

Summaries

Justitiële verkenningen (Judicial explorations) is published eight times a year by the Research and Documentation Centre of the Dutch Ministry of Security and Justice in cooperation with Boom Lemma uitgevers. Each issue focuses on a central theme related to judicial policy. The section Summaries contains abstracts of the internationally most relevant articles of each issue. The central theme of this issue (no. 5, 2013) is *Recognising gender in law and criminality*.

On the importance of gender

M. Althoff and J. Janssen

There are not only biological differences between men and women; there are also differences in social roles for men and women. In the 1970s the term 'gender' was introduced in order to make a distinction between the biological sex and the social roles ascribed to the sexes. But what does that term gender actually mean and what does it add to our understanding of social life in general and especially within the field of law enforcement? In the first part of the article a brief historical overview of the introduction of and debate on the gender concept is presented. The second part zooms in on the actual use of gender in (criminological) research on law enforcement.

Drug dealers, gender and street capital

H. Grundetjern and S. Sandberg

Early studies of female drug dealers suggest that women are marginalized, passive victims. In contrast, more recent studies describe women as skilful and competent dealers. In a Bourdieu-inspired theoretical framework of 'street capital', the authors suggest that the truth is somewhere in between. Female dealers can be successful, but they face more obstacles than men do. The illegal hard drug economy is gendered and favours men. In this paper the authors discuss how female drug dealers develop particular strategies to prove they still belong in 'the game'. Four such strategies are emphasized: desexualization, violent posture, emotional detachment and service-mindedness. These are common strategies for all drug dealers, but the gendered economy forces female dealers to be particularly careful about their business and self-presentation.

Recognising gays. On the assessment of credibility of sexual orientation in asylum cases

S. Jansen

This article explores the way in which a stated lesbian, gay or bisexual orientation or (trans)gender identity can be assessed in asylum cases. Recently, the Dutch Council of State sought guidance from the European Court of Justice on this topic. Decisions in which an asylum claim is rejected, because the stated sexual orientation is not considered credible, are often based on stereotypes regarding LGBTs, as the 'Fleeing homophobia' research has shown. Illustrated by Dutch examples of stereotypical reasoning, the author elaborates on the pitfalls that should be avoided. She concludes that, as sexual orientation is an extremely personal characteristic, it is in fact not possible to assess someone else's sexual orientation. Therefore asylum authorities should not try to develop their 'gaydar', but should rely on the self-identification of the asylum seeker instead.

Dead men tell no tales. A plea for more insight in male victimisation of honour-based violence

J. Janssen and R. Sanberg

This article sheds light on an aspect of honour-based violence (HBV) that is rarely addressed: male victimisation. HBV is usually regarded as violence inflicted on women by men. Police cases of male victimisation of HBV and scarce literature on this subject illustrate the ways in which men can become victims of violence. Men can be victimised in the same way that women are, for example when they commit adultery, are openly homosexual, or through conflicts about the choice of a partner. A specific and contested form of male victimisation occurs when their families pressure them to commit violence in order to restore family honour. Men are less likely than women to claim victim status and their victimisation of HBV is therefore possibly underreported. The authors do not argue to neglect female victims, but to expand hegemonic images of HBV and gender roles to include male victimisation. More insight into these matters is necessary to ensure the right support for each victim of HBV and to enable men and women to resolve these conflicts together.

I'm not a freak! The life of transgender persons in the Netherlands

S. Keuzenkamp

Some people are born as men, but feel like a woman; some feel like both a man and a woman; and some feel neither man nor woman. Similarly, there are people who are born as women, but feel like a man, etcetera. For these people, their birth gender and gender identity do not (completely) correspond. The Netherlands Institute for Social Research (SCP) studied the lives of these so-called *transgender persons*. 459 transgender persons filled out an online questionnaire between September 2011 and April 2012. Half the respondents knew before the age of 10 that their gender identity did not correspond with their birth gender. Almost a third of the respondents are still (mainly) living in the closet. Negative reactions are quite common. And compared with the rest of the Dutch population, transgender persons are much more often declared unfit for work and suffer much more often from mental health problems.

Transgender discrimination by the police and judicial institutions

I. Pohlkamp

While reflecting on gender issues transgender persons and their issues are often neglected. Government institutions on various levels don't know how to handle their gender nonconformity as neither male nor female. Also they are often targets of inappropriate police and judicial measures. Transgender persons are often sceptical and cautious when interacting with those professionals: a fair and respectful treatment is not to be expected. In this article the author takes on to explore this blind spot. She presents the results of a survey on the transgender discrimination and violence by police and judicial institutions in Germany. The author points out that this is a result of the ongoing structural discrimination of gender non-conform persons in a binary gender system. This topic is part of her PhD thesis on the experience of discrimination and violence of gender non-conform persons in general. Her qualitative study is based on narrative interviews and a group discussion with gender non-conform persons in Germany.