

The Queer Outside in Law: Recognising LGBTIQ People in the United Kingdom, P Dunne and S Raj (eds), [Palgrave Macmillan, 2021, 277pp, £89.99 (hardback)]

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Queer scholarship, being queer, or to practice queerness, is at its heart, about being outside of the norm. Queer seeks to be counter-normative, radical, and transformative, exposing the possibilities and potentialities of a life unscripted by tradition, legal frameworks, scriptures, or borders. Understanding the importance of the lived experiences and realities of those at the margins of gender and sexuality has long been a substantive goal and success of queer theory as a tool in celebrating differences in sexual identity and ideology. *The Queer Outside in Law* seeks to investigate the lives of those at the margins. The book focusses on those whose gender identity transgresses the hetero- and cis-norm, and are awaiting legal recognition, or those whose immigration status, those who are displaced or seeking asylum, exist at the intersections and margins of society. Dunne and Raj have curated a collection that exposes the changing landscape of law and society and its impact on queer outsiders. It is against this backdrop that this edited collection, featuring 10 chapters by different authors, highlights the challenges faced by the most marginalised and how these areas can be reformed. The book highlights the experiences of queer migrants and refugees, and the lives of trans, intersex, and non-binary people in the United Kingdom. This collection provides timely and important views and analyses of the law, society, gender, and sexuality, highlighting and celebrating those living outside in law.

As noted by many of the authors in this volume, defining 'queer' is a difficult task, and there is no single definition or guidance in the use of queer theory. The editors take Sedgwick's articulation of queer as a broad and open mesh of capabilities on bodies, people, and law, and this theme permeates the book, as a way of analysing law free from traditional constraints, always seeking to disturb and counter narratives of normativity and normality. Dunne and Raj introduce the collection by contextualising the book, focussing on aspects of queerness but also clearly establishing the parameters, with an 'after equality' focus, with which to 'explore the persisting contradictions of legal recognition and inclusion'. This focus demonstrates that while, certainly, positive strides have been made for some LGBTQ people in the

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United Kingdom (and around the world), there remain 'outsiders' who are continually subject to marginalisation and stigmatisation. The book addresses the inconsistencies, ignorance, and oppression of some sexual and gender identity minorities in the United Kingdom.

The book is split into two parts, the first dealing with legal progress and focussing sharply on border crossing, migration, and asylum. Chapters focus on transnational activism, border politics, carceral politics, and seek to understand how LGBT populations are brought in or pushed outside the law. Part 1 assesses the tensions of regulation/recognition in new ways, particularly regarding asylum and border crossing, and state violence toward queer bodies. Lalor first provides an analysis of Parliamentary proceedings on LGBTQ rights and queer legacies of colonialism in her chapter. The use of legislative proceedings to help understand the actions of Parliament in relation to sex and gender orientation minorities is an important methodological feature, particularly regarding the persistence of visibility, affect, and the role of APPGs. Bruce-Jones then discusses the queer refugee, with close analysis of the *HT & HJ v. Secretary of State for the Home Office* [2010] UKSC 31, which recurs throughout the edited collection. Bruce-Jones's chapter assesses the situation of the queer refugee in their home country, and in the UK, with theoretical and doctrinal analysis on the different attitudes toward sexuality in the refugee system.

Chelvan, in the third substantive chapter, directly addresses the experiences of a queer refugee in the UK, using a queer Nigerian woman who spent 13 years in the asylum system as a case-study. The chapter argues that the UK's current system is incapable of understanding non-heterosexual and non-cisgender experiences of sexual orientation and gender identity (79). Adams and Emmerich then go on to assess the incarceration of queer people and describe prisons as institutions which enforce gender binaries and perpetuate hetero- and cis-normativity. Part 1, therefore, focusses heavily on state violence and the UK outsider, strongly criticising the UK's treatment of non-UK nationals, and criticising homonationalism as a tool of perpetuating a narrative that is detrimental to the experiences of those on the outside of the law.

Part 2 of the collection turns its focus more specifically to the experiences of trans, non-binary, and intersex people in the United Kingdom, by 'Queering the Outsides of Legal Gender and Sex'. Renz begins this part appropriately by focussing on the Gender Recognition Act 2004, assessing its initial successes, but highlighting where it has come to fall short, particularly in its binary focus and lack of recognition for non-

binary people. Renz articulates the need for alternative legal futures, in which the UK recognition of gender evolves beyond its current focus, taking into account third gender options, but also posing the question of whether gender should be legally recognised at all. Garland and Travis then produce rich empirical data that seeks to justify the inclusion of intersex people within queer studies, particularly drawing on intersex people's narratives. Garland and Travis' participants were often critical of queer activism co-opting intersex identity; however, the authors maintain that for many participants 'retaining a sense of being outsiders was important for preserving their own distinct political agenda until their needs are met' (182). Cowan then steps back to consider the wider social and jurisdictional implications of the 2004 legislation and uses comparative and empirical analysis to consider whether Scotland is indeed one of the best places in the world to be trans. Cowan uses legal consciousness as an effective and compelling methodological tool with rich and sophisticated data. Finally, Dunne and Raj bring together the dominant themes of the book to assess why LGBTQ people seek to 'come inside' the law, how this affects those that do, and what can be gained from staying outside. The chapter poses interesting questions about the future of legal security for LGBTQ people, particularly in the post-marriage, 'post-gay' age.

The notion of post-gay originates from the idea that in the fulfilling of certain LGBTQ civil rights, such as civil partnership, adoption, marriage, access to the military (in a more US context), that the mainstream agenda of queer activism has been fulfilled. Many texts in the Gender, Sexuality and Law field and queer legal theory discuss these events and the implications of such. As a legal scholar who primarily researches same-sex marriage and relationship recognition, the absence of extended discussion of relationship recognition for LGBTQ/SOGI outsiders was refreshing. By dedicating both parts of the book to some of the most pressing issues facing SOGI minorities in the United Kingdom and worldwide, Dunne and Raj have ensured that their collection is unique in its focus on the pressing need for further law reform for those for whom marriage and military access poses little respite from government resistance and societal intolerance, and further highlight the tensions between inclusion/exclusion, law/non-law and queer/non-queer in terms of legal recognition, protection and punishment.

The book's strength lies in its varied and diverse commentary on topical and often overlooked issues facing queer people in the United Kingdom and abroad. The edited collection's focus, at its heart, is on highlighting and exposing the legal inconsistencies, inequalities, and challenges faced by the most marginalised. It takes an intersectional

approach that is inclusive of race, gender, class, and immigration status, and interrogates the structures and institutions that define such categories in strict binaries and the oppressive regulation that comes with such recognition. The edited collection urges academics and activists to continue queering the law's recognition of sexuality and gender, and to further address the systemic inequalities faced by the most marginalised.