

“Get Off Me, Bro!”

A Discussion of the Gay Panic Defense, it's Place in the Courtroom, and it's Intersections with Hegemonic Masculinity

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What is the Gay Panic Defense?

- “Homosexual panic”
 - An acute attack of anxiety suffered by the target of unwanted homosexual advances
 - Usually an extreme reaction
- Gay panic defense defined
- A legal strategy, not sanctioned defense



How is Gay Panic Used Today?

- Provocation defenses
 - Used to reduce charges
 - Reasonableness must be proven
 - The jury must be convinced that the average/typical person would have reacted similarly in the defendant's position
 - Success does happen
 - Not only in reduction of charges, but also in acquittals
 - Most common modern usage

Why Should we Care?

- The existence of the gay panic defense...
 - Propels negative stereotypes about gay men
 - Privileges heterosexual men over both women and gay men
 - Reinforces societal norms and expectations of masculinity
 - Masculinity norms (hegemonic masculinity) legitimate the use of violence in response to homosexual advances

Hegemonic Masculinity

- To understand hegemonic masculinity, one must first understand both hegemony and masculinity
 - “Hegemony” refers to the cultural dynamic by which a group claims and sustains a leading position in social life
 - “Masculinity” is understood as the traits, features, and biology that make men who they are and what they ought to be; “maleness”
 - Can also be thought of in a dichotomy with femininity, as in “not feminine”
- Hegemonic masculinity, then, is the idea that masculinity is the leading social position in society today
 - Men are, therefore, are the dominant and in-control group, whereas women are the submissive and secondary group
 - Also influences men individually with the expectations of the standard “hegemonic male”
 - Strong, tough, built, rich, successful career, heterosexual, aggressive

The "Act-Like-a-Man" Box

"Act Like a Man" Box

VERBAL ABUSE:	tough		have money	PHYSICAL ABUSE:
	aggressive		never ask for help	
wimp >	competitive	anger	angry	< hit/beat up
girl >	in control	sadness	yell	< teased
sissy >	no feelings	connection	intimidate	< isolated
Mama's boy >		confusion	responsible	< rejected
nerd >	don't cry	low self-worth		< forced to play sports
fag >	take charge	resentment	take it	< sexual assault
punk >		curiosity	don't back down	
mark >	don't make mistakes	excitement		
bitch >		isolation	have sex with women	
	succeed			

(Oakland Men's Project in Kivel, 1999, p. 12)

Masculinity Norms and Gay Panic

- The “Act-Like-a-Man” box helps us understand the connection between expectations of hegemonic masculinity and claims of gay panic
 - Much of the abuse men suffer when they step outside the box refers to being gay or feminine
 - When a gay man makes a sexual advance on a straight man, those straight men often perceive it as a threat to their male identity—or believe others perceive it as such
 - As a result of the pressure men often feel to be masculine and maintain men’s social position, they often react with violence when the identity they have been forced into is threatened—which in turn often results in the murders of gay men and subsequent gay panic claims

Conclusion

“Suppression of gay panic claims...will not eliminate the underlying stereotypes and assumptions that make such claims persuasive.”

Cynthia Lee