral shirt, and a pink bow in my hair, which I never would've worn otherwise. (Charlie)

The "perfect victim" (Charlie), or in Christie's (1986, p. 18) conceptualisation, the "ideal victim", is a "person or a category of individuals who —when hit by crime —most readily are given the complete and legitimate status of being a victim". From Charlie's perspective, when the detective asked them to dress in a feminine way, they were told they needed to dress differently to achieve legitimacy as a victim. In Charlie's words, dressing that way was to "almost paint [the defendant] in this dark cloud way. And then I'm this light pink bubble or something." Charlie felt like they were presenting an inauthentic version of themselves. The Police tried to portray both Charlie and the defendant in ways that may not have demonstrated the true dynamic of the relationship between attacker and survivor. This experience diminished Charlie's identity and their "legitimate status" (Christie, 1986) as a sexual-violence survivor.

Jordan's (2008) study of New Zealand rape survivors reported that participants felt dependent on the Police, as professionals, to guide them through court proceedings. The study also found that for people who fit the stereotype of the 'perfect victim', the Police provide adequate support (Jordan, 2008). The Police, in Charlie's case, may have been attempting to present a perfect victim to the judge. Christie (1977) describes "professional thieves", being lawyers who steal the conflict from victims and defendants and replace it with a conflict that suits their interests. In Charlie's case, the prosecutors placed higher priority in securing a higher sentence for the defendant than in Charlie's ability to authentically present themselves in Court. In order to achieve an outcome in the interests of the prosecutors, the needs of the victim, and their embodied identity, became secondary.

For takatāpui/LGBTQI+/queer people entering the courtroom, how to present oneself requires ongoing consideration. Charlie (non-binary victim-survivor) and Sam (queer/lesbian defendant) shared opposing views, regarding the advice they would give other takatāpui/LGBTQI+/queer people on how to dress when accessing justice. When viewed in parallel, these provide a unique insight into the lose-lose situation they faced. Sam, who appeared as a "loud and proud" queer defendant, spoke about how she would advise other defendants to dress cisheteronormatively:

> I would hate to say this, but I think the way that the court system, [because of] the people representing you, a lawyer or a judge—my advice would be that they try to look 'straight'. And that's advice that I would absolutely hate to give. But if you want to be taken seriously and respected, it seems, in some cases, it is necessary. (Sam)

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[43] Charlie now identifies as bisexual and non-binary. At the time of the sentencing, they identified as bisexual and questioning gender. As discussed previously, Charlie did not share either of these facts with the Court or the Police as they feared it would distract from the case.

For Sam, although the advice goes against what she believes in, she contends it is still needed under the current system to help ensure fair treatment and prevent stigmatisation. Charlie, unlike Sam, appeared as a victim and was told to present in an inauthentic way by the Police. They took a different approach to the advice Sam gave:

> I would take a different stance than what the detective did. I would definitely say just to be yourself, because sexuality and gender identity should not be inhibitors to accessing justice. People are people. (Charlie)

Both Charlie and Sam experienced stigmatisation due to their gender identity and the way they chose to present it in court: Sam, as a defendant, experienced mistreatment due to her perceived 'failure' to dress in an 'appropriate' manner, whereas Charlie's experience, as a sexual-violence survivor, was being asked to dress as the ideal victim. Sam was mistreated for her appearance, so her advice to others was to appear heteronormative and cisgendered to avoid the same experience. This advice contrasts with Charlie's, who appeared inauthentically and wished others would present as their true selves.

When accessing justice through the courts, takatāpui/LGBTQI+/queer people can, thus, face a lose-lose situation. They can either conform their appearance to what the courts deem appropriate and seek justice inauthentically, or appear as their authentic selves but risk being punished or stigmatised. In such a way, they are caught in a court-induced cisheteronormative bind, where they need to either deny their true selves or risk discrimination and stigmatisation.

Cisheteropatriarchy in the legal profession

As defendants pass through the court system, their lawyer is often their only continuous support. Approximately 40% of defendants in Aotearoa/New Zealand are represented through the partially funded Legal Aid system (New Zealand Ministry of Justice, 2023). Rā, a trans community leader interviewed for this study, spoke on the financial difficulties faced by trans people, primarily due to their housing and employment challenges. These difficulties can make them more dependent on Legal Aid and other free legal services, such as Community Law and duty lawyers. Emma, as a duty lawyer, recognises the importance of her role, as "lawyers are the person that the defendant will spend the most time with and will be the most respected by". She wishes all lawyers were able "to support the person, whether the judge does or not". Emma highlights that, during the court experience, the lawyer is usually the only party the defendant will see inside and outside the courtroom. To some extent, the lawyer is the only person a defendant can genuinely rely on in court.

A bigoted lawyer could have a significant negative impact on a defendant and later influence that person's ability to access justice. Emma discusses various instances in which she has seen misgendering, dead-naming or incorrect pronoun usage by lawyers:[44]

> Your lawyer, who's supposed to be supporting you, showing you that they don't accept you or don't accept how you live is soul destroying. And I've had clients come to me, and they had asked the lawyer to use 'they'. The lawyer refused, not just by continuing what they were saying, [the lawyer] literally refused verbally to call them they. To have the person you're supposed to trust to get you through this criminal process yell at you and absolutely refuse to call you they is … I can't even imagine. (Emma)

Something as simple as respecting a their pronouns can have a profound effect on the person's comfort and safety in an unknown or unfamiliar environment (Sevelius et al., 2020). As Emma believes, the lawyer

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[44] As noted earlier, some of the participants in this study said that gender recognition and pronoun usage has improved in recent years. Emma's experience demonstrates that this has not been universal.

is the most important person to a defendant in terms of formal support. When a lawyer does not use their client's correct pronouns or name, they are disrespecting and dehumanising their client, and effectively abandoning them to access justice with no meaningful support.

In the 1980s, a Family Court judge referred to Bob, a gay man, as a "sexual deviant", due to his sexuality, during his divorce proceedings. As someone who has, more recently, come to the attention of the criminal justice system, Bob now has two lawyers retained, one of whom he knows to be gay:

> So, there's a gay one. [Names person] is my straight-up lawyer. Hell, he's a hard bastard, but I trust him. I trust him. (Bob)

Having a lawyer who understands his sexuality and experience is reassuring for Bob, which may stem from his previous experience in the Family Court. Like Bob, other participants reported uncertainty about whether the lawyer would support or understand their queerness. In Sam's (queer defendant) experience, "It can be a bit of a lottery with [Legal Aid lawyers]. You're more guaranteed fair treatment if you are choosing your own lawyer." The ability to choose your Legal Aid lawyer is only available to those facing a charge with a penalty of more than 10 years' imprisonment (New Zealand Ministry of Justice, 2024). The uncertainty of not being able to choose a lawyer resulted in some participants opting out of the Legal Aid process, or "lottery" as Sam describes it, which limits their access to justice.

The firm that employs Sophia as a lawyer is not currently doing Legal Aid assignments. However, Sophia's client Jamie (genderfluid and pansexual defendant) was previously under Legal Aid and decided to use Sophia and her firm privately, despite the increased cost. Jamie chose to opt out of the Legal Aid process due to mistreatment by the assigned lawyer:

> [Jamie] was initially legally aided and referred to a Legal Aid lawyer in [small town]. And [the Legal Aid lawyer's] treatment of them was so abhorrent that [Jamie's] family trust became involved and, instead, decided to disburse the family trust to pay for a private lawyer. [Jamie] completely opted out of the Legal Aid process and, essentially, received part of their inheritance early so that they could get appropriate legal representation. (Sophia)

The isolation of Sophia's small town compounds the difficulty of finding a queer-supportive lawyer. Consequently, with the randomly allocated Legal Aid system, it can be too risky to leave it to chance. Jamie, and their family, felt they had to pay for private legal counsel, to ensure they would have legal representation without discrimination. Where cisheteronormativity creates barriers to accessing Legal Aid, it places a financial burden on the person accessing justice.

Rā, who works for a non-binary and trans advocacy organisation, contends that takatāpui/LGBTQI+/queer people often experience financial hardship, due to difficulty finding suitable work, accommodation and other necessities, which can also all be factors leading to appearing in court (as evidenced by Veale et al., 2019). Without having sufficient disposable income, private legal fees for most people, as in Jamie's case, are not feasible. Consequently, Legal Aid and Community Law are essential avenues for supporting takatāpui/LGBTQI+/queer defendants through the court process:

> It's really likely [that] trans people [will] have no money, and so that's one of the reasons [they cannot employ private counsel]. But we have worked with Community Law quite a bit. (Rā)

The community organisation Rā works with has developed a relationship with the local Community Law office to help refer trans people needing representation. Rā elaborates on the challenges faced in finding a suitable lawyer for a trans defendant, especially if they require a niche area of law or live outside one of the main centres:

> [There are challenges for] trans people who are asylum seekers and those kinds of things. Because you need to find a lawyer who understands [your identity]. [But you also] need a specific type of immigration lawyer. And there are not that many of them. Who out of the bloody six in the country [actually] knows about trans stuff? I don't want to say none of them because that would be a bit implicating of everyone. (Rā)

Rā implies that the small number of lawyers working in some specialised areas of law makes finding a trans-inclusive specialist even more difficult. The pool of lawyers who understand trans issues is limited. Finding appropriate representation can be especially difficult when that need overlaps with complex or specialised legal requirements. Fortunately, Sophia's client Jamie could afford to opt out of the Legal Aid system to prevent further mistreatment—but unfortunately, not every person has the same access to resources. Thus, the material implications of cisheteronormativity in the courtroom may be exacerbated for poor or working class defendants.

Emma had an experience with a defendant that echoes the story above, but in a far more worrisome manner. Emma represented a client in the Criminal Court who repeatedly pointed to their criminal history and claimed that they "didn't do that". In Emma's years of experience as a lawyer, she insists that almost every client will say this at some point. However, in this case, Emma discovered her client had only pleaded guilty to those charges so they would not have to continue with their bigoted Legal Aid lawyer:

> I had a client who had an extensive criminal history, and we're going through them one by one, and they were saying, "I didn't do that, I didn't do that, I didn't do that," and you often get people saying that so it's like "Ok." But they said, "In all of those, I pleaded guilty to get out of the system"—because of how they were treated. It was a matter of "I don't trust you to be my lawyer at a trial, so I'm going to plead guilty to get away from you." (Emma)

It is profoundly unjust for a person to plead guilty to a charge to which they are not actually responsible. This particularly undermines access to justice when that guilty plea is due to social harm caused and exacerbated by the justice system itself. In the case of Emma's client, she pleaded guilty under the duress of the legal system to escape from its cisheteronormative oppression. Defendants, like Emma's client, may not have the same resources as Jamie had to employ private counsel when mistreated. Lack of resources may lead to similar decisions to "get away" from these cisheteronormative systems.

At the time of the interview, Emma was doing duty lawyer work but not Legal Aid. Some of her duty clients wished to continue with Emma, due to her understanding of their identity. However, her role as a duty lawyer is to provide on-the-day legal advice and court advocacy; she cannot provide ongoing legal support. This situation can lead to difficult conversations with former clients:

> I am not doing Legal Aid, so telling that person you can't help is really hard. And you can see the disappointment. And often [I] get asked if there's someone you would recommend. [The clients are] not saying out loud "someone who's going to be [non-discriminatory]", but it's that underlying—you know that's what they're asking. (Emma)

For these defendants, Emma's presence and advocacy as a non-bigoted lawyer represents an exception to their previous experience. Unfortunately, given the experiences of other participants in this study, there appears to be no guarantee that they would receive similarly inclusive treatment from the lottery system of Legal Aid.

Some lawyers, like Emma and Sophia, have recognised the social repercussions of speaking out against discrimination within the legal profession, and have been alienated from their colleagues for doing so. Sophia demonstrates the inconsistency in the legal profession's culture across regions in Aotearoa/New Zealand. Practising in a small town, she had a queer colleague who remained closeted to their peers while

working there. That colleague only came out openly in their profession after moving to a major urban centre:

> I have had a colleague, not from this firm, but just a colleague within the bar who did not come out openly about their sexuality for, I think, about five years. Five years of her profession always fielded those discussions, "[Do] you have a boyfriend?" or "[Do] you have a husband?" And it took quite some time. It took her leaving [this town] and relocating to feel comfortable that she could actually come out as lesbian. So, it took her essentially relocating to [a larger city], where there was a more diverse bar for her to feel comfortable. (Sophia)

If lawyers, who hold considerable power and authority within the legal system, do not feel comfortable expressing their gender or sexuality in their profession, it is understandable that their clients, including the participants in this study, have also expressed fears of entrusting their identity to lawyers.

Emma, as a lawyer herself, discusses the relationship between judges and the legal profession and how long it takes for lawyers to be appointed to the bench.

> Someone being a judge after 25 years is early, so it's going to be a very long time before you know the judiciary is caught up. Obviously, I am unaware of what the judiciary goes through in terms of training. But it is desperately needed. (Emma)

She fears any delays in addressing bigotry within the legal profession will be delayed to a greater extent for the judges and contends that without addressing the cisheteropatriarchal culture embedded in judges, the substantive decisions made in the courts may still contain bias. The legal profession is the pool from which judges are appointed, and Emma suggests that any culture change should occur simultaneously in both areas.

However, it appears that considerably more work is needed to achieve that culture change, with multiple participants in this study referring to the "all boys club" of criminal law. One of the most harrowing examples came from Emma, who speaks about feeling excluded from her legal peers due to her gender and sexuality. This was reinforced by her experience at a regional Law Society event, where a senior colleague made a joke that, in criminal law, "as a woman, you're either a slut or a dyke". For Emma, the most concerning part of that interaction was not the joke being made, but the laughter it received. It reinforced to Emma that she was marginalised in her profession. Sophia, another lawyer, describes the casual racism she witnesses in the legal profession. She spoke about a recent graduate lawyer from the Middle East, who had recently joined the bar:

> People refer to him as "the Black one" because he's the only person that isn't Caucasian. (Sophia)

Lawyers, as representatives of the defendant, are one of the few supports offered to people charged with a crime. If lawyers are unable to treat their colleagues with basic respect and decency, it is unclear how they would be able to do so with their clients with considerably less power and expertise. In this sense, the Aotearoa/New Zealand criminal justice system can further harm and marginalise people to whom it is purportedly meant to protect. Legal representation is the primary protection for defendants in the criminal justice system, but as this study shows, the culture of the legal profession, and the system it operates within, may themselves be causing harm. That harm—cisheteronormativity—creates clear barriers to justice for takatāpui/LGBTQI+/queer people in Aotearoa/New Zealand.

Man Up and cisheteronormative expectations for queer defendants

In addition to their experience of accessing justice within the courtroom, some of the participants in this study experienced cisheteronormative expectations during their court cases. Sophia's non-binary client Chris (defendant) was offered diversion for family violence, by the Police. As a condition of that diversion, the Police referred Chris to a gendered violence-prevention programme:

> [Chris has] been referred to Stopping Violence and a programme called Man Up. Don't even get me started on that one. So, we've had discussions. Man Up is no longer on the table. But having to go through Stopping Violence and those programmes, [Chris is] incorporated with the male sessions because [the programmes] don't have non-binary sessions available. (Sophia)

Man Up, a programme run by Destiny Church, has been criticised for its association with the church's leader, Brian Tamaki (Van Beynen, 2019). Tamaki is a vocal opponent of LGBTQI+ rights, including organising the "Enough is Enough" rally against allowing same-sex partners to have civil unions in 2004 (The Press, 2004). In 2024, he encouraged his followers to destroy rainbow-coloured pedestrian crossings (RNZ News, 2024b) and intimidated drag artists into cancelling a planned Rainbow Storytime tour across Aotearoa/New Zealand, after "threats of violence" against the artists (RNZ News, 2024a).

When a non-binary person such as Sophia's client Chris is referred to a Man Up programme by the Court, their gender identity is questioned. Encouraging a non-binary person to 'man up' to prevent violence is to deny them their gender identity. To have that programme operated by a group known for discrimination towards takatāpui/LGBTQI+/queer people could exacerbate participant fears about attending and potentially cause social harm by undermining their safety and mental health. Since 2019, the Department of Corrections banned the Man Up programme from prisons (Walters, 2020, p. 20). However, Sophia's experience with Chris occurred after that time, showing its ongoing use as a programme by other justice institutions, including the New Zealand Police.[45]

Conclusion

The experiences of the participants in this study have demonstrated the importance and urgency of queer criminological research. For too long the stories and struggles of Rainbow communities in Aotearoa/New Zealand have not been adequately heard and addressed. The stories discussed here demonstrate that cisheteronormativity pervades the New Zealand court system and fundamentally shapes takatāpui/LGBTQI+/queer people's experiences of 'justice'. From the use of gender and sexuality as a weapon in court to the cisheteronormative constraints in presenting oneself in court, alongside a non-binary person having to take part in a Man Up programme run by a homophobic and transphobic group, cisheteronormativity shapes LGBTQI+/takatāpui/queer people's experiences of the District Court and creates barriers to access to justice. These experiences are underpinned by a cisheteronormative legal profession, where racism, transphobia and homophobia need to be urgently challenged. Instead of providing justice, the experiences of the participants in this research suggest that the cisheteronormativity of the justice system is harming takatāpui/LGBTQI+/queer people.

As this study is the first of its kind in Aotearoa/New Zealand, there is a need for much further research. This was a relatively small qualitative study on takatāpui/LGBTQI+/queer court experiences as a whole. As a result, there is a need to investigate, in greater detail, some of the findings of this study. This could include further study on the impact of implicit and explicit dress codes in the courts on takatāpui/LGBTQI+/queer peoples, as well as the roles of partners as support throughout the court

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[45] Editor's note: Since this article was written, the New Zealand Police have also stopped referring people to Destiny Church's Man Up programme. https://www.rnz.co.nz/news/national/544083/police-stop-referring-people-to-destiny-church-s-man-up-and-legacy-programmes

process. As none of the participants in this study, except for Rā, identified themselves as takatāpui or as a Person of Colour, the ability to provide analysis of the intersectional nature of racism and colonisation on court experiences was limited. Further research may be able to expose some specific experiences of other mutltiply marginalised takatāpui/LGBTQI+/queer people, including how the courtroom and its normative standards affect other intersections of identity, including ethnicity, disability and mental health.

As a part of the emerging queer criminology of Aotearoa, other justice institutions, and takatāpui/LGBTQI+/queer experiences of them, need to be interrogated. There is a need for queer criminology investigation into the judiciary, the Police, the Department of Corrections and the legal profession. This is particularly the case for Police, where conflict between Police and takatāpui/LGBTQI+/queer communities has been politically charged (Lamusse, 2016; Murphy, 2018). Queer criminology also has a role to play in establishing and evaluating alternative justice approaches that could better meet the needs of takatāpui/LGBTQI+/queer people, and Aotearoa/New Zealand as a whole. For those reasons, this study should serve as a rallying call for Aotearoa/New Zealand to critically examine the courts, and whether they fulfil the right to access justice for all New Zealanders—especially for takatāpui/LGBTQI+/queer people. Where they fail to do so, justice transformation is needed.

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Tranz Liberation Framework

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Abstract
The Tranz Liberation Framework was developed in response to the discourse in Aotearoa/New Zealand during the Posie Parker visit in March 2023. Although there was overwhelming support for trans folks, it did not translate into improved conditions for the community. The framework takes Nancy Fraser's theory of justice and explains the specific aspects of life that need to change in order for transgender and non-binary people to be equal members of society. It includes three pillars that are required for acceptance of transgender and non-binary people within wider society: protection, access and recognition. The framework can be applied by a range of different groups to fight for a world where transgender and non-binary people have the same opportunities to participate in society as cis people experience, while being able to live as their authentic selves. Please note this article contains the author's personal views in their personal capacity.

Keywords: trans rights; trans joy; trans liberation; Nancy Fraser

Introduction

The visit of British anti-trans activist Posie Parker to Aotearoa/New Zealand in March 2023 triggered a national debate around transgender people's rights and existence.[1] Thousands turned out in Tāmaki Makaurau/Auckland, Te Whanganui-a-Tara/Wellington and Ōtautahi/Christchurch to show their support for the transgender community with signs saying "Trans rights now" and "Trans rights are human rights" (RNZ News, 2023). However, this mobilisation of support for transgender and non-binary people did not translate into material change for the community. The allies' and community's discourse was limited to acceptance of transgender and non-binary people rather than interrogation of how this support could be leveraged to create equitable conditions for all transgender and non-binary people. The lack of strategic application led to the development of this framework: the Tranz Liberation Framework for transgender and non-binary people's needs. It answers the question: What are the trans rights that people were counter-protesting for?

The Tranz Liberation Framework was developed when I was driving to a wellness retreat an hour north of where I live. I was frustrated at the narrative which had oversimplified the needs of transgender and non-binary people to pronouns and participation in elite sport.

The Posie Parker visit had brought out pro-trans crowds, but the dialogue of acceptance did not reflect my experience as a trans person. For my own experience, it did not matter if people accepted me if I did not have access to healthcare or had to jump through multiple hoops for institutions to recognise the gender that I am. Or rather, this is what acceptance is for me, not what one person thought about my existence.

I thought of what I and the young people whom I had supported over the years actually needed and came up with three pillars that would create a society that truly accepted transgender and non-binary people. After developing the high-level concept, I tried to apply this in my job. I was working at Oranga

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[1] For this article the terms transgender and non-binary encompass any person whose gender is different than what was assigned at their birth, including people who are takatāpui.

Tamariki at the time and one of the priority groups was Rainbow people. Commissioned by Oranga Tamariki, the *Making Ourselves Visible* report was released in March 2023 and focused on the needs of transgender and non-binary young people in care (Clunie et al., 2023). Overall, the recommendations were appropriate but missed some key aspects of transgender and non-binary people's experiences. From this, I further developed the framework to support my colleagues to upskill and support them in their thinking when developing policies that will impact transgender and non-binary people. The framework was further developed with Grace Carroll and an earlier version was presented at the Rainbow Studies NOW symposium in late 2023 (Prout & Carroll, 2023). Based on feedback from the symposium, the framework was further developed.

A core idea of the Tranz Liberation Framework is that transgender and non-binary people will not see equitable conditions through acceptance alone or people protesting for 'trans rights'. The framework takes the materialist critiques of identity politics contained in the work of Nancy Fraser's (1995) theory of justice and builds on her concept of developing an alternative to what she describes as "progressive neoliberalism" (Fraser, 2019).

Fraser's (1995) theory of justice asserts that attainment of material needs requires substantive recognition and value of groups' differences, as well as redistribution of power, particularly capital and access to capital. Fraser's 1998 article, which was a rebuttal to Judith Butler's (1997) critique of Fraser's initial 1995 article, takes Bourdieu's ideas on class and applies it to her theory of justice. In this, she ascertains that the oppression of gays and lesbians is not "merely cultural" but class-based, in the sense that their sexuality limits their access to capital. Fraser's argument considers how some laws restrict equal participation in society: laws that legitimise certain ways of being, and laws that show how certain types of people only have access to capital due to limited opportunities and the types of labour that is valued. For example, Fraser argues that women's labour and work is not valued and correctly given financial compensation and that is, in part, why they have less access to capital than men.

In her 1995 article, Fraser uses the example of marriage equality, arguing that only heterosexual marriage has legal recognition by the state. She explains that this results in misrecognition as the state does not formally recognise anything other than a heterosexual relationship. This also leads to maldistribution, because non-heterosexual couples do not see the financial benefits that some states offer to married couples.

Fraser's ideas about justice influence the framework, firstly, in the way it recognises the different needs transgender and non-binary people have compared with their cis peers. More importantly, in her later works, Fraser also recognises the need to move beyond simply diversifying existing social hierarchies that preserve the neoliberal order—what Fraser describes as "progressive neoliberalism" (Fraser, 2019). This must be combined with the acknowledgement of the importance of material access to capital, including improving the economic conditions of transgender and non-binary people in Aotearoa/New Zealand and the need for system-level change to secure this.

The Tranz Liberation Framework's three core pillars of protection, access and recognition make visible and explicit the areas of material need, which should guide transformative action.

Protection

The *protection pillar* concerns protection from discrimination and violence, as well as access to the same opportunities cisgender people have. This pillar is based on the political philosophical concept of positive freedom and negative freedom (Berlin, 1969).

In practical terms, achieving protection would see no transgender or non-binary person facing discrimination on the basis of their gender and while having the same opportunities as their cis peers. Protection is assessed in two categories: the rights of transgender and non-binary communities to be *safe*

from (negative freedom) discrimination and violence due to their gender, as well as being *able to* (positive freedom) have the same access to capital and opportunities as cisgender people. Positive freedom acknowledges Fraser's and other critical theorists' ideas that all people should have the means to do something, such as having equal access to capital and opportunities. This is not just protection under the law, as classical liberal theory ascertains. For transgender and non-binary people in New Zealand, there is protection under the law, but this does not lead to full protection (as outlined below) because transgender and non-binary people still do not enjoy the same material conditions as their cisgender peers. As Fraser (1995) discusses, to see true justice there needs to be a move beyond legal protections and diversifying, to reshaping the current system. Changing laws alone is not going to achieve this.

Achievement of the protection pillar requires specific provisions to protect transgender and non-binary people from discrimination and violence. This includes policies and wider societal change to facilitate equal access to employment, housing, social and health services, and public spaces. In Aotearoa/New Zealand, the Human Rights Act 1993 protects citizens from discrimination on the basis of sex. To date, the Solicitor-General (2006), in their opinion on the Human Rights (Gender Identity) Amendment Bill 2006, has interpreted the Act to mean all genders, including transgender and non-binary people.

However, the New Zealand Law Commission, in a recent review of the Human Rights Act 1993, has acknowledged further protections could benefit the transgender and non-binary community (Te Aka Matua o re Ture | Law Commission, 2024). Despite the current protections under the Human Rights Act 1993, transgender and non-binary people continue to face increased rates of discrimination compared with their cisgender peers. According to *Counting Ourselves*, a survey of the health of transgender and non-binary people, led by Dr. Jaime Veale and the Trans Health Research Lab team at the University of Waikato, almost half of all the respondents reported experiencing discrimination in the preceding 12 months, more than double the rate for the general population (Veale et al., 2019).

Economic opportunities are also limited for transgender and non-binary people compared with their cisgender peers. *Counting Ourselves* found the average income of respondents was $15,001–$20,000. Furthermore, respondents recorded unemployment levels at around twice the rate of the general population (Veale et al., 2019). The survey also reported that transgender and non-binary people face much higher rates of homelessness (19%) than the national average of 2% (Veale et al., 2019).

Access

The *access pillar* considers how transgender and non-binary people have access to resources and services that affirm their gender and are timely, safe and affordable. This pillar is influenced by the social model of disability (Beckett & Lawson, 2020). The *social model of disability* states that it is society, not a person's disability, that impairs them and that their access needs should be meet through accommodations. For transgender and non-binary people, like for disabled people, there are specific needs and supports a person requires, which are different than their cisgender peers', to be able to fully participate in society. Society should provide for these specific needs through appropriate supports and services.

In practical terms, access is about availability of tailored resources and services to enable a person to live as their gender. This includes, but is not limited to, access to: culturally safe gender-affirming healthcare based on informed consent; gender-affirming garments such as binders, gaffs, etc.; and bathrooms and toilets that a person feels comfortable to use, without affecting access to accessible toilets for people with mobility impairments

Accessible gender-affirming healthcare should be based on the cultural safety principles outlined by Ramsden (2002). Ramsden outlines what culturally safe care is. She explores how the 'minority' group should determine what is culturally safe care for them and the power imbalance between the patient and

the medical professional needs to be switched, as the patient is the expert in their care. Gender-affirming healthcare should be accessible, and person-led, with the transgender or non-binary individual deciding what healthcare is right for them.

To achieve this, there needs to be a shift in thinking within the medical community, where a transgender or non-binary person knows what is best for themselves and be trusted to make choices about their gender-affirming healthcare. This includes being able to access hormone treatment through primary care providers. With this, informed consent should be the norm across Aotearoa/New Zealand and anyone choosing to access gender-affirming healthcare should not be required to complete a psychological assessment or adhere to gender norms in order to access it. However, any person wanting to access gender-affirming healthcare should be fully informed about the changes and possible side effects.

In terms of availability, all gender-affirming healthcare should be fully and adequately funded by the state to meet demand. If surgical treatment is not available locally, funding should be available to travel domestically or internationally to access gender-affirming surgical treatment.

Recognition

The *recognition pillar* focuses on the recognition of transgender and non-binary people as themselves across systems and services, and within interpersonal relationships. It expands on Fraser's concept of recognition and explores what recognition would look like for transgender and non-binary people.

This pillar is divided into two components: micro-recognition and macro-recognition. *Micro-recognition* relates to interpersonal relationships and includes someone being gendered correctly through using their correct name and pronouns. This can be in personal or in professional relationships. *Macro-recognition* is at a system level and includes institutions, such as banks, media and government agencies, recognising a person's correct gender and name, and having the infrastructure to do this.

To achieve macro-recognition, institutions should not require a person to legally change their name or gender to be correctly gendered. There should also be a simple and affordable process for a person to legally change their gender and/or name if that is what they want to do.

One way to achieve macro-recognition is through government information technology (IT) systems and how names, pronouns and a person's gender is displayed in these systems, including identity documents. Achievement of macro-recognition requires a shift at a structural level and within individual government agencies. This means having infrastructure to recognise people but also having the policies and guidance in places so there in consistency across government agencies.

At the structural level, this would include an all-of-government standard of interoperability that outlines requirements for storage of identity documents, including when identity documents that do not match the person's gender and name should be removed, and who can view such documents.

There should also be a standardised method, based on Stats NZ (2021) guidance, for recording sex and gender to ensure all genders are recognised in IT systems, and to ensure a consistent approach between government agencies.

The enablement of macro-recognition can be broken down into two areas: infrastructure, and policies and guidance. The *infrastructure* areas include having IT systems that can recognise the person's gender and name. IT systems should also allow people to self-declare their gender and record their pronouns, including allowing people to have a different gender listed on their records at different government agencies. Furthermore, if a person has legally changed their gender and name, there should be consistent, across-government guidance about removing the previous identity documents from the person's record (or if absolutely required, only allowing limited staff to access the previous identity documents). Lastly, when information is shared between agencies, systems should be able to match a person, even if their gender is recorded differently at different agencies.

Policies and guidance include guidance for staff so the name, gender and pronouns on the person's file reflects who they are, as well as not allowing staff to choose or change a person's gender, name or pronouns in the IT system without permission from the person. Appropriate policies would also allow a person to have the name they use and gender appear on official documents, even if that person has not legally changed their gender and name. (It should be acknowledged that in some instances, it is required in legislation that a person's legal name is recorded in the system.) To ensure this happens, it must be easy for people to find out what information the government agency holds about them, and they must be allowed to update this information if it is inaccurate, including in notes on their record. Lastly, agencies should acknowledge if people have listed their gender differently for statistical versus operational purposes, as operational data should not always be used for statistical purposes. For example, while a person may anonymously disclose their gender as transmasculine for the census (statistical), they may list their gender as male at their place of employment (operational) due to fears of discrimination, or may want their National Health Index (NHI) number to be female to ensure they can receive the right cancer screening and other sex-based services.

Who is the framework for?

In recent years, Aotearoa/New Zealand has made some strides in improving the lives of transgender and non-binary people, but there is still more progress to be made. This framework is designed to support any person who is wanting to advance the rights of transgender and non-binary people in Aotearoa/New Zealand. It aims to act as a practical tool to analyse the current landscape for transgender and non-binary people's rights. Each pillar—protection, access and recognition—outlines what is needed in order to improve the lives of transgender and non-binary people in Aotearoa/New Zealand

Despite the support shown during Posie Parker's visit, in some ways, the progress of transgender and non-binary people's rights went backwards. The discourse became about whether transgender and non-binary exist. This framework is a tool that is intended to be used to support a change in this dialogue from transgender and non-binary people's right to exist, to how to achieve what those trans-rights supporters were counter-protesting for. Those who came out to protest can use the framework to shine light on the areas that need improvement and to set demands. For others, the framework can be used to assess the state of transgender rights in Aotearoa/New Zealand and to analyse the potential impacts of proposed policies and legislation.

For example, different groups can use each pillar to assess what interventions are required to ensure transgender and non-binary people can participate in society just like their cis peers can. For protection, policy analysts and activists can use the framework, as part of their analysis and demands-setting, to determine how policy interventions may impact transgender and non-binary people and reduce the inequalities they are more likely to face, such as homelessness and low income. The access pillar can be used to assess whether the state, and wider society, is meeting the specific needs of transgender and non-binary people, in particular around healthcare, such as whether people are able to access gender-affirming healthcare that they require. The recognition pillar can be used to determine whether agencies and businesses have the infrastructure polices and guidance in place to recognise a person's name and gender.

All of this combined allows activists, policy analysts and academics to assess the state of transgender and non-binary rights in Aotearoa/New Zealand and where to place their efforts. Things are getting better, but we have a long way to go.

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Combat Safetyism

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Abstract: In a context of rising global fascism, Aotearoa/New Zealand has seen an emboldened far-right, led by the anti-queer Destiny Church. Writing as a collective of queer and trans scholars and activists, this article explores two case studies of anti-fascist organising, in response to Destiny Church's attacks on queer communities and symbols in 2024 and 2025. It proposes a theory of anti-fascism based on mass politics. It analyses a barrier to this mass politics: safetyism. Safetyism refers to a politics that prioritises the immediate safety of protesters over the struggle for liberation and against fascism. The first case study, an attempted National Day of Action in 2024, was ultimately undone by safetyist logics. The article draws the key lessons from these experiences, including how time, structure and attempts at consensus can facilitate safetyist arguments. In the second case study, the article analyses how a different approach was taken to organise 'Defying Destiny'. This approach attempted to pre-empt safetyism by relying on strong pre-existing relationships and organisational forms. Ultimately, the article contends that we need to combat safetyism, to build the anti-fascist movement to meet our current moment.

Keywords: anti-fascism; queer politics; social movements; safetyism; New Zealand politics

Around the world, the forces of the far-right continue to organise and mobilise. This year, Alternative for Germany (AfD) won the highest electoral representation for the German far-right since Adolf Hitler (Yussuf, 2025). Under the Trump presidency, the executive branch of the American government has ruled by decree, ramping up the securitisation of the United States borders and deporting migrants to concentration camps in Guantanamo Bay (Dickson et al., 2025). In Aotearoa/New Zealand, the coalition government relies on stoking racist resentment to build its base of support. In February 2025, outgoing Deputy Prime Minister Winston Peters launched a blistering verbal attack on Green Party MP Ricardo Menéndez March, which was so racist that he was obliged to backtrack (RNZ News, 2025). Incoming Deputy Prime Minister David Seymour has overseen the tabling of the Treaty Principles Bill, which seeks to unilaterally change the Crown's responsibilities to Māori under the 1840 Tiriti o Waitangi (ActionStation Aotearoa, 2025). An axis has formed between the right-wing parliamentary parties, the internet-poisoned pseudo-populists, and the blood-and-soil neo-Nazis (Dutta, 2023; Open Measures, 2022). Fascism has become generalised abroad, as well as in Aotearoa/New Zealand.

One fascist formation of relevance is Destiny Church, a Pentecostal evangelist movement with a base made up primarily of sub-proletarian Māori and Pacific peoples. Destiny Church uses its front groups like Man Up and Legacy to provide social services, funnelling vulnerable people from prisons, courts and mental health services directly to Destiny Church for radicalisation (Johnston, 2025). Destiny Church's Christo-fascist politics are not new, but have recently escalated, targeting Rainbow Pride events and locations associated with the queer community (Franks, 2025a, 2025b; New Zealand Herald, 2025; New Zealand Press Association, 2004; RNZ News, 2024a). Working as the vanguard of the fascist right, Destiny

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Church is ramping up its use of political violence against queer people, progressing from symbolic protests to disruptive direct action, property destruction and targeted homophobic assaults. The purpose of this strategy is to drive queer people out of public life, making us afraid enough of the possibility of violence that we willingly return to the closet.

To stymie the rise of fascism, we need bold mass action. However, safetyism, a problematic response to fascism from the liberal left, stands in the way of this action. Safetyism is concerned with the immediate safety of individual protesters, at the expense of the long-term safety of marginalised groups. Writing as a collective of queer and trans scholars and activists, this article reflects on how safetyism played out in response to Destiny Church's homo- and transphobic actions in 2024 and stood in the way of a National Day of Action in solidarity with queer people. As co-organisers of that action, we learned from this experience and, as a result, organised a much stronger response to Destiny Church's 2025 anti-queer actions in the form of a mass mobilisation. As such, this article outlines what safetyism is and how we must overcome it to face the threat of fascism.

Anti-fascism or safetyism?

We do not have to simply accept the inevitability of the rise of a homo- and transphobic global fascist movement. However, some of the prevailing approaches to anti-fascist politics have been defined by either requests for state and corporate actors to protect marginalised groups, or inaction. Neither of these strategies is sufficient.

On the one hand, we cannot rely on the capitalist state to police its way out of fascism. In practice, when more policing powers or hate crime legislation have been enacted, they have resulted in the targeting of Māori (Bingham et al., 2020), as well as left-wing organisers, such as environmentalists and Palestine solidarity activists, not the far-right (Argue, 2025; Civicus Monitor, 2024; New Zealand Council for Civil Liberties, 2025). Capitalist enterprises are also unreliable allies, as we have seen how capitalists have rolled back their tokenistic support when it was politically, and financially, prudent. This includes Meta, Walmart and McDonalds scaling back or ending their Diversity, Equity and Inclusion policies, following the election of Donald Trump (Hildesley, 2025; Kearins, 2025). On the other hand, inaction is also clearly unviable. We cannot ignore fascism and hope that it will simply go away. The ongoing and looming crises we face provide the social and economic context for fascist ascendancy. While we urgently need to address these crises, we also need to respond to the specific threat posed by currently existing fascist movements.

We argue that the best response to fascism, in our current circumstances,[1] is mass mobilisation. By this, we mean gathering a broad group of people who are willing to stand in solidarity with one another and against fascism. This needs to be in person, to demonstrate popular support through numbers, and cut through the filters of capitalist media. This tactic has two main benefits. First, it demonstrates to fascists, but also to the attendees and the broader public, that fascists are detested and that, as a society, we reject them. When done well, this tactic sends a message to fascists that we are many and they are few. It improves public safety against fascists with the implicit threat that fascists are outnumbered. When the opposite is true, and fascists feel that they can outnumber their opponents in public, their willingness to use more extreme violence to silence us may escalate. Indeed, the real risk in failing to demonstrate public, mass refusal of fascism is that fascist forces may be further emboldened.

Second, in the case of a mobilisation supporting a marginalised or oppressed group, such as queer people, this tactic can build solidarity and demonstrate that the group is loved and supported. While wonderful, such mobilisation achieves more than just individual-level feelings of support. Where an

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[1] Importantly, as our circumstances change, our responses to fascism may need to change as well.

intended consequence of fascist intimidation is for queer people to shrink into the shadows, demonstrations of mass solidarity declare that queers have safety in numbers. The risks of failing to show up, however, are grave. When we are out of public life, hidden in dark corners, our issues are easier to ignore and our dignity easier to trample upon. It is a matter of our ongoing safety that marginalised groups continue to be able to demonstrate loudly and provocatively for our rights.

The emergence of safetyism, as a response to anti-fascist organising in Aotearoa/New Zealand is, therefore, a great irony. *Safetyism* refers to the "prioritisation of 'safety' over struggle" (Rākete & Lamusse, 2024, p. 12). In practice, as we discuss below, safetyism means arguing for the abandonment of protest against the far-right, as doing so may place protesters at risk of danger. It is a short-term approach to safety, where fears for immediate safety, however genuine, trump the importance of demonstrating people power.

While this approach may provide short-term safety for those unwilling to protest, it undermines the safety of people who do turn up. By discouraging attendance of anti-fascist protests, safetyists contribute to a reduction in the number of attendees, diminishing the power of the mass mobilisation. At worst, it could result in a genuine threat to safety: fascist (counter-)protesters outnumbering anti-fascists.

However, the longer-term implications of safetyism are particularly concerning. When we fail to demonstrate in greater numbers that fascism is unacceptable and that we stand in solidarity with marginalised groups, we cede power to fascists. Where safetyism leads to the abandonment of anti-fascist mass action, it aids the growth of fascism. Indeed, fascism wins the day the safetyist convinces queer people that they cannot safely demonstrate in public. In the rest of this article, we discuss how safetyism has operated in Aotearoa/New Zealand recently, using recent two case studies.

National Day of Action

In March 2024, there was a series of attacks on queer events and public symbols representing queer people. When Destiny Church's leader Brian Tamaki pledged to forcibly shut down Rainbow Storytimes at libraries in Rotorua and Hastings, the events were cancelled over public safety concerns (RNZ News, 2024a; Smith, 2024). At a trans cartoonist event at Christchurch's Tūranga Library, a group of fascists—some wearing skull masks—marched around the children's area shouting transphobic obscenities into a speaker (Morgan, 2024). On 26 March, members of Destiny Church painted Gisborne's rainbow crossing white, before clashing with counter-protesters outside Rainbow Storytime at Gisborne Library (Green & McCaull, 2024). Two days later, a Destiny Church member attempted to white out the rainbow crossing on Karangahape Road in Tāmaki Makaurau (RNZ News, 2024b). These acts came only months after New Zealand First promised to enact multiple pieces of anti-transgender legislation in their 2023 coalition agreement with the National Party (Bull, 2024; Williams, 2024), and followed arson attacks on queer art space Gloria of Greymouth (Harcourt, 2022) and the Rainbow Youth/Gender Dynamix offices in Tauranga (Houpt, 2022).

Most of the queer friends, co-workers and comrades we spoke to in March 2024 shared feeling a mixture of fear, defeat and deflation. In the face of this dread, two of the authors (Ti and Will) decided to organise a response. We started by calling respected leaders in queer communities, alongside experienced comrades outside of it. From these early calls, alongside our analysis of the situation, we decided that, in two weeks, we would hold a National Day of Action in solidarity with Rainbow communities. The idea behind the day of action was twofold: to demonstrate the support that queer people have across the country, and to show that Destiny Church is a small minority of bigots.

Planning for the action included contacting every public-facing queer, trans and intersex organisation in the country, including non-governmental organisations, union Rainbow networks, and existing activist groups. We wanted to get a broad range of groups together, to show a united front against homo- and transphobic hatred. We hoped to hold events across Aotearoa/New Zealand but kept plans loose to give space for the various groups to discuss what kinds of actions they felt were appropriate.

Forty-eight people representing 30 organisations and hailing from across the motu——Tāmaki Makaurau/Auckland, Kirikiriroa/Hamilton, Rotorua, Heretaunga/Hastings, Tūranganui-a-Kiwa/Gisborne, Te Papa-i-Oea/Palmerston North, Paekākāriki, Pōneke/Wellington, Ōtautahi/Christchurch, Ōtepoti/Dunedin, Wānaka and elsewhere——gathered for our first online hui on 31 March. At the hui, we spent a considerable amount of time doing whakawhanaungatanga (relationship building) and outlining our kaupapa (founding principles), which included engaging in peaceful protest. A consensus was reached to avoid direct actions in favour of peaceful, joyful actions that would hopefully turn out more people and, thus, aid our goal of demonstrating collective power. We ended that meeting agreeing to go ahead with a National Day of Action, but also to delay it for one week to 21 April. Unfortunately, the organisers were unaware that a safetyist faction had formed during the meeting, which would ultimately become its undoing.

In the next week, people met around the country to start planning local demonstrations. These included plans for picnics, street parties and drag story times in local parks. At the same time, members of the safetyist faction met and prepared to undermine the action. The lead organisers became aware of the faction the day before the next national hui and spoke on the phone with them about their grievances. A member of the faction expressed concern that people wanted to engage in violent action, something that had been clearly decided against. As a show of good faith, the faction was given the chance to speak at the start of the next national meeting on 6 April. We hoped that the faction would be reassured that, in fact, no one planned to engage in any violent action.

Instead, the safetyist faction argued that the entire National Day of Action was putting queer and trans people at risk of further violence. Rather than make the argument against the use of violence, they made an argument against any kind of action: if no one could guarantee the safety of all the participants, the demonstrations should not go ahead. Even worse, if people held a demonstration in Tāmaki Makaurau or Pōneke, where safety in numbers was more likely, the faction argued that queer and trans people in small towns would be put at risk as a result. Moreover, the faction contended that, if the action were to be truly national and reach consensus, CEOs and those on official boards should lead decision-making, not activists, indicating an understanding of queer politics grounded in neoliberal capitalist governance.

This safetyist argument was also bound up in a cynical use of identity politics. The faction claimed to speak on behalf of all People of Colour and that it would be People of Colour who would be 'unsafe' if the events went ahead. This was a profoundly unprincipled and logically incoherent argument, as the people they were arguing against were largely Māori and other People of Colour. Furthermore, it disregarded Aotearoa/New Zealand's history of queer People of Colour being willing to struggle for their liberation, despite the danger they faced. From the brave gay liberationists, led by Ngahuia Te Awekotuku, who marched down Queen Street in Tāmaki Makaurau bearing placards reading, "I'm gay, ask me about it" in 1972, to those activists unafraid to tussle with Salvation Army anti-reform petitioners during the decriminalisation campaign of 1985–1986, queers have long recognised the necessity of protest not despite——but because of——the violence threatened against them (Hansen, 2025, pp. 76, 141). Māori trans sex workers, in particular, have always been at the forefront of queer liberation, positioned as the "face of gayness" for being among the most visible members of queer communities, daring to take up public space (Hansen, 2020, p. 82). Facing regular violence from the police, trans sex workers acted collectively to keep each other safe. For instance, in Pōneke during the 1970s, an informal group known as the Big Teds, strong whakawāhine unafraid to fight back against would-be queer bashers, acted as the protectors of their fellow trans sex workers (Hansen, 2020).

Instead of following the proud history of brave queer and trans rebellion, the safetyist faction won out. The actual plans which had been made for the peaceful events were lost under the hui's intense debates

over safetyism. Although a significant number of organisers maintained their desire to continue planning the action, the fearmongering and threats of the safetyists made going ahead with plans untenable.

Despite more than a decade of organising in queer, anti-fascist and abolitionist movements, this was the first time we saw safetyism effectively shut down an action. The experience was both frustrating and informative. First, we had to reassess the strategic approach of building a broad coalition quickly. While a broad coalition of groups, some of whom we disagree with, will be necessary to organise an anti-fascist movement to meet our current moment, building a coalition requires trust. At the time, we had not fully accounted for the strong safetyist sentiment, particularly among NGOs, and their existing conflicts with unfunded activist groups. To build a broad coalition, we needed more time. However, time was of the essence. We needed to quickly demonstrate that Destiny Church's actions were not acceptable. This contradiction between a lack of trust and a lack of time meant that the safetyist argument could take hold. Second, because we adopted a broad coalition approach, the lead organisers were cautious about being too prescriptive around what should happen. Rather than coming to the hui with a solid plan, which others would be encouraged to join, there was much more flexibility and openness to other ideas. While this makes sense, in terms of building relationships, getting organiser buy-in and prioritising participatory action, it did not work well for a short time frame. It also created enough uncertainty for liberal safetyists to fearmonger. It was, again, in the contradiction between an open organising strategy and a lack of time, that the strategy was undone.

Defying Destiny

In the months following their first round of attacks, Destiny Church continued preaching hate. In May 2024, an advertisement for a Destiny Church event bore the words "time to kill" above an image of the biblical David carrying the severed head of the giant Goliath, whom Tamaki referred to as a metaphor for "a spirit that wants to sexualise our children" (RNZ News, 2024c). That same month, Tamaki led a protest outside a youth health centre in Christchurch to oppose the alleged dangers of puberty blockers (Matthews, 2024), and spoke at the Inflection Point NZ conference in Pōneke against "gender indoctrination and medicalisation" of children, alongside a string of other transphobes (RNZ News, 2024d).

In February 2025, Destiny Church attacked queer communities with renewed vigour. On 15 February, around 50 Destiny Church members protested outside Te Atatū Library during a drag king's child-friendly science show. They proceeded to storm into the library itself and attempt to enter the private room upstairs where the show was taking place, while blocking all entrances and disrupting a PrideFest Out West dodgeball tournament in the adjourning gymnasium. Library staff, Auckland Pride volunteers, and members of the dodgeball teams valiantly tried to hold off Destiny Church members as they shoved and punched their way upstairs, leaving one of the 16-year-old dodgeball players concussed (New Zealand Herald, 2025). Once in the room, Destiny Church members performed a haka, banged on the wall, and shouted at the 30 adults, toddlers and young children attending (Franks, 2025a). Hours later, more Destiny Church members broke through police barricades at Auckland's Rainbow Parade, halting the parade with another haka (Franks, 2025b). In a social media post that evening, Tamaki wrote: "Let's Make NZ Straight Again! I'm not kidding! Time to clean this country up" (Tamaki, 2025). In a follow-up interview with 1News, Tamaki challenged the prime minister to follow the Trump Administration's declaration that there are only two genders (Tahana, 2025).

This escalation in Destiny Church's use of violence reaffirmed the necessity for a coordinated response. Two days later, a group of organisers in Tāmaki Makaurau, including one of this article's co-authors (Emmy), committed to preparing a public demonstration against Destiny Church, titled "Defying Destiny: Day of Queer Power". Instead of trying to bring together a broad coalition, the protest was led by People Against Prisons Aotearoa (PAPA). The preparation for the demonstration proceeded extremely

quickly, with only five days passing between the initial meeting and the rally itself. It was able to be organised rapidly because of the already-existing organisational structure and trusting relationships within PAPA. There were organisers responsible for managing relationships with outside organisations and speakers, social media, event security and overall logistics. These unpaid organisers coordinated a much larger base of volunteers and did the work of hosting Defying Destiny. PAPA relied on structured organisational democracy to make all the strategic decisions for Defying Destiny and then drew on its existing relationships to bring others in.

Unlike the attempt at a broad coalition for the National Day of Action, PAPA's existing kaupapa meant that there was significant unity of analysis and a lack of appetite for safetyism. However, safetyist arguments were present in subsequent social media discussions about the rally. Some declared that the event would be unsafe for children, and others that they were too fearful to turn up. By organising, training and uniforming marshals, we pre-empted safetyist arguments against turning up. This fact, when communicated through our organisations to our base in the masses, was effective. The outcome of this organising was around 1200 people turning up to defy Destiny Church. It was a peaceful demonstration of queer joy, with lots of singing and dancing, alongside anti-fascist speeches and chants. As a result, it was not simply a demonstration of anti-fascist queer solidarity, but also a concrete rejection of safetyism.

With Defying Destiny, we recognised that speed is the essence of war (Sun-Tzu, 2022). By mobilising quickly and organising the rally within the space of five days, we pre-empted both the fascists and the safetyists. Unlike the National Day of Action, Defying Destiny was not organised through an effort to gather and seek consensus among a coalition of all possible stakeholders. As the National Day of Action had shown, this would require us to find agreement with those who were critical of mass political action. Instead, Defying Destiny was organised by a self-conscious vanguard. To be a vanguard means not just to decide that one's analysis of the situation is the best, but to take responsibility for providing leadership and direction to the leaderless and directionless masses, demonstrating the correctness of one's analysis through practice (Lenin, 1902). In this context, PAPA acted as a vanguard by reaching a decision that action needed to be taken against Destiny Church and providing a logistical framework for organising that action. With this done, we could invite members of the wider community to participate, reaching out to public speakers, protest marshals and sound technicians, and persuading them to join the struggle. We showed that the vanguard calls the coalition into being. A queer community coalition did not exist when Defying Destiny was called. Nonetheless, when the rally unfolded, this informal coalition was present. While PAPA is unlikely to remain the vanguard of anti-fascist struggle in Aotearoa/New Zealand, this experience demonstrates the necessity of building strong anti-fascist organisations and coalitions that can lead and respond rapidly to fascism, when it rears its ugly head.

Conclusion

As we have argued in this article, safetyism is a serious barrier to the necessary work of mass mobilisation in opposition to fascism. Although we have demonstrated the harm that safetyism has caused to anti-fascist organising, safetyism is not, itself, an entirely illogical position. Indeed, it is admirable to want to keep people safe from the threat of fascism. This is something that both the safetyist and the anti-fascist have in common. However, safetyism's fixation with short-term safety fundamentally undermines the long-term collective safety of marginalised groups.

To those of us who want to beat back fascism, safetyism is supremely frustrating, but Defying Destiny demonstrated that it was possible to pre-empt and push back against this tendency. Indeed, pushing back against this demobilising logic is fundamental to building a mass opposition to fascist threats, not only to queer people but also to our whole society. The two case studies we discussed demonstrate that to move quickly in response to fascism, we need to use our existing organisations to lead the way, as well as build

new ones. Instead of attempting to build a hasty consensus, we need to rely on existing organisations' internal trust between comrades and external relational legitimacy. Building anti-fascist coalitions is still necessary but it is extraordinarily difficult to rapidly cobble together a coalition in response to an immediate crisis. As the struggle continues, and safetyist calls for retreat and submission get louder, we need to stand strong and not cower in the face of fascism.

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Reviewed by Rebekah Galbraith[*]

In October 1998, Matthew Shepard, a 21-year-old student at the University of Wyoming, was abducted by two men and driven to a remote area near Laramie. Here, they tied Matthew to a split-rail fence and beat him, tortured him, pistol-whipped him and left him to die. He was found the following day by a cyclist, who mistook his bloodied body for a scarecrow (Matthew Shepard Foundation, n.d). As he lay in the hospital bed, Judy and Dennis Shepard recognised their son from his braces. Tubes in his mouth, an eye partially open, Matthew's mother explained how "his face was swollen, actually kind of unrecognisable till you got closer" (Sheerin, 2018). He died five days later, having never regained consciousness (Gjelten & Kelly, 2018).

The men who abducted and murdered Matthew did so because he was gay. While in prison, one of his killers wrote to another inmate's wife: "Being a verry [sic] drunk homofobick [sic] I flipped out and began to pistol whip the fag with my gun, ready at hand" (Sheerin, 2018). In the years that followed, his parents established the Matthew Shepherd Foundation and fought for the safety and protection of the LGBTQI+ community (Matthew Shepherd Foundation, n.d).

Despite their efforts, for two decades Matthew's ashes were not laid to rest; his parents feared his grave would be desecrated, their child unable to lie in peace without becoming a further target of fear, hatred and bigotry (Riedel, 2025). Enter Bishop Mariann Budde. In 2018, Budde presided over the interment of Matthew's ashes at Washington National Cathedral. On the day of his service, the 4000-seat cathedral was filled with mourners gathered to celebrate and remember Matthew, his life and death—a sharp contrast to the "anti-gay protests that marred his funeral" (Gjelten & Kelly, 2018). The service, led by Right Revd Gene Robinson, the first openly gay man elected as a bishop in the Episcopal Church, was a significant moment for the LGBTQI+ community in America, with spaces associated with conservative faith a long-held source of hostility, pain and vilification (Gjelten & Kelly, 2018). Matthew now lies in the crypt beneath the Cathedral: "Gently rest in this place, you are safe now", Robinson spoke at the time, "Matthew, welcome home" (Gjelten & Kelly, 2018).

In January 2025, standing above the remains of Matthew Shepard, Bishop Marian Budde delivered the sermon at President Donald Trump's inaugural National Prayer Service at Washington National Cathedral. She made a direct plea for Trump to show mercy, after he declared in his inauguration speech that are only two genders. "There are gay, lesbian and transgender children in Democratic, Republican and independent families, some who fear for their lives," Budde said (Holland & Mason, 2025). In response, Trump described the bishop as "nasty", claiming the service was "boring" and "uninspiring" (Holland & Mason, 2025). He called her a "radical left hard-line Trump hater" (Janse et al., 2025). Trump and his press secretary, Karoline Leavitt, demanded an apology, to which Budde, in an interview with NPR, responded: "I don't feel there is a need to apologise for a request for mercy" (Janse et al., 2025).

This is the America where Judith Butler writes: gender as moral panic, its associated fears and anxieties monopolised and exploited by the far-right. Gender: the phantasmic threat to modern civil society.

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Butler's latest book, *Who's Afraid of Gender?* (2024), scrutinises this global disquiet and mistrust, asking the reader from the outset: "Why would anyone be afraid of gender?" (p. 3). The introduction deftly canvasses the supposed fear of destruction often associated with the vague catchall "gender ideology", where the global debate around gender reveals that "not one approach to defining, or understanding, gender reigns": Is gender a "covert way of referring to 'homosexuality'", or perhaps a word "synonymous with 'women'", or is gender instead the presumption of sex—biological, legal, sociocultural? (p. 3). While feminist scholars may disagree among themselves about definitions and parameters, crucially, Butler argues, the "anti-gender ideology movement" positions gender as a "monolith, frightening in its power and reach" (p. 4). A danger, a threat, a denial, a plot, an attack, even the work of the devil: Butler notes that the anti-gender movement positions gender as the rival that must be "countered, or destroyed, at all costs" (p. 5).

Butler's text mobilises the misgivings and misinformation around gender to dispel the myth (or, indeed, perceived threat) of so-called gender ideology, as much as it provides a skilful roadmap for how and why gender has become such a contemporary pariah. Andrea Long Chu (2024) notes that Butler's scholarship has long had to contend with criticisms around the "materiality of sex"; that the radical proposition of gender performativity in Butler's (1990) *Gender Trouble* had "effectively denied the reality of biological sex". *Who's Afraid of Gender?* is Butler's confrontation with the global panic around gender, but Chu (2024) argues it is sex—not gender—that offers a new site of freedom, where the right to change one's sex cuts at the frantic, ugly desperation of the anti-trans movement: hiding their "repressive goals behind the rhetoric of neutral biological fact", at its core, the movement is "afraid of what sex might *become*".

In the chapter "Trump, Sex, and the Supreme Court", Butler (2024, p. 112) describes the discrepancies and limitations of the first Trump administration's challenge to define sex as "an unchangeable feature of a person, that is, either male or female, based on genitalia, and given as an assignment at birth". As Butler (p. 113) notes, this was not the president's attempt to use the US Department of Health and Human Services to establish a definitive criterion of sex, but rather something more nefarious: a bid to "[narrow] the scope of sex discrimination under the law so that trans people could not claim until Title VII to be discriminated against based on sex as an acquired status". Eventually, the policy was abandoned, but Butler's analysis of the legislative branch illustrates that recent measures to define sex within the United States are less about securing meaning and more about removing protections against homophobia and transphobia. The right's move to "return gender to sex, and eradicate any possible difference between the two ... fortifies patriarchy and heteronormativity" (p. 114). It was, in hindsight, a forewarning: mere hours into his second administration, President Trump signed an executive order declaring that the US Government's official policy is that there "are only two genders: male and female" (Parks, 2025). The order effectively achieves what Butler argues Trump failed to enact within his first administration; namely, the return of gender to sex, where the second administration will give:

> Licence to bigots, affirming that not only that homophobic and transphobic practices should thrive without intervention by the law, and that those who were the targets of such practices should remain unprotected from those who act against them, often violently, but also that the government would henceforth abandon them to discrimination. (Butler, 2024, p. 114)

The United States is not alone in its dogged persecution of gender, and Butler devotes an entire chapter to the rise of anti-gender feminism in the United Kingdom, aptly titled "TERFs and British Matters of Sex". Butler recognises that the anti-gender ideology movement does not take a singular form, but rather, persists across many geopolitical boundaries, social and digital spaces, and religious and faith-based circles. While the shape and purpose of objections to gender may differ across these lines, what unites them is an intense campaign of public conflict, bullying, censorship and hostility (Butler, 2024, pp. 134–135). Last year, following the release of the Cass Report—a summary of a four-year study by former President of the Royal

College of Paediatrics and Child Health Dr Hillary Cass—the National Health Service (NHS) indefinitely banned the use of puberty blockers for anyone under 18 years seeking hormone replacement therapy for treatment of gender dysphoria (Department of Health and Social Care, 2024). Hadley Freeman (2024), a UK-based journalist who refers to gender theorists and gender-inclusive feminists as "gender activists" or "gender ideologues", celebrated the decision, equating the belief that one could change their sex as fantastical "as wine can change into Jesus's blood". "Isn't transgenderism [sic] itself then a kind of gay conversion therapy?" mused Freeman (2024), who earlier claimed in a *Sunday Times* column that trans youth were faking and weaponising suicidal ideation as a manipulative "threats" against their parents, nothing more than a tactic to get their way and receive "sex change hormones and surgery" (Freeman, 2023; see also, Hansford, 2023). Butler's analysis of the division on "TERF Island" (the United Kingdom) is the most revealing chapter of *Who's Afraid of Gender?* "The idea that gender is fakery or 'ideology'" (Butler, 2024, p. 136) has taken extreme hold, and Butler's chapter delicately positions the United Kingdom—the destruction stirred by the trans-exclusionary views from people like Kathleen Stock and J. K. Rowling—as a proxy towards explaining how contemporary feminism finds itself in such conceptual division. In continuing a public discourse of "anti-gender ideology", Butler (p. 142) rightly asserts that the contemporary "radical feminist" finds themselves in "woeful complicity with the key aims of new fascism". It is a uniquely powerful observation. This is not the first time Butler has drawn a direct connection between anti-gender views and fascism. Writing in the *Guardian* in 2021, Butler interrogated the global spread of opposition to gender, arguing:

> Anti-gender movements are not just reactionary but fascist trends, the kind that support increasingly authoritarian governments. The inconsistency of their arguments and their equal opportunity approach to rhetorical strategies of the left and right, produce a confusing discourse for some, a compelling one for others. But they are typical of fascist movements that twist rationality to suit hyper-nationalist aims. (Butler, 2021)

As a colonial outpost and member of the Commonwealth, Aotearoa/New Zealand has the sociopolitical trappings of its own TERF Island. Like the Cass Report, Te Whatu Ora | Ministry of Health recently closed their public submissions on access to hormone replacement therapy for adolescents. A long-awaited evidence brief on the use of puberty blockers was initially due for release in late 2023, before it was pushed back to the following April, when the deadline came and went again with no documentation made available (Sowman-Lund, 2024). On 21 November 2024, the Ministry of Health finally published its evidence brief and opened up for public consultation until 20 January 2025 (Te Whatu Ora | Ministry of Health NZ, 2024), a decision PATHA (Professional Association for Transgender Health Aotearoa) President Jennifer Shields argued was flawed and discriminatory, designed to support a predetermined outcome—a blanket ban on puberty blockers:

> The government is directing the ministry to implement restrictions on one population's right to access healthcare without good cause. They are rushing this process, hoping we don't notice over the summer break … This process is discriminatory, already doing harm, and has the potential to do massive and irreversible damage to a generation of trans children. (Shields, 2024)

The decision to open for public consultation was similarly criticised as wholly inappropriate by PATHA Vice-president Dr Rona Carroll, who claimed:

> Medical decisions should be guided by scientific or clinical concerns and remain free from political interference. Banning or restricting access to puberty blockers would go against best-practice recommendations from major medical bodies —including the Endocrine Society, the Royal Australasian College of Physicians, the American Psychiatric Association and the American Psychological Association—and likely cause harm to young people. (Carroll, 2024).

In "What about Sex?", perhaps the most relevant chapter to readers in Aotearoa/New Zealand, Butler (2024, p. 170) addresses one of "main contentions of feminist anti-gender activists": that gender theorists are "accused of refusing to accept biological differences, or of eradicating biological differences in the effort to defeat forms of biological determinism". With no Trumpian executive order to hide behind, what does that argument look like in Aotearoa/New Zealand? In August 2024, Deputy Prime Minister and New Zealand First leader Winston Peters tabled a petition in Parliament, on behalf of Bob McCroskie of Family First, requesting that the House define "woman" as "an adult human female" in "all New Zealand laws, public policies, and regulations" (Petitions, Papers, and Select Committee Reports, 2024). The following month, Peters met with Save Women's Sport Australasia representatives Ro Edge, Candice Riley and Gary Anderson to discuss their open letter to the government about the review of Sport NZ's gender guidelines. "The fairness of competition and safety for women and girls in sports is the paramount focus for this stance and should not come second place to woke ideology," posted Peters (2024) on social media in support of the letter, signed by many sporting notaries including Olympic gold medallist Barbara Kendall. In May 2024, New Zealand First introduced their Fair Access to Bathrooms Bill, requiring "that all new non-domestic publicly accessible buildings provide separate, clearly demarcated, unisex and single sex bathrooms" (Mendis, 2024). Designed first and foremost to protect the safety of women and girls, the Bill was described by Peters as a "commonsense solution to an issue that has often been overshadowed by ideology" (Mendis, 2024). But you may ask, protection and safety from what? It is, of course, only implicit in New Zealand First's anti-gender politicking. But in matters of sex, Butler is thankfully more direct:

> The phobic focus on the penis, which vacates a common sense, is a case in point … The organ is not a simple appendage in these descriptions, but an instrument of attack. The attribution of dangerous power may well draw upon terrible experiences of rape and assault, yet that is not reason enough to generalize … and cast all people with penises on the model of the rapist. The phobic or panicked relation to 'the penis' as such separates the organ from the person and from the entire life-world in which it makes sense. The subsequent attribution of dangerousness to trans women who have penises relies on a phobic transposition of the organ. (Butler, 2024, pp. 175–176)

In what follows, Butler (2024) examines the distinction between nature and culture, to respond to the question of whether gender denies the materiality of sex (it does not). Butler is not denying sex, just as gender theorists do not deny sex, despite what the anti-gender movement may suggest. Rather the chapter "offers an alternative way of understanding [the reality of sex] apart from a natural-law thesis of complementarity or any form of biological determinism" (p. 180). It provides insight into the decisions undertaken by right-wing political parties to categorise, classify and define sex and sex assignment, as much as it decontextualises the gendered body and the individual right to self-determination.

In May 1999, six months after Matthew Shepard's murder, 14-year-old Jeff Whittington was beaten by two strangers and left to die down Inverlochy Place in Aro Valley, a popular suburb for students in central Wellington, nestled beneath the university. The attack was so severe Jeff's body was left with boot markings; he sustained brain damage and a perforated bowel, and he died the following day (Shadwell, 2016). Former Wellington High School principal Prue Kelly remembers Jeff as a boy in sewing class, who "dressed with flamboyance", wore make-up, coloured his hair purple and his nails green (Shadwell, 2016). During the trial, a witness reported Jeff's attackers had come home boasting about "how they fucked up a

faggot and they left him for dead", with one attacker laughing, "The faggot was bleeding out of places I have never seen before" (Watkins, 2024).

Butler's closing remarks remind us of the ultimate cost of fear, where "history advises us not to look away from the fascist potentials" (Butler, 2024, p. 264). "We can stop that momentum, but only by intervening as an alliance that does not destroy its own bonds," Butler continues, imploring the reader to create a liveable life, and a world worth living in, "where gender and desire belong to what we mean by freedom and equality" (p. 264). In a broader sense, sex and gender are not to be feared, but the debate over affirming and determining both terms has led to obfuscation and hostility, the "fertile soil for the horrid collaboration of fascist passions and authoritarian regimes" (p. 23). How, then, to dispel the falsehoods? How do we counter the anxieties and weaponisation of gender? Where do we begin with the shameless attacks on sex and the anti-intellectual posturing of authoritarianism? The answer lies not from Butler directly, but in their arguments against the key claims of anti-gender movement. "It is time to rethink the coordinates of the contemporary political map," Butler concludes, where all our struggles "are now linked as we seek to overcome the powers seeking to deprive us of basic living conditions" (p. 264). Gender is the canary in the coal mine, the litmus test for what can be denied, reclassified and suppressed. It is the same forces "closing borders in the name of racist and nationalist ideals" who are "targeting lesbian, gay, nonconforming, and trans youth, especially youth of colour" (p. 262). To bridge our differences is the way forward; not to struggle in isolation, but rather acknowledge that fear of gender is merely a vehicle of mobilising hate in a myriad of ways. *Who's Afraid of Gender?* is Butler's reminder that to oppose discrimination for one group is not licence to perpetuate it against another; it is only through growing and expanding our alliances across the political and social divide that the toxin of fear dissipates, and we can finally "make freedom into the air we together breathe" (p. 264).

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