'Nothing to Hide … Nothing to Fear': Discriminatory Surveillance and Queer Visibility in Great Britain and Northern Ireland

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Surveillance has increasingly been part of the everyday experience of people throughout the world, whether it is through heightened security practices that have emerged through anxiety about the spread of global terrorism or the ever-increasing presence of commercial surveillance technologies, both licit and illicit. The significance of surveillance resonates with the history and politics of queer people, queer theory, and queer methodologies, since surveillance is part of a system of power that, among other things, shapes subjectivity, as Michel Foucault (1979) has argued, and normalises, as Michael Warner (2000) has argued. Surveillance has been engaged, for instance, to monitor people with HIV and AIDS, to police the spaces in which dissident sexual behaviour occurs, and to expose the non-normative private sexual practices of those who have fought publicly against gay marriage. Surveillance also intersects with visibility/exposure, simultaneously a goal of the minority-rights activism that has included queer sexualities as well as a fear of many who find themselves outside of the sexual mainstream. Brought together, each discipline has much to offer the other. The emerging discipline of surveillance studies has examined the relationship between theories (of, for example, vision, policing and subjectivity) and actual surveillance practices. Queer studies (or applied queer theory) has similarly investigated the relationship between theory and practice; queer geography, for instance,

provides surveillance studies with a nuanced sense of the significance of the body and the subject in space (Duncan 1996; Bell and Valentine 1995; Boone et al 2000). And queer theory itself offers challenging ways to reimagine the binary relationships — subject/ object, private/ public, visible/ invisible, exposed/ hidden — on which surveillance depends (Sedgwick 1990, 2003; Warner 2000, 2002). The conjunction of queer studies and surveillance studies has the potential to illuminate the relationship between the state and private forces that shape space, behaviour, subjectivity, consumerism and citizenship.

This chapter will 'queer' surveillance, interrogate the assumptions on which it is based and consider the uses to which it is put, by examining surveillance and policing practices in both the United Kingdom generally and, more specifically, in Northern Ireland, particularly as they have been directed at queer people. In the human crises engendered by surveillance, I will suggest, we also see a crisis in the meanings and value of the public, privacy, visibility and normalisation, issues that have long resonated with queer theory and queer studies.

Surveillance Studies: Reading through the Gaps

Surveillance studies is an emerging interdisciplinary field that takes a critical position with regard to surveillance technologies and practice and their implications. Interestingly, there are at least two conspicuous absences in contemporary academic discussions of surveillance, including UK surveillance, studies of which have created some of the foundational works in the field. The first is surveillance in Northern Ireland (see the work of Armstrong and Norris, and the journal *Surveillance and Society*). The invisibility of Northern Ireland in surveillance studies is particularly ironic, given that Northern Ireland is clearly *not* invisible to surveillance technologies. The absence of studies of surveillance in Northern Ireland, however, is presumably at least in part due to the unavailability of official statistics on the subject, even in post-

Agreement Northern Ireland, given the ongoing military and police surveillance of suspected paramilitary organisations and groups.1 To some degree, the absence could also be part of the internalisation of the notion of Northern Irish 'exceptionalism' on the part of UK academics in particular — that is, the uncritical acceptance of Northern Ireland as a 'special case' in the UK. Surveillance of one sort or another has nonetheless shaped both public and private space in Northern Ireland since at least the emergency powers acts of the 1970s, and has reinforced the sense of Northern Ireland, both from within and without, as a peripheral colony in crisis rather than as an integral part of the United Kingdom. In contemporary Northern Ireland, the full extent of military surveillance operations is considered to be classified information. But as in the rest of the UK, surveillance for the purposes of thwarting paramilitary and terrorist activity is only part of the picture. Surveillance of commercial space and police surveillance for crime — that is, what might be considered 'normal' or 'non-political' surveillance — have been in place for at least as long as they have been in the rest of Great Britain. Norris and Armstrong note that, in the UK in general, the post-Cold-War 'peace dividend' meant the transfer of technologies from the military realm into criminal justice and policing applications and also into commercial applications (1999, 32, 38-9). The equivalent move has been echoed in Northern Ireland since the ostensible end of violence there (that is, since the end of both open violence between paramilitary groups and organised paramilitary violence directed at state forces); there, the 'peace dividend' has been in the form of increasing commercial investment in the formerly

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1 Post-Agreement refers to the period after the institution of the 'Belfast Agreement', also known as the 'Good Friday Agreement', a document that emerged out of the 'peace process' and that includes provisions for governance of Northern Ireland. The Agreement was approved by referenda in Northern Ireland and the Republic of Ireland in 1998.

conflict-torn region, and military technologies have found a similar niche in the rising Northern Ireland economy.

The second conspicuous absence in the academic analysis of surveillance and surveillance technologies is surveillance of sexual activity. Such analysis has been offered, but by those in queer studies rather than those in surveillance studies — as in, for instance, David Bell's analysis of the 'assemblage of bodies, technologies, and spaces' that constitutes the '(hetero)sexual practice and subculture known as "dogging"' (2006, 387). The absence is certainly not for the paucity of the subject matter. Sexual activity in public toilets, sexual voyeurism, and sexual 'exposure' — regardless of the gender of the actors — is illegal in the UK under the Sexual Offences Act (2003). The Police Service of Northern Ireland (PSNI) reported, on request from several gay activist groups, that in 2005-6 there were 59 surveillance operations directed at public sex, only some of which were direct violations of the Act. Of those operations, a significant proportion (in several communities, the only operations) were directed against homosexual sexual activity.2 When asked, the PSNI has, unsurprisingly, been reticent about sharing the exact method of the surveillance activities.3 Nonetheless, it is instructive to analyse

2 The language of Chief Constable J.A. Harris refers to surveillance of the 'homosexual community' and 'heterosexual community', perhaps reflecting the language of the activists who asked for statistics; however, it is worth noting that those arrested for homosexual public sex are often not men who identify with the 'homosexual community'.

3 Correspondence with PSNI Inspector Robin Dempsey suggested that in at least one instance, the arrests of 10-12 men in the public toilets in Coleraine, CCTV was not used, although newspaper reports continued to cite the use of CCTV in those arrests. Assistant Chief Constable J. A. Harris reported that graffiti set off the surveillance, and that the 'police observations of the car park … revealed men meeting and going inside the toilets or meeting and driving off in cars'. Gay cruising sites also offer access to information about those planning to meet for sexual activity, although it is unclear whether the police have used these sites to target their surveillance.

how its enforcement is attempted, especially in Northern Ireland, and to think about this enforcement in light of the larger critiques raised by those who have analysed both surveillance activity and sexual culture more generally.

These absences in surveillance studies are themselves instructive. They suggest the challenges inherent in analysing a discourse that relies as much on containment and secrecy (e.g., military surveillance, informers, secret footage) as it does on visible signs (the surveillance camera, the CCTV warning sign) for its effectiveness. But one often under-analysed aspect of surveillance is the media itself. As Lee Edelman notes in his analysis of the U.S. public reactions to the arrest of Walter Jenkins, President Lyndon Johnson's chief of staff, in a YMCA bathroom and the subsequent charges of 'indecent gestures', the media itself 'foster[s] an internalisation of the repressive supervisory mechanisms of the State' (1994, 156); in other words, the media is a technology of surveillance and, I would suggest, a technology that extends beyond the state, which, as many surveillance studies critics have noted, is by no means the only user of surveillance technologies. The significance of the media in surveillance is further supported by Bell, who notes that the media not only helps to create the fear of crime, terrorism, and moral panic4 that justifies the use of surveillance technologies, but is constitutes part of the 'scene' of voyeurism itself (2006, 391); in this sense, I might suggest that the media as surveillance

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4 'Moral panic' is a term that gained popularity in the wake of Stanley Cohen's *Folk Devils and Moral Panics: The Creation of the Mods and Rockers*. He defines the process of moral panic thus: 'A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylised and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right-thinking people; socially accredited experts pronounce their diagnoses and solutions; ways of coping are evolved or (more often) resorted to; the condition then disappears, submerges or deteriorates and becomes more visible' (2002, 1).

technology helps to perpetuate the conditions that justify its use, creating a kind of feedback loop or circuit of both desire and fear that embeds surveillance more completely into our culture.

The ubiquity of surveillance has led many writers in surveillance studies to evoke Michel Foucault's influential *Discipline and Punish* (1979), particularly his use of 'panopticism'. The latter term arises from Jeremy Bentham's Panopticon, a model carceral structure in which the prisoner perceives himself to be under the constant threat of surveillance whether or not s/he actually is; Foucault uses the panopticon as a way of thinking about surveillance as a disciplinary mechanism, particularly the ways in which power is embedded in social structures and evokes self-regulation to create a carceral culture. Many practitioners of surveillance studies have been drawn to the Foucauldian model to suggest the ways in which surveillance technologies and practice potentially limit freedom through the internalisation of the disciplinary gaze. Some recent analysts, however, have suggested that the Foucauldian thesis is not applicable to the current surveillance status quo: the omnipresence of surveillance has not produced the self-regulation in its subjects promised by Foucault's theory.[5] Indeed, surveillance technologies seem to have become a commonplace for many who are regularly subjected to them, fading into the background and out of the consciousness of most people unless they are confronted with them directly (as when and if, for instance, they are arrested).

But the Foucauldian thesis, as I will suggest, may be more applicable to those for whom the notion of visibility is already charged: that is, those who fall outside the realm of the normative and who are thus more likely to be sensitive to the possibility of exposure. The

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[5] For critiques of the Foucauldian perspective in surveillance studies, see especially Lyon (2003a); Yar (2003). For further discussions of Foucault and panopticism see also Fussey (2004); Hier (2004); Cole (2004); Goold (2004); Norris and Armstrong (1999).

practice of surveillance, as I will suggest, normalises visibility, which in turn helps to shape and reinforce the very narratives of normality and the spaces in which normative and non-normative behaviour is allowed; and participating in those narratives of normality can be, as Warner suggests in *The Trouble with Normal* (2000), particularly attractive to the already-marginalised — in this case, both queer and Northern Irish subjects more generally. Predictably, surveillance impacts the already-marginalised more heavily, as we will see; but I will also suggest that the self-regulation that emerges from surveillance, the pressure toward normalisation, creates a kind of cultural inertia that facilitates the shrinkage of the space — both literal and figurative — for challenges to surveillance practices.

Surveillance in Great Britain

Even before the West's preoccupation with terrorist activity in the new millennium, the United Kingdom had become the most surveilled state in Europe and, arguably, the world (Goold 2004, 1, 17). Benjamin Goold, following Stuart Hall and others, notes that the lead-up to the 1979 General Election saw an increase in anti-crime rhetoric, which set the terms for this as a central issue in the competition for votes over subsequent decades (28-34). The case of toddler James Bulger, whose 1993 abduction was caught on CCTV camera and broadcast throughout the world after his death at the hands of two ten-year-old boys, galvanised public opinion about the usefulness of CCTV surveillance in particular (34-5; Norris and Armstrong 1999, 37; Norris 2003, 255), even though the surveillance did not prevent the crime. Pete Fussey notes that 'crime control partnerships … have empowered and incorporated a range of previously lay actors into crime and disorder policy forums (many of which were previously unconnected with crime control), thus increasing the influence of individual agency and preconceived ideas of crime and criminality' (2004, 258); even as the UK has decentralised its policing and involved communities

and lay entities in its policing processes, in other words, the tendency toward surveillance has neither been diminished nor ensured more informed applications of the technologies. Clive Norris and Gary Armstrong note that any 'fears surrounding the increased use of surveillance could be dismissed by the simple sloganising of the then Prime Minister John Major: "If you've got nothing to hide you've got nothing to fear"' (1999, 32).

The increase in surveillance in the UK marks a change not only in criminology but in the larger society. In their compelling and detailed study of CCTV in the UK, Norris and Armstrong note that the rise of the use of surveillance technologies signals an orientation toward 'actuarial justice', focused on the prevention of future crimes (25-6). The shift towards 'actuarial justice' has meant mass surveillance and the 'legal abandonment of individualised suspicion' (26), marked less by a focus on known offenders than on classes of people deemed likely to commit crimes, a practice commonly referred to in the United States as 'profiling' and criticised widely there for its racist implications. Of course, such profiling is not limited to racial minorities, but is applied broadly: in the UK, for instance, Norris and Armstrong note that groups of people going to football matches can legally be stopped and searched (26). They suggest, following other scholars of urban studies, that this change in criminological practice has come with the rise of 'stranger society', in which the 'growth of individualism, autonomy and personal freedom' is accompanied by a move away from traditional community forms and more privatisation (20-3). The increase in the privileging of privacy over communal forms has meant, ironically enough, less privacy for individuals in practice — particularly in the UK, where privacy is not legally guaranteed.

Norris and Armstrong, Goold, and other critics have suggested a close connection between commercial interests and the focus of surveillance attention in Britain. Mass

surveillance need not, according to David Lyon, always be read as 'sinister': it is, he suggests, 'appropriate to think of such surveillance as in some ways positive and beneficial, permitting new levels of efficiency, productivity, convenience, and comfort that many in the technologically advanced societies take for granted' (2003b 18). Nonetheless, as Norris notes:

> … privatised space increasingly contains the amenities previously located in the public or civic realm such as shops, banks, pharmacists and cinemas. But in this privatised space there is little commitment to democratic ideals of public access and assembly; the commitment is to commercial success. If people and their associated behaviours, whether legal or not, disrupt this entrepreneurial mission, they are to be excluded (2003, 277).

Further, Norris and Armstrong observed in their study that 'the targeting of … groups had less to do with their criminogenic potential but more to do with the capacity to portray a negative image of the city. In a sense targeting is as much about the commercial image of the city than crime…' (1999, 141). This practice extends commercially-motivated surveillance activity from private spaces — that is, spaces owned by individuals and private organisations rather than by the government — into the realm of public or civic space, such as streets, public toilets, parks, and other places, for the purposes of protecting commercial interests. As Norris and Armstrong put it, 'increasingly … this public space is being reconstituted, not as an arena for democratic interaction, but as the site of mass consumption. Individuals are recast as consumers rather than citizens, as potential harbingers of profit, rather than bearers of rights' (1999, 8). This disturbing trend inevitably leads to the contraction of spaces in which contestation of the status quo is tolerated.

Certain people are more likely to be singled out for surveillance than others. Lyon notes that while 'probabilities plays a greatly increased role in assessment of risk', the application of such probabilities 'also depends on stereotypes, whether to do with territory … or social

characteristics' (2003b 16). Norris and Armstrong articulate this tendency in greater detail. The 'working rules' that they observed in their study of surveillance operators and police suggest that, given the vast data with which they are presented, operators must work with prior understandings of what might constitute a criminal behaviour or person and what might be indicative of a time or place in which a crime might occur. They suggest that 'for operators the normal ecology of an area is also a "normative ecology"' (1999, 140). The results of such understandings 'produced … a highly differentiated pattern of surveillance leading to a massively disproportionate targeting of young males […] particularly … if they are black or visibly identifiable as having subcultural affiliations' (150; see also Gould 2004, 153-63). As Norris writes, 'rather than promoting a democratic gaze, the reliance on categorical suspicion further intensifies the surveillance of those already marginalised and further increases their chance of official stigmatisation' (2003, 266). Moreover, if surveillance is seen as 'an extension of discriminatory and unjust policing, the consequential loss of legitimacy may have serious consequences for the social order' (Norris and Armstrong 1999, 151).

Perhaps the most striking analysis is their observation that 'it is almost as though operators construct a map of moral progress through the streets which is unidirectional. People of good moral character know where they are going and proceeded to their destination without signs of deviation' (1999, 144). This phrasing resonates with the notion of 'queer', particularly insofar as 'queer' invokes a path that is not straight, in several senses of the word. When seeking to engage in queer sexual behaviour, a person may not follow a straight path in the most literal sense as well, inviting surveillance regardless of the legality of the behaviour as s/he attempts to cruise, make eye contact and engage in other codes, often unspoken, that will enable a connection. Non-normative behaviour, however legal, is more visible than normative behaviour,

and precipitates surveillance. Once begun, surveillance piques interest and fills the human need for story and, 'like all of us, operators like to know the end of the story — even if it has a happy ending' (1999, 132). But the story's beginning — the impetus for surveillance — is shaped by previous stories, and the necessarily incomplete nature of surveillance encourages the surveillers to draw on previous experiences and assumptions to complete the story. The comments Norris and Armstrong make about narrative highlight the fact that those who surveil and act on surveillance must fill in the epistemological gaps provided by surveillance, which only provides, often quite literally, part of the picture.6 But as Irma van der Ploeg argues in her analysis of the ontology and epistemology of biometric surveillance, the virtual body created by information — whether it be the 'digital persona' created through biometric data collection or, as I would argue, the narrative of the person created through visual surveillance technologies — is as central to personhood and bodily integrity as the physical body (2003, 70-1), and the ways that information is manipulated has profound consequences for individuals and targeted groups, as we will see in the next section.

Nonetheless, for all of the difficulties posed by surveillance, it has the potential to be applied, in however imperfect a way, to safeguard marginalised and at-risk members of society. Significantly, however, Norris and Armstrong discovered that surveillance was rarely applied in a protective way, although Goold's study found somewhat more protective surveillance of women, even though women were still considerably less surveilled, and usually surveilled when they were known offenders. Norris and Armstrong found that even in cases where male-on-female violence was observed, there was no deployment of police, even though the 'domestic' violence took place in public. CCTV in particular 'fosters a male gaze' by allowing operators to

6 For a discussion of the incomplete nature of CCTV data, for instance, see Cameron (2004, 136-9).

use the cameras for voyeuristic reasons; with regard to the targeting of women, voyeuristic use of the cameras outnumbered protective use 'by five to one' (Norris and Armstrong 1999, 129). Significantly, Norris and Armstrong's study, following Brown, shows a tendency to use surveillance for 'public order' over 'private violence' even when such violence occurs in what is clearly public space. These findings suggest a very particular notion of public and private, one that suggests that public disorder is that which has the potential to disturb the greatest number of people, not that which is, strictly speaking, illegal. A man hitting his female companion on a public street, seen this way, poses less of a threat to public order than, say, a man kissing another man in a parked car. None of the studies engages with the issue of the protection of homosexuals or, more broadly, those who engage in sexual activity with those of the same gender. The absence is telling, as such people are often subject to harassment and violent 'gay-bashing', even in spaces normally considered 'safe'.7 The gaze fostered by surveillance culture would appear to be a heterosexual, heteronormative and, quite simply, sexist male gaze.

When we consider the reasoning behind the Sexual Offences Act (2003), there would appear to be an impulse both to protect privacy, as in the prohibition against sexual voyeurism, and to protecting 'public order', as in the prohibition against the use of public toilets as sites for sexual activity. Interestingly, Norris and Armstrong found that surveillance camera operators and

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7 Dereka Rushbrook, in 'Cities, Queer Space, and the Cosmopolitan Tourist', examines the commodification of gay space in large metropolitan centers and notes that 'the increased visibility that facilitates tourists' identification of queer sites also marks them to the public at large' (2002, 10), leading, ironically, to the 'straightening' of some of these formerly safe spaces to ensure its inhabitants' safety (2002, 10-13). Rushbrook draws on Wayne Myclik's work in the US, which notes that 'queer spaces, those areas in which gay men are known to congregate and have been designated as safe spaces, are, ironically, the most frequent settings for [anti-gay] violence, exceeding by 28 percent straight public areas' (1996, 162).

police took advantage of 'the long understood relationship between cars and sex' (1999, 129) for their own voyeuristic purposes. Although the study never specifies that such voyeurism was directed at heterosexual encounters exclusively, the examples given are all of operators and officers watching men and women together. It is not clear whether such voyeuristic surveillance has continued in the wake of the Sexual Offences Act (2003), although the fact that such voyeurism was an unremarkable part of the surveillance culture suggests that there may be little impetus to change. The former practice at least suggests a fine line between legitimate surveillance and voyeurism, and at most a fundamental hypocrisy visible in the intersection between the impetus behind the policing of public sexual activity and the culture of surveillance used to enforce it.

Surveillance in Northern Ireland

Given the practice of surveillance in the rest of the United Kingdom, then, we might ask whether surveillance in Northern Ireland is substantially different. In his analysis of Northern Ireland, sociologist Allen Feldman has examined the 'scopic regime of the state' (1997, 48). The state's gaze, according to Feldman, creates a 'surveillance grid' and the resulting 'scopic penetration contaminates private space and lives' (27) by shaping individual subjectivity and behaviour through fear and anxiety. Feldman's analysis places surveillance first in the hands of the state as a means of direct social control, an apt description of the state of surveillance during the height of the Northern Ireland conflict in the 1970s and '80s. But Feldman's perspective, like that of many in surveillance studies, resonates with Foucault's panoptical model insofar as it also examines the complexity of the relationship between power, vision, and visibility, by no means unidirectional phenomena. Certainly, citizens of Northern Ireland have been far more conscious of the presence of surveillance technologies for longer than those in the rest of the United

Kingdom, as Nils Zurawski (2004, 499-500) has noted. And the resistance to surveillance is still quite ardent in some quarters: in the nationalist community there remains a deep suspicion of state surveillance for any reason, and police cameras have not been invited into Catholic West Belfast because of the association between police surveillance, collusion and abuse of power by forces of the state. Nonetheless, surveillance remains part of the arsenal of power in Northern Ireland, regardless of who wields it. The response by non-state entities to the tyranny of the 'scopic regime' has often been more surveillance, as Zurawski notes in his study of non-technological surveillance. Such surveillance can take many forms, whether it be photographs taken by paramilitaries 'considered equivalent to both the gun sight and the pointed rifle', as Feldman puts it (1997, 26); the CCTV cameras that abound in 'public' places and commercial establishments, particularly in urban areas; cameras aimed at protestors or paraders; or police surveillance operations focused on public parks. Surveillance, covert and overt, continues actively to shape Northern Irish space.

One might imagine, given the charged and partisan history of surveillance in Northern Ireland, that the resistance to it would be more widespread throughout the culture. Further, if we examine the history of surveillance of homosexual activity in Northern Ireland, one might expect an even more charged response within the queer/gay activist community. Homosexual activity was decriminalised in Great Britain in 1967 but remained illegal in Northern Ireland until 1982, carrying the threat of up to life imprisonment for those convicted. In 1976, the Royal Ulster Constabulary (the former name of the Northern Irish police force) made a series of arrests of gay men, begun on the basis of a complaint from a mother of one of the men who was concerned about her son's activities and tenuously justified as a search for illegal drugs. The membership rolls of the Northern Ireland Gay Rights Association (NIGRA)/Gay Liberation Society were

seized in the raids, which led to the questioning and arrest of more than two dozen men. The subsequent outrage in the gay activist community sparked a concerted effort to secure the decriminalisation of homosexual activity in Northern Ireland, with Jeffrey Dudgeon, one of the gay activists harassed by the police, bringing a case against the United Kingdom. Fearing the success of this activism, the Reverend Ian Paisley, head of the Democratic Unionist Party and a minister of the Free Presbyterian Church in Ravenhill, Belfast, spearheaded a campaign against the extension of the 1967 Act. Thanks to Dudgeon's case with the European Court of Human Rights, homosexuality was eventually decriminalised.8

Activism is, of course, a way to bring visibility to a group or issue, a way of entering the public sphere of civil society. Visibility, however, is a double-edged sword. From the late 1970s until well into the new century and the rise of new, more inclusive policing initiatives, there was an increase in police activity against popular gay cruising and 'cottaging' spots in Northern Ireland.9 Belfast gay newsletters like *Gay Star* and *Upstart* regularly ran articles warning men who had sex with men about police surveillance activities and informing them of their rights when arrested.10 Decriminalisation was, in other words, not the end to the problems facing men who had sex with men: according to an Autumn 1996 article in *Upstart*, there was a significant

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8 For a further discussion of the politics of the Save Ulster from Sodomy campaign and its aftermath, see Conrad (2004, 41-7).

9 'Cottaging' is UK slang and refers to the practice of soliciting sex in public or semi-public places, such as public restrooms (also referred to as 'tearooms'). The practice can refer to simply soliciting sex in such places and then moving on to a private or semi-private space, or engaging in sex in the 'tearoom' itself.

10 See, for instance, 'The Ins and Outs of Cottaging' (Summer 1981, 4); 'When in Doubt Say Nowt' (1982, 1); 'Walkin' the Dog' (February 1989, 1); 'It's a Purge' (March 1989, 1); 'We Are Being Watched' (April 1993, 1).

increase in murders of gay men,11 from approximately one per year in the 1970s and 80s to a startling four per year in the 1990s. Police surveillance was focused on men who had sex with men, in other words, not on violent gay-bashing.

For this reason, surveillance is a potentially charged issue in the gay community. Violence remains a risk as the gay community becomes even more visible, both through sanctioned channels (e.g., Pride parades, which garner enthusiastic onlookers and some protest in Northern Ireland; the recent legalisation of civil partnerships for lesbians and gays; and the recent legalisation of adoption by lesbian and gay couples) and illicit channels (e.g., 'public' sex and the subsequent publicity of arrests). The out gay community in particular has a vexed relationship with the illicit practice of cottaging: although some out gay men participate in cottaging and other public sexual activity, it is also the site wherein men who might not be part of the gay community have sex with other men — men who often have access to less information and fewer resources about sex, and who may either chose to identify themselves sexually in ways that do not fit the 'normal' heterosexual/homosexual binary, or who engage in such activities through lack of access to more socially-acceptable channels. These men are a group whose practices we might aptly term 'queer': sexually dissident and, intentionally or not, challenging the unspoken assumptions on which the current sexual culture is based. As Michael Warner notes, the gay community in the United States, particularly in New York, has not been eager to articulate and support a public sexual culture even if they participate in it: the push toward privatisation has been the norm (2000, 167-8). A celebration of the 'normality' of gay citizens has meant the marginalisation of any public discussion of a public sexual culture;

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11 It is not clear from the article whether the murdered men identified as gay; however, the article intends at least to identify the murder of men who had sex with men.

instead, it has been abandoned, along with those who participate in it. Visibility, it seems, comes at a price.

In recent years, policing in Northern Ireland has been ostensibly liberalised, with the newly-named Police Service of Northern Ireland making a concerted attempt to encourage better reporting of hate crimes, particularly those motivated by religious affiliation, disability, race, or homophobia (PSNI Hate Crimes website).Community policing initiatives have encouraged more dialogue between specific communities and the police. In the wake of such changes, during Pride Week 2004, the Belfast Pride organizers arranged a session called 'Meet the Police'. The majority of attendees were men — all adult men, ranging in age from early 20s to mid 60s. The police were there encouraging those present to report hate crimes against queer people under the new, more liberal reporting guidelines that allow both anonymous reporting and reporting by third parties. In the course of the meeting, several of the men present at the meeting noted some difficulty in getting a quick response to violent gay-bashing incidents in the center of Belfast. Several men at the meeting requested increased police surveillance of known gay cruising areas, including the possibility of the use of CCTV, to protect men from gay bashing and recommended that the police consider handing out information to men in cruising areas informing them of safety hazards and giving them contact information for gay support groups and services. The police responded by noting that men caught breaking the law would have to be arrested. Breaking the law, in this context, was having sex in public, not gay-bashing.

Gay-bashing remains a concern of the gay community, however, despite the relative lack of interest on the part of the police. In the spring of 2006, the Superintendent of the Coleraine PSNI, Dawson Cotton, stated, in a letter responding to queries from gay activists, that he became aware in January 2005 of a group of paramilitaries who were threatening to 'take action' over

'sexual acts between men in toilets in Coleraine'. This intelligence, according to the Superintendent, led to the PSNI informing the gay activist Rainbow Project, who put a warning about the threat on an internet bulletin board, and to the police visiting the toilets looking for 'known paramilitary suspects'; according to the Superintendent, 'nothing further came to light' (Cotton 2006, 1-2).

But indeed, something did come to light, albeit not the protection from gay-bashing the men from the Pride 'Meet the Police' session in Belfast clearly intended when they asked for more surveillance in their own city in 2004. In March 2006, twelve men were arrested and ten fined in Coleraine for violating Section 71 of the 2003 Sexual Offences Act after being caught having sex in a public toilet. The Act specifies that one is liable to arrest if one has sex 'in a lavatory to which the public or a section of the public has or is permitted to have access, whether on payment or otherwise'. The arrests were, in the language of Coleraine District Policing Partnership Manager Suzanne Crozier, who authorised the surveillance, the 'final phase of the surveillance operation'. This indicates that the toilets had been watched for some time. Several officials suggested that the offences were 'not appropriate for caution' meaning that arrest, rather than a warning, was somehow more appropriate in these cases. In no official documents, however, has it been made clear why these offences were more 'severe' than any other instance of public sex in the UK, many of which are dealt with through cautions. Except for one 29-year-old, all of the men were in their 40s; all were consenting. Investigating officer Constable Paul Creith said he was 'not aware of any of the accused approaching anyone outside of the cottaging ring' (Smyth 2006), and no specific complaints about the activity were revealed. The resident magistrate, Mr. McNally, noted that the accused were 'all decent people, all law abiding apart from these activities, which would not have been illegal if they had occurred in private' (Smyth

2006). Although he had the power to imprison the men, he did not, and fined most of them less than a tenth of the maximum fine of £5000. His one reason for not invoking a conditional discharge was the 'public aspect of the offences', presumably referring to his statement that 'people should be able to use public toilets without having to be confronted by such sexual activity' (2006).

It is unclear, however, whether or how anyone was actually 'confronted' by 'such sexual activity'. The police clearly stated that no one else was approached. The codes and practices of 'cottaging' are such that discovery by non-participating men is avoided at all costs.12One can assume that this is no less true in Northern Ireland, where public acceptance of homosexual behavior has lagged behind the UK. As Michael Warner notes, 'public sex' is public in the sense that it takes place outside the home, but it usually takes place in areas that have been chosen for their seclusion, and like all sex involves extremely intimate and private associations' (2000, 173). NIGRA, in its submission to the Department of Health on suicide prevention strategies in the gay community, refers to such sexual activity more accurately as 'semi-public'. The fact that lavatories are considered 'private' in Section 68 of the Act, the section that prohibits sexual voyeurism, points to the vagueness of the legal application of the terms 'public' and 'private'. Such terms seem to rely on a commonsense division between public and private that is neither common nor, given its inconsistent application, quite sensical.

The application of these vague terms and the surveillance technologies that enforce them have, however, had a profound effect on the lived experience of men who have sex with men in

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12 For a detailed discussion of cottaging practices, see especially Laud Humphries's classic sociological study of the US, *Tearoom Trade* (1975) and Hollister (1999). For a brief discussion of the practices in Northern Ireland, see NIGRA's (2006) submission to the Northern Ireland Government's Suicide Strategy (Department of Health).

'public' places in Northern Ireland. Lisa Smyth of the *Belfast Telegraph* reported on the arrests in an article entitled 'Flushed Out' (2006). The article noted that, since the raid and arrests, the men were subjected to threats and violent attacks. One man had his car set on fire and pushed into his home. While the surveillance was enacted by the police and authorised by the Policing Partnership Manager, it did not stop there: in the same article, Smyth published the names, addresses and photographs of the arrested men. The subtitle specified that the defendants included 'a church elder and an ex-police reservist'. And the *Belfast Telegraph* was not alone: papers in Coleraine and Derry published the names of the men upon their first appearance in court. Since then, according to Sean Morrin of the Rainbow Project, one man had to sell his home and leave his job, and another was 'seeking emergency shelter as his life is in real danger' (Morrin 2006). Paramilitary threats from the Ulster Volunteer Force (UVF) were apparently the source of a significant part of the harassment, as NIGRA has noted (NIGRA). Nonetheless, the police surveillance activities continued after these arrests, focused in large part on the Lisburn area; some 48 operations have taken place in the course of a year (Harris 2006; NIGRA). One man arrested in these sweeps committed suicide. As NIGRA has pointed out, the increase in the number of operations has meant that the support structure in the gay community has not been able to keep up with police operations (NIGRA). Gay websites continue to report gay-bashing and harassment at cottaging sites. The visibility suffered by these men is hardly the emancipatory notion of visibility celebrated by liberal activism; indeed, it further reinforces the notion that the media itself is a formidable technology of surveillance.

The arrests and reaction to them are instructive. They show quite clearly that there is a culture of surveillance in Northern Ireland, as in the rest of the UK; but the surprising thing it tells us — surprising given the charged and relatively recent history of surveillance in Northern

Ireland — is that this culture of surveillance seems to operate with the consent of the majority of the governed, including many gay men. The gay men at the 'Meet the Police' session in 2004 assumed that surveillance would and could work on their behalf and on the behalf of other men who have sex with men and who are threatened by violence. They assumed that they, as gay men, were part of civil society, and they assumed that the state could and should use surveillance to protect them from crime. In other words, they assumed that the police would focus on the clear crime of violent assault rather than the more ambiguous and victimless crime of 'public' sex. The age of some of these men is such that they would have been alive during the notorious RUC raids of the 1970s as well as of the regular sweeps of parks and cottaging sites in the 1880s and '90s which focused on men who had sex with men even after the decriminalisation of sexual activity. Yet they had a faith in surveillance as a legitimate tool of policing.

This faith emerges out of a liberal activist context that Rob Kitchin and Karen Lysaght have termed 'sexual citizenship', 'concerned with the defining and administering of rights (civil, political, social, cultural) dependent on an individual being a "good" sexual citizen, that is, conforming to "appropriate" sexual acts, behaviours and identities as defined by the State and wider society' (2004, 84). While their own work is focused on mapping the history and context for sexual citizenship in Northern Ireland rather than with articulating a more radical critique, Kitchin and Lysaght note Carl Stychin's formulation of the division liberal politics enables between 'good gays' — those willing to compromise in order to be tolerated and win acceptance as citizens — and 'bad queers' unwilling to compromise (Kitchin and Lysaght 2004, 84; Stychin 1998, 200). This distinction is evident in the surveillance practices focused on queer men in Northern Ireland and, to some degree, in the responses to it. Although the gay community has expressed its outrage over recent police practices, the activist focus has nonetheless remained on

finding ways to achieve sexual citizenship. As Kitchin and Lysaght suggest, 'while it might be tempting to use the data we have generated to envisage a radical vision of sexual citizenship it would not be representative of the views of the individuals we interviewed and it is [an] extremely unrealistic proposition given the present political situation in Northern Ireland' (2004, 100). In other words, the gay activist response to surveillance has ultimately been to accept the normalising pressures exerted by surveillance technology.

Surveillance in Northern Ireland is, perhaps, an indication both of the unquestioned acceptance of surveillance in the UK more generally and of the post-ceasefire, post-Agreement normalisation of Northern Irish society. In Northern Ireland, 'normalisation' is a term used by the government to describe the process of moving away from the infrastructure used to manage the conflict. More broadly, normalisation means reconceptualising Northern Irish political, governmental and social structures, generally to make them more like the rest of the UK. In the post-Agreement environment of normalisation, surveillance intended to prevent crime is acceptable, somehow different from the surveillance grid of Northern Ireland operating during the height of the conflict. The 'new' surveillance would seem to be a sign of things to come: a hopeful change in focus in the wake of the 'peace dividend' that holds the promise of increased commercial development and growth and an operating liberal democracy — the latter, as NIGRA has suggested, being something Northern Ireland currently lacks (NIGRA). But it is unclear whether the ideals of a liberal democracy can be achieved with the use of surveillance or even whether a liberal democacy in practice offers protection to its most marginalised members, as both Stychin and Warner suggest. Normalisation, as the Northern Ireland examples indicate, is not necessarily progress. Normalisation can mean the acceptance, even the embrace, of surveillance that enables the protection of personal property or the selling of newspapers or the

development of 'family-friendly' areas, even when that surveillance also impinges on privacy and bodily integrity as much as or more than the surveillance employed during the conflict. Normalisation can mean defaulting into other cultural patterns, such as the classist, sexist, and racist norms that inform surveillance in the rest of the UK.

In post-Agreement Northern Ireland as elsewhere in Western culture, visibility has been celebrated as a way of entering into the civic realm. The Belfast Agreement in particular stresses 'parity of esteem' between 'communities', which has, in practice, meant balancing the demands of equal visibility and funding between nationalist and unionist communities; recently, there has been more of an effort to broaden this concept to ensure a visible representation by groups or 'communities' that do not fit those categories in the interests of diversity, however token.13 But those who cannot or will not be visible, who do not engage in the politics of identitarian visibility, are just as likely to be exposed, to suffer from the architecture of surveillance, as they were before the conflict. And those who do engage, such as out gay men, may find that their rights to full citizenship cannot be taken for granted. Unlike during the Troubles, however, there seem to be fewer people to sympathise and challenge this state of affairs; and surveillance itself restricts the arenas in which such a challenge may occur. And this may be, to use Warner's phrase, the trouble with 'normal'.

Acknowledgments

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13 See Conrad (2006) for a discussion of the impact of the Belfast Agreement's construction of 'community' on the Northern Ireland public sphere and on the queer counterpublic resistant to its simplistic applications. For an analysis of public sphere theory and counterpublics, particularly queer counterpublics see Warner (2002). For queer public sphere theory, see also Berlant (1997).

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