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Media, Law, and the Gay/Trans Panic Defense

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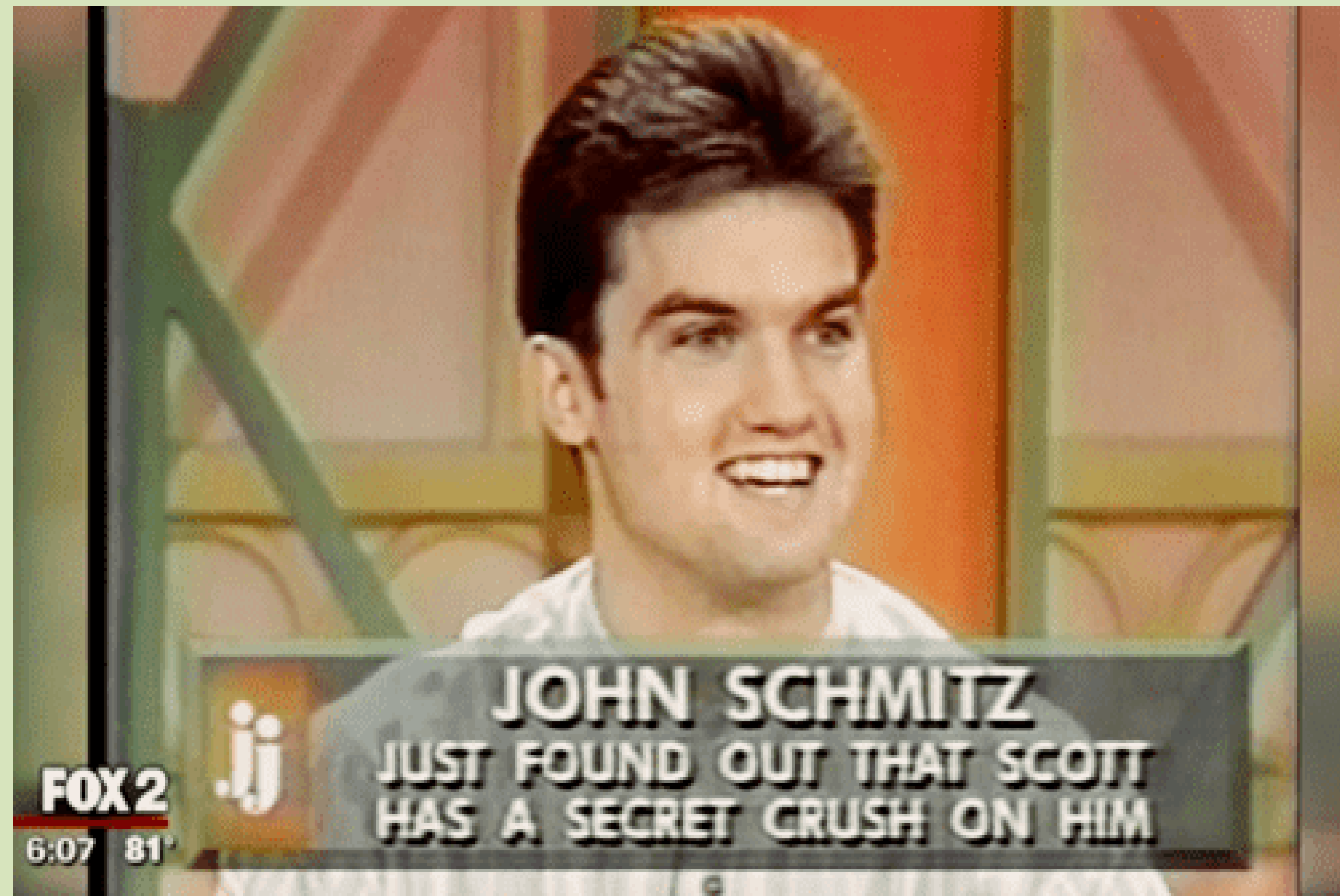
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Media, Law, and the LGBTQ Panic Defense

Dylan Strober and Harrison Picallo

The LGBTQ panic defense is a legal strategy that is used to try to lower the sentence of a defendant in cases of assault, claiming that certain actions were justified because an individual had “deceived” them as a result of their sexual or gender orientation. We analyze how cultural perceptions of LGBTQ panic shape the way we understand the legitimacy of this legal defense. Through a media analysis and survey that looks to see the relevance of LGBTQ Panic in popular culture and in our understanding of the legal system.

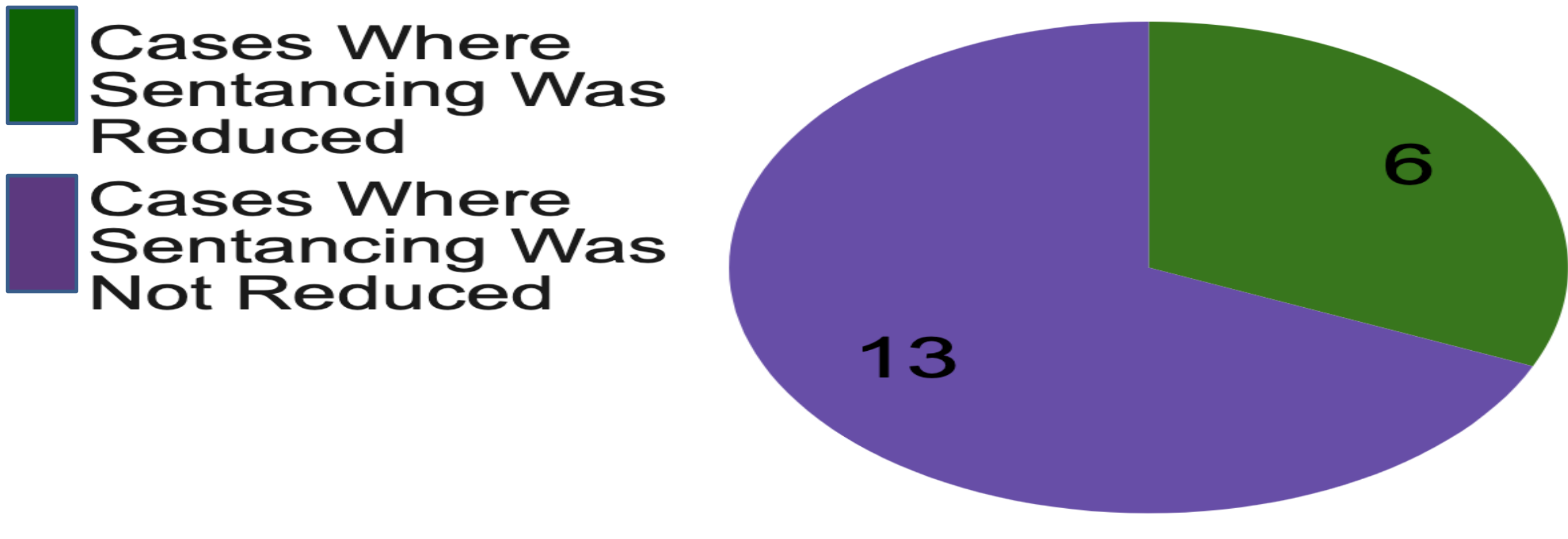


The spectacle that media creates has very real effects on our actions. In this episode of the Jenny Jones Show a man named John Schmitz was told on live television that his friend had a crush on him. This was one of the first instances of gay panic. Three days later he killed his best friend claiming embarrassment that he faced. This would go on to be where the term “gay panic defense” would first be used.



In fiction, representations of the LGBTQ panic defense often use queer characters as a means to an end to expose the fragile nature of a certain characters sense of masculinity. Rarely is the focus on the trans character, instead the episode revolves around how a cis-heterosexual character reacts to the existence of queerness. While some pieces of media use this trope to center the perspectives of gender non-conforming people, the trope is primarily at the queer characters' expense.

Effectiveness of the LGBTQ Panic Defense since 1995

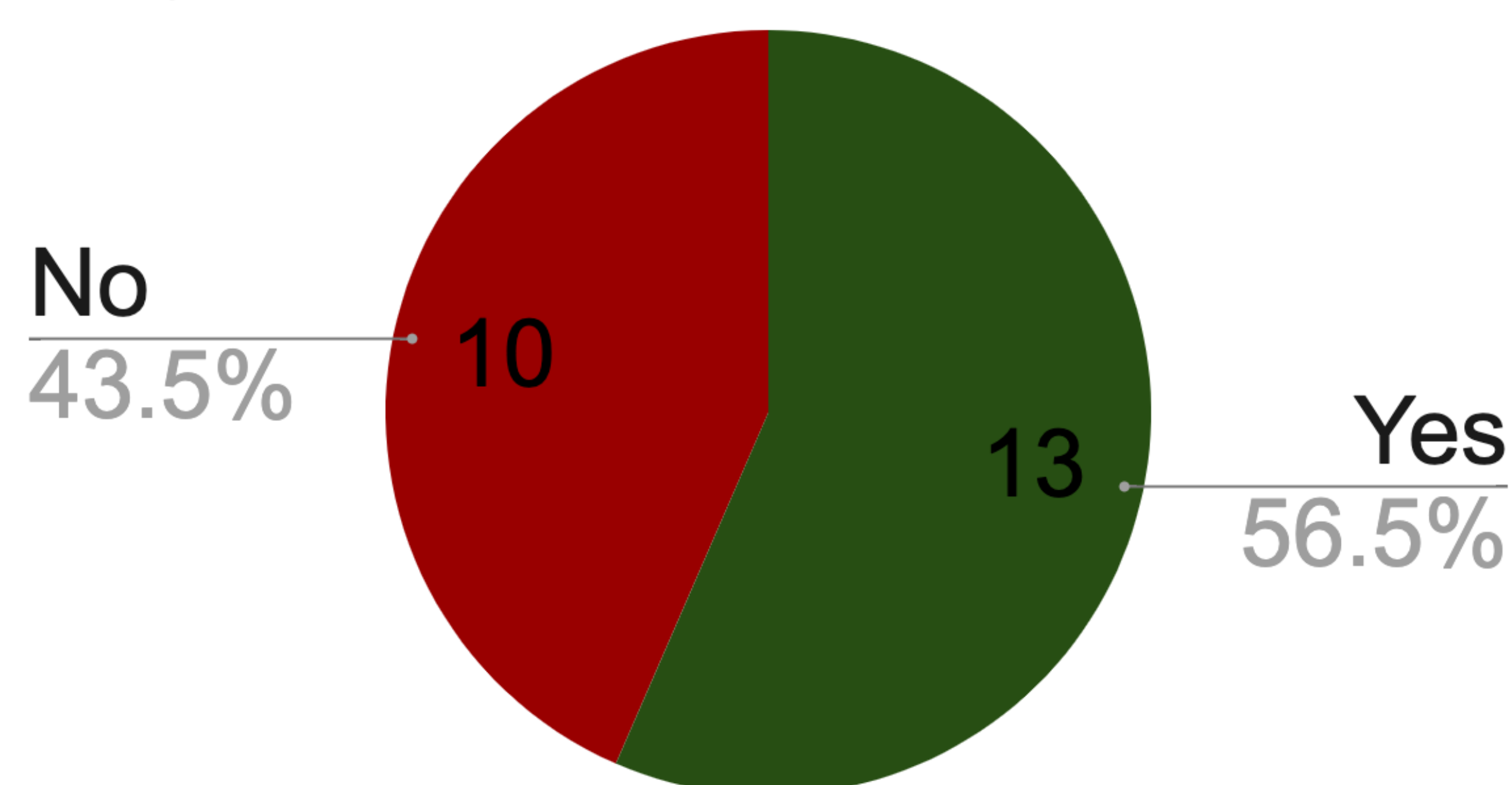


Legally, the defense is used to claim that someone’s violence was justified in a fit of uncontrollable rage. The defense is banned in 12 states, and is rarely seen as legitimate by courts and juries.

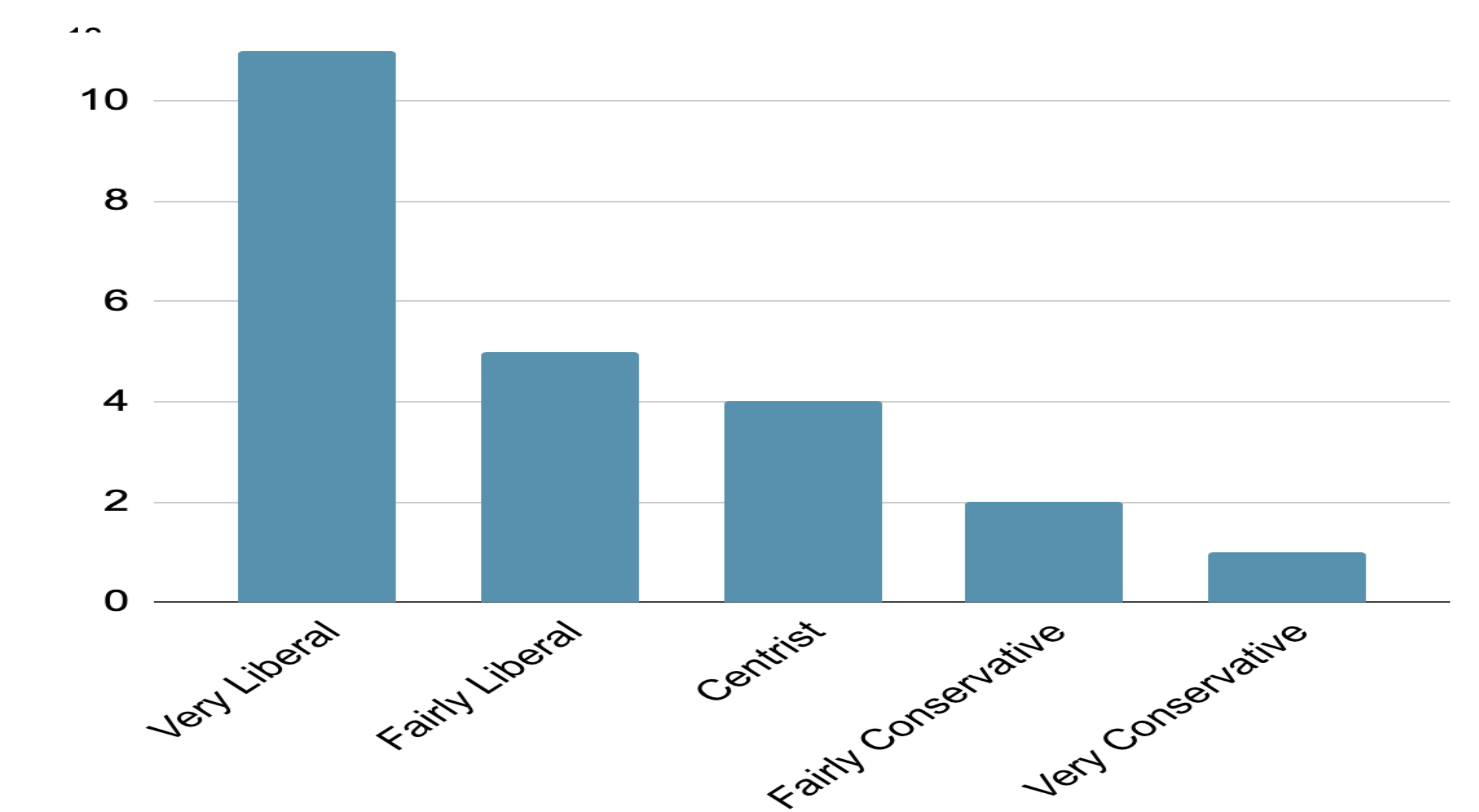


Reality TV takes the opposite approach that fiction does to representing LGBTQ panic but serves the same purpose. Reality TV depiction uses the pretense of reality to craft a highly fictionalized and spectacted story. Trans characters are shown to be the antithesis to the cis woman that a man is dating, and proudly admit that “you just had sex with a man” in order to put as much pressure on the fragile masculinity of the man in question. Just like fiction, the gay and trans become a means to an end to tell the story of a cis-het man failing to truly be a man, except reality TV uses the pretense of reality to create more of a spectacle.

Survey Participants that knew of the LGTBQ+ defense prior

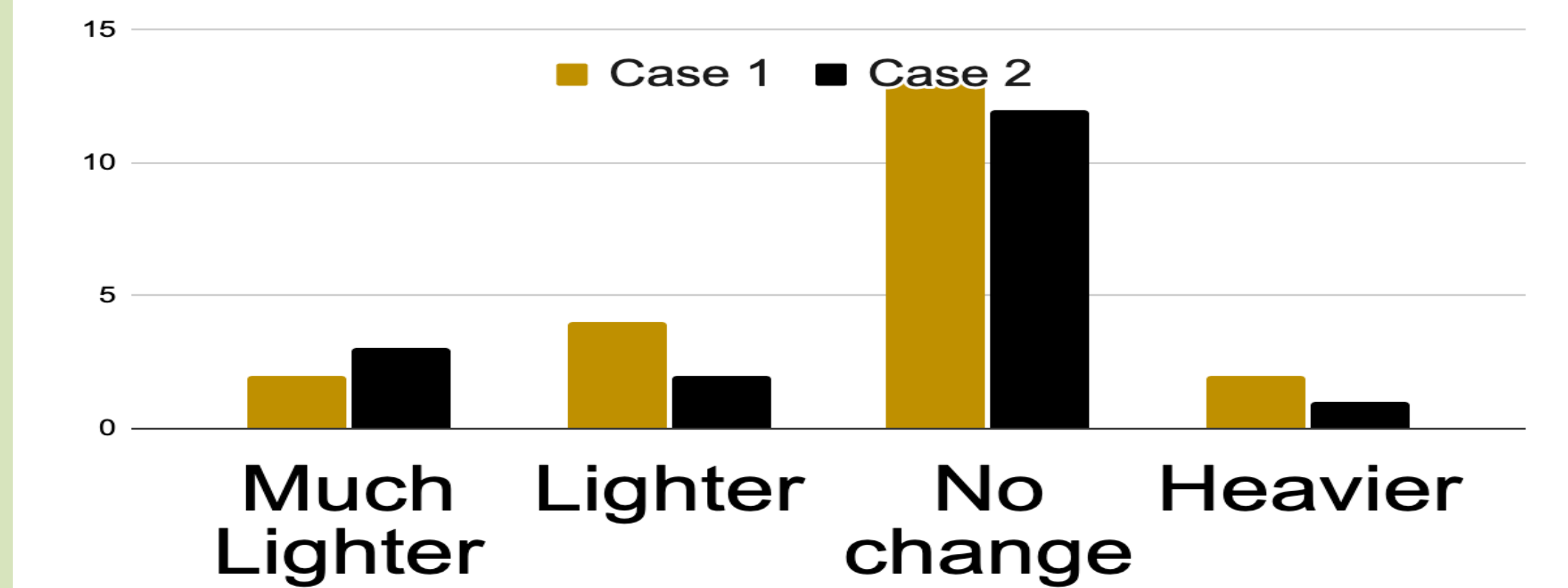


Political Identification of Survey participants

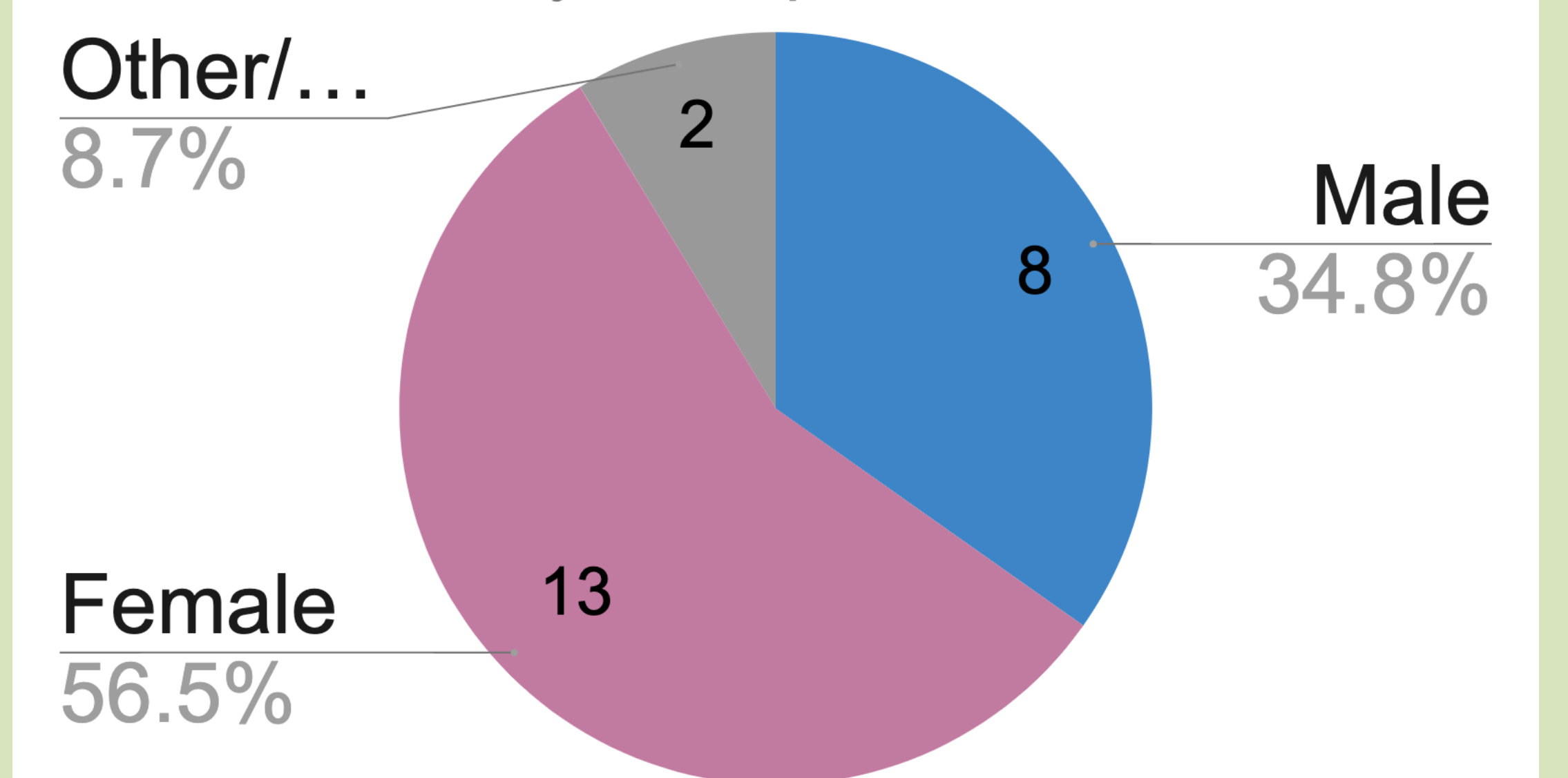


The data collected from the survey leans in the direction that the LGBTQ Panic defense should have no affect on the outcome of a trial. The participants of the survey mostly self identified as very liberal, and the spectrum slowly dwindled the further right people identified as. Overall, the survey tends to back the idea that this defense should not be used in the courtroom and that the trial should not have a changed outcome due to a person’s gender identification.

Case Study Sentencing



Gender of Survey Participants



1) Photo 1: from Kohler, Will. “Gay History - March 5, 1995: The Jenny Jones Show ‘Secret Gay Crush’ Episode Leads to Murder. [Video].” *Back2Stonewall*, 5 Mar. 2021, www.back2stonewall.com/2021/03/lgbt-history-1995-jenny-jones-show-secret-gay-crush-video.html.
 2) Photo 2: Frame from *The Crying Game*, directed by Neil Jordan
 3) Photo 3: Frame from *The Jerry Springer* show, episode “Oops ... I Had Sex with a Tranny”