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“Delinquent Boys”: Toward a New Understanding of “Deviant” and Transgressive Behavior in Gay Men

Abstract: Cultural criminology suggests that crime, deviance, and transgression are often subcultural in nature. For this reason, cultural criminologists often focus on the simultaneous forces of cultural inclusion and social exclusion when explaining criminal, deviant, or transgressive behaviors. This is a particularly useful bricolage for examining contemporary gay deviance and transgression—behaviors that are perhaps closely linked to (if not directly caused by) the past isolation, marginalization and/or oppression of homosexuals by Western heteronormative societies. It is also useful for understanding behaviors that are the result of marginalization and oppression from other sources, namely, the gay community itself. Using subcultural theories of deviance—such as those favored by cultural criminologists—this article explores a perspective that can be used for exploring certain forms of gay deviance and transgression. First, some of the more ostensible criminological theories that satisfy a *prima facie* criminological inquiry will be presented and critiqued: labeling and stigma, and resistance to heteronormativity. To these will be added a new and potentially productive way of thinking that takes into consideration rule-breaking as a form of resistance to homonormative norms, values and rules.

Criminology’s Neglect

There are several schools of thought that deserve recognition for their contributions to current understandings of gay identity and gay behaviour. For example, queer theorists explore the ways in which queer identity “intersects with other marginal identities of individuals and communities” (Rosenblum [1994](#): 85). Public health and behavioral health researchers examine the reasons why gay men and men who have sex with men (MSM) engage in “high risk” drug and sex activities (see Groombridge [1999](#)). While these frameworks can help explain certain aspects of gay/MSM behavior, other disciplines—such as criminology—have reached different conclusions for explaining crime, deviance, and transgression committed by members of marginalized populations. Yet, little, if any criminological attention is given to criminal, deviant, or transgressive acts committed within the lesbian, gay, bisexual, transgendered and (sexually) questioning (LGBTQ) community. It is for perhaps this reason that behaviors such as same-sex domestic violence, gay drug usage, and gay sex work—crimes in most Western societal jurisdictions—often fall under the purview of studies outside of criminology. Unfortunately, criminology, when it turns its focus towards the LGBTQ community specifically, tends to focus on crimes committed against LGBTQs, such as hate crimes (Groombridge [1999](#); see also

Sorainen [2003](#)).

Arguably, experimental and quasi-experimental research methods (e.g., random sampling and prediction modeling)—methods often used by “mainstream” criminologists—are difficult to employ when studying “invisible minorities” (see Morales [1989](#); Lopez and Chims [1993](#)). Gay men comprise one such minority. However, Groombridge notes that criminology has a “long record of selectively ignoring deviance associated with new social movements” ([1999](#): 532). Also, criminologists, in general, tend to view sexuality as “normatively heterosexual” (Groombridge [1999](#): 543; see also Sorainen [2003](#)). Or, it could be related to criminology’s reluctance to acknowledge that crime, deviance, and transgression often “erupt out of social processes” (Presdee [2000](#): 11), such as the social exclusion—and, as postulated here, inclusion—of intimate lesbian and gay relationships.

Cultural criminology, however, emerged out of a discontent with the principles of classical and positivist (i.e., “mainstream”) criminology—the first of which placed too much emphasis on the role of determinism, whilst the second leaned too heavily on the “evidence” of empiricism. Cultural criminologists argue that crime, deviance, and transgression are not determined—or even predictable—but rather, are part of an ongoing process that is interwoven with culture and all of its attendant meaning, “shared symbolism[s]” and “collective interpretation[s]” (Ferrell et al. [2008](#): 1). This bricolage is particularly useful when discussing gay “deviance” and transgression, regardless of whether these behaviors constitute crimes, or whether they simply offend the sensibilities of others.

Why Cultural Criminology?

There are two premises upon which cultural criminology chiefly resides. The first holds that crime, deviance, and transgression are typically subcultural in nature (Ferrell et al. [2008](#)); the second, that these behaviors are often the product of processes related to the simultaneous forces of cultural inclusion and social exclusion (Young [2012](#)). These perspectives can be used to explain a diversity of gay behaviors because gay men are, in fact, diverse—culturally, ethnically, racially, spiritually, and so on. Rosenblum ([1994](#)) states:

Many of us are dykes, fags, bisexuals, radical feminists and other subversive heterosexuals, transvestites, transsexuals, poor queers, Black queers, Asian-American queers, Latino queers, homos, drag queens, leather queens and dykes, muscle queens, lipstick lesbians, bull dykes, gay women, etc. The vast intersectionality and diversity of queer identities all situate along the queer continuum; extending [even] to those who do not identify with it. (1994: 91).

Indeed, the gay community, once a subculture, now a culture unto its own—and replete with its own host of subcultures—possesses its own dynamic set of symbols and meanings. For example, the pink triangle, the rainbow flag, the “hankie” code, and “Polari”¹ are the byproducts of a history of collective marginalization, oppression and stigmatization—from the criminalization of homosexual sex, to the barring of same-sex couples from heterosexual institutions (adoption, marriage, military service, etc.), to the systematic extermination of homosexuals during the World War II.

Gay Discontent

Throughout history, MSM—and more recently “gay” men—have been stigmatized by the oppressive and marginalizing policies of numerous systems of social control (criminal law, canon (church) law, medicine, public health, behavioral sciences, etc.). In the past 40 years, however, sweeping changes have been made to numerous local, regional and federal policies in the United States, Europe, and beyond: in many places, homosexuality has been de-pathologized and de-medicalized (see Conrad and Schneider [1992](#)), sexual acts between same-sex consenting adults have been decriminalized (see Fradella [2002](#), [2003](#)), and gay- and lesbian-related (and in some jurisdictions, transgender-related) discrimination has been outlawed. Additionally, there has been considerable easing of many of the former barriers to Western societal institutions, such as adoption, civil unions, marriage, and military service.

Nonetheless, at a time when global gays and lesbians have made great strides towards establishing their equal rights, there seems to have emerged new forms of deviant and/or transgressive behaviors among gay men, in particular, that seem to run counter to notions of LGBTQ solidarity. In a recent article taken from the popular UK-based gay online magazine, QX London, writer Johnny Marsh observes,

Gay people have more rights, are better protected by the law, and should enjoy a greater sense of equality in [their] day-to-day lives. Yet, the gay community does not seem to be as happy as perhaps it should be. Some gay men continue to fall into a lifestyle of destruction and self-harm fuelled by a crisis of gay identity. (Marsh [2012](#): 1).

Evidence of this “destructive” counternormative lifestyle can be found in both the “virtual” and the “real” worlds, and consist of behaviors ranging from the (questionably) noncriminal [e.g., barebacking (condomless sex); breeding (the passing of the human immunodeficiency virus, or HIV); bug chasing (the seeking out of HIV self-infection); organized conversion parties (sex parties in which multiple HIV-seropositive men take turns “breeding” an HIV-seronegative individual or individuals)] to criminal

[e.g., intentional nondisclosure of HIV-seropositivity to sex partners; sharing of sexualized drug experiences such as blowing clouds and/or slamming² via dedicated webcam sites and PC applications (see Frederick [2013](#))]. Moreover, numerous studies have shown that, for some “sexually subversive” subcultures of gay men (see Rosenblum [1994](#)), these and other sexual experiences are often enhanced with party drugs such as crystal methamphetamine, gamma-hydroxybutyrate (and other GABA analogues), ketamine, mephedrone, and 3,4- methylenedioxymethamphetamine (MDMA, or “ecstasy”), to name a few (Kelly et al. [2011](#); Nan’in et al. [2011](#); Solomon et al. [2012](#)). Although the reasons for engaging in crime, deviance, or transgression are numerous and individualized, it would be imprudent to disregard the existence of common factors that may influence these behaviors, especially within populations that share a common bond. Gay men comprise one such population.

Much gay deviance and transgression is perhaps closely linked to (if not directly caused by) the isolation, marginalization and/or oppression of homosexuals by Western hetero- normative societies (see Ferrell et al. [2008](#)). These behaviors can thus be explained using subcultural theories of deviance (such as those favored by cultural criminologists). This article thus explores the suitability of these perspectives for understanding gay deviance and transgression, specifically. First, some of the more ostensible criminological theories— that satisfy a prima facie criminological inquiry—will be presented and critiqued: labeling and stigma, and resistance to heteronormativity. To these will be added a new and potentially productive way of thinking that takes into consideration rule-breaking as a form of resistance to homonormativity.

Labels and Stigma

Few would contend that men who have sex with other men—whether gay or MSM³—have been (and to a large extent, still are) negatively labeled by those who find their sexual preferences or lifestyles to be contemptible: “faggots,” “perverts,” “poofers,” “queers,” for example. Even those who do not identify as gay, per se, can often be the object of labels such as “repressed homosexual” or “closet case” (see Dollimore [1991](#)). Labeling has been cited in numerous studies as a contributing factor for such gay/MSM behaviors as bareback sex (see Grov and Parsons [2006](#)); chronic drug use (see Rhodes et al. [1999](#)); and, the intentional transmission of HIV (see Grov [2004](#)).

One of the first researchers to explore the link between labeling and deviance was sociologist Howard Becker ([1963](#)), who, in his book

¹Gay slang originating in nineteenth century England (see Kulick [2000](#)).

²The smoking and/or injection of drugs, typically crystal methamphetamine or mephedrone, but also others.

Outsiders argued that deviance was the product of being labeled as such by society. According to Becker, the “deviant” merely wore the label (by which he was then subsequently judged). Indeed, Katz ([1994](#)) explains how the “homosexual” was, in fact, invented, and that, prior to the 1950s individuals were not defined (i.e., labeled) by the types of sex in which they chose to engage. Katz uses the example of the act of sodomy: whereas today one might assume that a man who engages in anal intercourse with another man is gay, in a historical context he was referred to by a different label—“sodomite”—and judged accordingly. Likewise, the concept of a loving, homosexual relationship is relatively recent—it was only after 1880, “in medical writing, in literature, and in the testimony of men and women themselves, [that] one finds an effort to redefine the meaning and the experience of homo- sexual behavior into a distinctive identity” (D’Emilio [1992](#): 183; see also Woods [2013](#)). Goffman ([1963](#)) furthered the discussion on labeling by addressing its stigmatizing consequences, especially when the label was attached to attributes outside the locus of individual control—for example, poor health, physical appearance, or, as postulated here, sexual identity. Goffman believed that these types of labels had the potential to engender feelings of stigma that might cause an individual to conceive of himself as “damaged.” It follows then, that if a person is negatively labeled according to his sexual identity (or sexual behaviors), he might assume a negative self-perception and commence to engage in sexually “deviant” behaviors. Or, any existing drug- or sex-related “deviance” might, in turn, be “amplified,” causing him to seek out higher plateaus of deviance of which to ascend (see Wilkins [1967](#)).

Some gay men choose to identify with, or “own,” labels (see Hebdige [1979](#)). Indeed, the members of activist groups such as Queer Nation and the Radical Faeries have re- appropriated formerly negative labels. Additionally, many gay men and MSM often construct online “screen names” using labels that were formerly hurled as epithets: “pervert,” “pig,” “poofter,” “twisted,” for example (Frederick [2013](#)). Others internalize labels, which, for some gay men, can lead to stigma-related behaviors. For this reason, some gay drug- and sex-related behaviors have been characterized as reactions to stigmatizing experiences enacted upon gay men by “outsiders” (see Becker [1963](#)). Even the process of “coming out” can be preceded by a phase wherein the individual, “either unaware of her/his sexuality or shar[ing] a general view [of homosexuality]” (Davies [1992](#): 75) may believe that he will be

³ The assumption here is that MSM, because they do not identify as “gay,” would not be labeled as such unless someone learned about their sexual proclivities, and if the person so making the discovery assumed that the individual was gay.

“degraded, denounced, devalued, or treated as different” (Plummer [1992](#): 175). Unchecked stigma in gay men has been linked to drug use (Halkitis et al. [2005](#); Semple et al. [2006](#)); nondisclosure of HIV status (Chesney and Smith [1999](#); Siegel et al. [1998](#)); sexual compulsivity (Semple et al. [2006](#)); and even the seeking out of intentional HIV infection (Gauthier and Forsyth [1999](#)).

The association of gay men with the early AIDS epidemic of the 1980s continues to be a main source of stigma, as well. Although the initial outbreak has long since passed and medical advancements have mitigated the harmful effects of HIV, “the very idea of HIV has [nonetheless] shaken Americans’ sense of security and fostered deep fear and distrust of people with HIV” (Kaplan [2012](#): 2). Not only does HIV/AIDS continue to evoke feelings of guilt and shame for many survivors (Botnick [2000](#)), numerous studies have linked “risky” gay drug and sex behaviors to “feelings of shame, guilt, or sadness associated with having [risked] HIV-infection ... or survival guilt over having outlived the epidemic” (Frederick [2013](#): 5; see also Botnick [2000](#); Davis et al. [2006](#)). It has also been suggested that the emergence of the party ‘n’ play and chem sex subcultures (gay sub- cultures that typically use crystal methamphetamine, mepehdrone and/or GHB to enhance individual and/or group sexual experiences) found throughout Australia, Europe, South Africa, the United Kingdom and the United States can be traced back to the stigmatizing experiences associated with the early years of the AIDS epidemic (Kurtz [2005](#); Shernoff [2005](#); Westhaver [2005](#); Green and Halkitis [2006](#)).

Nonetheless, to continue to cite Western heteronormative societies as the predominant sources for gay stigma not only presupposes the belief that labeling and stigma occur at levels commensurate with the past, it draws attention away from the fact that the gay community, itself, can also be a source. Indeed, research has demonstrated that gay- enacted stigma is experienced by gay men with HIV/AIDS (Botnick [2000](#)), effeminate men (Payne [2007](#)), gay men of colour (Tsang [1994](#); Smit et al. [2011](#)), older gay men (Smit et al. [2011](#)), and even gay men with “bodies that do not ‘fit’” (Mowlabocus [2007](#): 71; see also Flowers et al. [2000](#)).

Of course, some gay men may not experience stigma related to their sexuality or other personal characteristics. Or, they may experience stigma from “outsiders” and not from other gay men, or vice versa. Nonetheless, these men may still engage in “deviant” or transgressive behaviors for other reasons. One possible reason is a form of resistance to heteronormative ideals and values.

Heteronormative Resistance

Like the subcultural transformations of style described by Hebdige

(1979), some forms of deviant or transgressive gay behaviors are perhaps constructed as forms of speech that are intended to offend “outsiders” (Hebdige’s “the silent majority”), in that they risk violating heteronormative notions of discretion and inclination with respect to sex (see Browning 1993). Obviously, for self-identified gay men, the process of homo- socialization begins at different times and takes different forms. While there is no hard- and-fast rule as to when or how this must occur, the logical assumption would be that this “secondary” socialization process begins shortly before the time at which the individual makes a conscious decision to live his life, to varying degrees of course, as an open and visible gay man. This suggests a rejection of at least some of the heteronormative values and beliefs he may have previously held. It might also suggest a breaking of heteronormative rules. In his book *Delinquent Boys*, sociologist Albert Cohen (1955) described the “delinquent” subculture as sharing:

not only a set of rules, [but] a design for living which is different from or indifferent to or even in conflict with the norms of the “respectable” adult society. ... the delinquent subculture takes its norms from the larger culture but turns them upside down (Cohen 1955: 28).

A decade later, in *Deviance and Control*, Cohen (1966) reintroduced the notion that delinquency is predicated on the recognition of and adherence to rules—in organizations, in institutions, and in society as a whole—as well as the negative and positive consequences of rule-breaking behaviors. According to Cohen, “if human beings are to do business with one another, there must be rules, and people must be able to assume that, by and large, these rules will be observed” (1966: 3). Cohen’s observation is nevertheless problematic in that Western heteronormative societies do not provide alternative “gay rules of behavior” for children. Neither would parents—provided they knew what to look for—be able to determine early enough whether their child, in fact, required a gay-specific set of “rules” (see Davies 1992). Equally problematic is the fact that the LGBTQ community has a very recent history of nonconformity—many LGBTQ individuals and groups have even openly (and sometimes aggressively) rejected heteronormative values (see Rosenblum 1994). In fact, according to Browning, “Being queer ... is about refusing [emphasis added] to be imprisoned by heterosexual conventions” (1994: 71), the evidence of which can be seen in the numerous carnivalesque displays of gay “pride”—and even “gay shame” (Silverstone 2012)—events throughout the world today. In his thesis on cultural inclusion/social exclusion, Young (2012) characterizes Merton’s 1938 thesis *Social Structure and Anomie* as a recontextualization of social positivism in that it portrays crime—and as also postulated here, deviance and transgression—as more the result of individual who have been deprived of societal aspirations (for instance,

the “American Dream”)—not, as popularly held, as a result of material deprivation or lack of opportunity. It is possible, then, that for some gay men, the image of the successful married gay male represents a similar, unachievable—or even, undesirable—“Gay Dream.” The realization, then, that this lifestyle may be unattainable (or even unsuitable) may drive some men to engage in deviance and transgression for entirely different reasons, as will be discussed in the next section.

Homonormative Resistance

For many gay men, the transition from hetero- to homonormativity suggests a participation (again to varying degrees) in at least some, if not most of the sociocultural institutions that are specific to gay men (Davies [1992](#)): bars, bathhouses, community resource centers, nightclubs, religious organizations, and saunas, to name a few. As with heteronormativity in Western societies, homonormativity is also nuanced by factors such as age, culture, ethnicity, gender, race, and spirituality (Rosenblum [1994](#); see also Butler [2004](#); Ward [2008](#)). Because gay men are diverse, some men may seek inclusion in homonormative institutions, whilst others will not view this as a priority. Likewise, some men may choose to adopt gay subcultural values, whilst others may act as “lone wolves.” Using such an explanation, some forms of gay deviance and transgression could thus be interpreted as potential attempts to ‘interrupt the process of “normalization”’ (Hebdige [1979](#): 18) that is currently being ushered in by the contemporary gay rights movement.

Mowlabocus ([2007](#)) defines metropolitan gay culture as “the most stable, socially recognized, politically assimilated and economically productive expression of homosexuality to be found in the West today” ([2007](#): 62). A sort of gay “mainstream,” Mowlabocus observes that, metropolitan gay culture is “physical” [referring to “the gay village, and the proliferation of clubs and bars of shops and cafes that cater to urban gay men” ([2007](#): 62)], and that it is also a lifestyle—“a way of being and a way of being seen as gay” ([2007](#): 62). Interestingly, Mowlabocus’ definition articulates several outcomes that, in order to be achieved, would suggest the existence of norms and rules that gay men would be logically expected to adhere to, if not embrace, in their pursuit. These outcomes also suggest the existence of rules and norms that are commensurate with those found in heteronormative societies, inasmuch as they lead to stability, sociability, economic viability, and participation in the (LGBTQ) political process.

In order for gay men to enjoy positive relations with one another, then—indeed, in order for them to enjoy positive relations with “others” in society, as well—some common “gay ground rules” must be established. Yet, Cohen ([1966](#)) held that, some persons, “because of their special personal characteristics [may] have wants that the rules do not recognize as legitimate” ([1966](#): 7). Consequently, if these “special” individuals are

not given a legitimate “safety valve” for the expression of these needs, they may eventually strike out at both the rules and “the social institutions which they support” (Cohen 1966: 7). Interestingly, Cohen used the examples of marriage and family as two social institutions that have found it necessary to tolerate minor indiscretions—such as premarital and extra-marital sex—in order to preserve their attractiveness, not to mention their integrity.

Over the past three decades, gays and lesbians worldwide have confronted societal norms surrounding “traditional” notions of marriage and family—not only by raising families of their own, but by demanding their right to marry one another. Presently, in the United States, same-sex marriage is legal in Washington, DC and 14 of the 50 states; globally, gays and lesbians have secured marriage rights in 15 countries ⁴; and, in many other countries (e.g., the United Kingdom), same-sex couples have established similar rights through civil unions or partnerships. While from a civil rights perspective these advances may be a cause célèbre, it is nevertheless important to consider whether the same-sex marriage debate has forced some gay men to question their ability to enter into and/or commit to these formerly “out-of-bound” institutions.

According to Cohen, in societies where pre-arranged marriages are customary, assurances related to sex and sexual variety are not always guaranteed. If we thus take the view that marriage is a form of symbolic “pre-arrangement” for the entire community of gay men, is it not possible that at least some men might experience a pressure they had not previously anticipated? Or, to put it another way, poised on the eve of their ability to marry—could some men be experiencing a case of the pre-marital “jitters”? If so, what we may, in fact, be witnessing, at least with respect to some of the newer forms of gay drug- and sex-related deviance and transgression—bug-chasing, conversion parties, increased “party drug” usage, extreme porn websites, hidden sex webcams, webcam injection drug experiences—is the equivalent of an all-too-familiar scene that occurs for many heterosexual bachelors on the eve of their weddings: a global gay “stag party.”

Conclusion

From a Western legal and criminological perspective, one’s sexual identity—whether they identify as lesbian, gay, bisexual, transgender, or queer—is no longer considered deviant, much less a crime. Nonetheless,

⁴ Presently, Argentina, Belgium, Brazil, Canada, Denmark, France, Iceland, Netherlands, New Zealand, Norway, Portugal, Spain, South Africa, Sweden, Uruguay have passed legislation granting the right for same-sex couples to wed.

all persons are capable of engaging in crimes and/or deviant behaviors. Gay men are no exception. The focus of this article was not on gay criminality, though—the reasons gay men commit crimes may be the same or similar to the reasons others commit crimes: praise, poverty, self-preservation, etc. Rather, the purpose of this article was to discuss several perspectives that might be useful for criminological inquiries of contemporary forms of gay deviance and transgression related to drug-taking and “risky” sex practices.

Of course, focusing on gay drug-driven sex behaviours runs the risk of perpetuating overly sexualized images of gay men (and perhaps of the LGBTQ community as a whole). Nonetheless, there is an abundance of non-criminological research concerning gay drug usage and sex practices that can serve as a good starting point for criminologists. Such studies typically conclude that gay drug- and sex-related behaviors are related to the labeling and stigmatization experiences suffered upon sexual minorities by Western heteronormative societies. While these perspectives may be suitable in some instances, it is important to also consider that not all gay men have experienced stigma related to their sexuality. Certainly, some gay men may engage in drug- and sex-related behaviors for reasons that are entirely different than those that drive other gay men to perform the same acts. Furthermore, not all gay transgression takes the same forms—indeed, gay men can (and do) engage in criminal or deviant behaviors that are entirely unrelated to sex or illicit drugs.

Gay resistance to heteronormativity was also discussed as a contributing factor for some forms of gay deviance and transgression. However, gay men, in general, have experienced a recent leveling off of institutional and societal discrimination, and—at least in Western secular societies—the gay rights movement is well-poised to continue this trend, especially in the area of same-sex marriage. It is suggested, then, that gay counternormativity is no longer exclusively tied to resisting heterosexual ideals related to identity, love and sex. Indeed, there are perhaps numerous gay drug and sex subcultures that have developed in response to homonormative ideals concerning these very same issues, as well.

Cultural criminology offers several explanations for criminal, deviant, or transgressive behaviors that arise out of processes related to cultural inclusion and/or social exclusion.

However, because not all gay deviance and transgression is attributable to LGBTQ social exclusion, it is thus suggested that at least some of these behaviors might be related to recent LGBTQ social inclusion. For some gay men, drug- and sex-related deviance and transgression may thus be linked to a new type of struggle—one that is related to a decision whether to adopt (and comply) with emerging homonormative norms, values and rules, or—as with the past struggle against

heteronormativity—to reject them.

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