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Challenging homophobic bullying in schools: the politics of progress

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Abstract

In recent years homophobic bullying has received increased attention from NGOs, academics and government sources and concern about the issue crosses traditional moral and political divisions. This article examines this 'progressive' development and identifies the 'conditions of possibility' that have enabled the issue to become a harm that can be spoken of. In doing so it questions whether the readiness to speak about the issue represents the opposite to prohibitions on speech (such as the notorious Section 28) or whether it is based on more subtle forms of governance. It argues that homophobic bullying is heard through three key discourses ('child abuse', 'the child victim' and 'the tragic gay') and that, while enabling an acknowledgement of certain harms, they simultaneously silence other needs and experiences. It then moves to explore the aspirational and 'liberatory' political investments that underlie these seemingly 'common-sense' descriptive discourses and concludes with a critique of the quasi-criminal responses that the dominant political agenda of homophobic bullying gives rise to. The article draws on, and endeavours to develop a conversation between, critical engagements with the contemporary politics of both childhood and sexuality.

Introduction

Homophobic bullying has become a *legitimate* object of social concern within civil society. In recent years it has been explicitly addressed not only by numerous non-governmental children's rights and sexual health organisations² but also by government policy and guidance documents³ and, albeit not explicitly, in statutory provisions.⁴ It is also an issue that crosses political and traditional moral divides as supportive expressions of concern have been made not just by the Liberal Democrats and the Labour Party⁵ but also by the Conservative Party (2008, p. 9) and

1 Earlier versions of this article were presented at a seminar convened by the Birkbeck Institute of Gender and Sexuality and the Thomas Coram Institute, Institute of Education (April 2008) and at the Socio-Legal Studies Conference (De Montfort University, 2009) and the European Sociological Association Conference (Lisbon, 2009). I am grateful to the participants for their insightful comments. Special thanks are also due to Professor Leslie Moran and Helen Reece for their encouragement and detailed and constructive comments on earlier drafts.

2 See, for example, Blake and Plant (2005), Save the Children (2008), CRAE (2009), Terence Higgins Trust (2009), Claridge (2008).

3 DfES (2002), DfES (2003a; 2003b), DCSF/Stonewall (2007), DCSF (2009). See also: <www.teachernet.gov.uk/wholeschool/behaviour/tacklingbullying/homophobicbullying/> (last visited 18 November 2010).

4 The Schools Standards and Frameworks Act 1998, Section 61 (now section 98 of the Education and Inspections Act 2006) refers to 'encouraging good behaviour and respect for others on the part of pupils and, in particular, preventing all forms of bullying among pupils' as factors to be taken into account by head teachers and governing bodies in designing and implementing discipline policies. As homophobic bullying is referred to explicitly in guidance documents relating to bullying, it can consequently be argued that the statutory references can also be interpreted to include this form of bullying.

5 The 2010 general election manifestos of both the Liberal Democrats (2010, pp. 35, 73) and the Labour Party (2010, Chapter 3:5) made explicit references to tackling homophobic bullying.

religious bodies⁶ (Catholic Education Service, 2007; Church of England, 2010) – organisations with little (or a relatively short) history of sympathy to lesbian and gay issues. It was also deemed significant enough to warrant an explicit reference in the current government’s Coalition Agreement.⁷

The mainstreaming of the issue, the fact that the concern is expressed as an unproblematic ‘common-sense’ good, represents a success for lesbian and gay rights organisations – in particular Stonewall – for whom the issue has been a key plank in campaigns relating to young people (Hunt and Jensen/Stonewall, 2007). Moreover, the reliance by campaigners and policy-makers on the extensive academic literature⁸ about the issue can be understood as a successful example of research impact.⁹ For it could be argued that ‘evidence-based’ research has revealed a problem; that this knowledge has been widely and effectively disseminated; and that this has led to the introduction of policies that will result in an improvement in the wellbeing of children’s lives.¹⁰

The aim of this article is not to test this hypothesis. It does not attempt to demonstrate, either way, the potential impact on real children. Rather, the aim here is to examine the discursive means by which the issue has become perceived as a legitimate issue of concern; in other words, to identify the ‘conditions of possibility’¹¹ that have *enabled* homophobic bullying to become a harm that can be spoken of.

A key starting point for this line of enquiry is to think of ‘homophobic bullying’ not simply as a neutral descriptive label for factual incidents but as a more complex phenomenon. In other words, that the act of naming a wrong or a harm and the identification of perpetrators and victims is a *productive* process that is contingent on a complex concatenation of cultural and political factors. This perspective serves to shift the focus away from the ‘homophobic bully’ and instead towards the expressions of concern *about* homophobic bullying. In doing so it seeks to question whether the coupling of ‘youth’ and ‘homosexuality’ by the mainstreaming of this concern represents a ‘liberated’ and fearless break from traditional homophobic narratives of seduction and abuse.¹² And, in doing so, it questions whether the readiness to speak of homophobic bullying represents the opposite to prohibitions on speech (such as the notorious Section 28 of the Local Government Act 2008¹³) or whether it itself contains or relies on more

6 Catholic Education Service statement re: Education & Skills Select Committee report on bullying (26 March 2007). Statement issued in response to the House of Commons Education and Skills Committee Third Report of Session 2006–07 on bullying: <www.cesew.org.uk/standardnews.asp?id=52544> (last visited 18 November 2010). Church of England (2010) Frequently Asked Questions: ‘Do CoE schools encourage homophobia?’ <www.cofe.anglican.org/info/education/faqcofeschools/#homophobia> (last visited 18 November 2010).

7 The agreement states that: ‘we will help schools tackle bullying in schools, especially homophobic bullying’ (HM Government, 2010, p. 29).

8 See, for example, D’Augelli, Hershberger and Pilkington (2001), Ellis and High (2004), Hunter (2008), Molloy and McLaren (2004), Phoenix, Frosh and Pattman (2003), Rivers (2001a; 2001b), Rivers and Duncan (2002), Rivers and Noret (2008), Trotter (2006), Warwick, Goodrich, Aggleton and Chase (2006), Watkins, Mauthner, Hewitt, Epstein and Leonard (2007).

9 Indeed, the fact that there is much literature about homophobic bullying but almost no critical engagement with the agenda itself serves to reinforce the unquestioned nature of its premises. A notable exception is Ellis (2007).

10 This account, moreover, fits well within an academic context where demonstrable ‘impact’ has become a criteria for the evaluation of research.

11 The notion of ‘conditions of possibility’ refers here to Michel Foucault’s understanding of discursive frameworks of knowledge as those grounded in and made possible by a particular historical epoch (Foucault, 1980).

12 Weeks (1985, p. 224).

13 Section 28, which prohibited the ‘promotion’ of homosexuality by local authorities, was repealed on 21 June 2000 in Scotland, and on 18 November 2003 in the rest of the UK by the Local Government Act 2003 s 122.

subtle and implicit heteronormative¹⁴ assumptions and premises. In asking these questions, this project draws on a shift in focus from scholars of the politics of sexuality who, like Stychin for example, suggest that it is ‘time to turn the glare of analysis away from the conservatives and towards the reformers’ (2003, p. 26).¹⁵

It is important to make clear from the outset that asking critical questions about homophobic bullying, placing it in a broader political and cultural context, and thinking about it primarily as a discourse as opposed to simply a harm, does not suggest that the real-life experiences of young people are being taken in any way less seriously. Nor is it to suggest that demands for intervention and both national and local action are necessarily misguided. On the contrary, enquiring into the *speakability* of homophobic bullying raises the question as to what happens and what is enabled when this discourse becomes the key plank for challenging homophobia in schools.

Bravmann argues that a problematic, but dominant, trope in many gay and lesbian political narratives, in particular historical accounts, is that:

‘a politics of visibility is an adequate and self-explanatory form of resistance to the very processes that construct the “invisibility” these projects aim to counter.’ (1997, p. 128)¹⁶

In exploring the unquestioned progress of visibility (and speakability) this project is one that takes seriously the injunction from the feminist legal scholars Diduck and Kaganas that:

‘While giving a voice to any previously disempowered or marginalized constituency is important, and listening to children is long overdue, we must be alert to the discourses through which that voice is heard and interpreted.’ (2004, p. 981)

Homophobic bullying is heard through a concatenation of numerous discourses and this article does not claim to be comprehensive. It starts by identifying three key discourses: ‘child abuse’, ‘the child victim’ and the ‘tragic gay’. It then moves to explore the aspirational political investments that underlie these seemingly descriptive discourses and concludes with an examination of the quasi-criminal responses that the dominant political agenda of homophobic bullying gives rise to. In doing so, the article draws on and endeavours to bring together critical understandings of the politics of both childhood and sexuality.

‘Child abuse’

Homophobic bullying, however defined, is not new. Consequently, it is possible to talk of the recent concern as representing a ‘discovery’ and in this respect there are informative parallels to be drawn

14 For a definition of this complex but frequently used concept see Berlant and Warner: ‘the institutions, structures of understanding, and practical orientations that make heterosexuality seem not only coherent — that is, organized as a sexuality — but also privileged. Its coherence is always provisional, and its privilege can take several (sometimes contradictory) forms: unmarked, as the basic idiom of the personal and the social; or marked as a natural state; or projected as an ideal or moral accomplishment. It consists less of norms that could be summarized as a body of doctrine than of a sense of rightness produced in contradictory manifestations . . . One of the most conspicuous differences is that it has no parallel, unlike heterosexuality, which organizes homosexuality as its opposite. Because homosexuality can never have the invisible, tacit, society founding rightness that heterosexuality has, it would not be possible to speak of “homonormativity” in the same sense’ (1998, p. 548).

15 See also Brown (1995).

16 See also Reilly (2007).

with earlier ‘discoveries’ such as domestic violence and child abuse. Two distinct points will be made here. The first explores the contingency of the ‘discovery’ of harms and the second the contingency of the notion of harm itself.

The notion of ‘discovery’ refers to the significance of the political context within which feminist, children’s rights and lesbian and gay activists and campaigners have enabled harms to be spoken of and understood as social ills that demand public action (Parton, 1985, Part One). In this way, it represents a shift in awareness of a violence and relations with that violence. The ‘discovery’ of domestic violence and child abuse both effectively challenged the idealised representation of the family as the ‘haven in the heartless world’. In a similar fashion, homophobic bullying challenges the idea that the ‘school years are the best years of your life’. The latter proverbial truism was arguably always more an adult reflection on *adult* life and an instruction to children, but in both cases these crude statements reflected ideological myths that legitimised silences in order to reinforce cultural norms.

Whereas the reluctance to acknowledge the dangers in the home served to uphold an ideological investment in a patriarchal norm of the family, the reluctance to acknowledge homophobic bullying, and indeed bullying in general, can be seen to reflect the investment in *schooling* per se as a site of production of a particular norm of childhood¹⁷. Finch reminds us that ‘there are very good reasons for doubting whether any type of educational provision can be regarded as solely and unambiguously for the benefit of its recipients’ (1984, p. 85), and in the nineteenth century the reconstruction of children from workers to pupils was not always embraced by children or their parents (Hendrick, 1997, pp. 39–42, 45–47). But the silence and collective amnesia about this attests to the extent to which the school has become perceived, like the family, in universal ahistorical terms as an almost ‘natural’ a priori institution.¹⁸ That this perception has at times been complicit with the silencing of speaking of the harms within the school is clear from the influential child psychologist John Bowlby’s explanation of the causes of school phobia. In 1973, he stated with confident authority that:

‘there is widespread agreement that what a child fears is not what will happen at school, but leaving home ... almost all the students of the problem conclude that the disagreeable features of school, for example a strict teacher or teasing or bullying from other children, are *little more than rationalizations*.’ (1978 [1973], p. 301, emphasis added)

This statement seems strikingly at odds with the current speakability of homophobic bullying, and bullying generally, within schools. But whereas there has been a clear shift in relation to the school, the impact of *parental* homophobia on children, which is arguably at least as, if not more, significant, remains an issue that is *not* addressed by organisations like Stonewall and children’s rights organisations. And the fact that the ability for public concern about the effects of homophobia can be entertained in the school but not the home attests to the fact that the speakability of concern is contingent on its location.¹⁹ In other words, in seeking to explain why homophobia in the school space has become open to widespread political criticism, it is necessary to look beyond a concern about the wellbeing of children.

17 As Walkerdine comments, ‘it was generally agreed’ that it ‘brought about the idea of childhood as something separate’ (2009, p. 113).

18 This is particularly evident in the work of the child psychologists Donald Winnicott and John Bowlby, for whom the child’s initial journey to the ‘the school’ is invested with the a priori naturalness akin to a child’s journey to ‘the mother’ or ‘the father’; see Monk (2004).

19 There are clear parallels here with legal challenges to physical chastisement which similarly continue to distinguish between the home and the school; see Fortin (2009, pp. 329–34).

Taking a long view here is informative. For whereas the dominant postwar child psychologists' masking of child harms within schools cohered with political and social shifts unrelated to children's needs (Finch, 1984, p. 85; Monk, 2004), so too does the new-found ability to do otherwise. While it is important to avoid simplistic causal explanations, it is possible to see the new concern, if not enabled, at least not unconnected to broader political and socioeconomic shifts in the perception of schooling. In particular, the increased questioning of the public interest in education and its reinscription as a private rather than a public good (Kymlicka, 1999; Chitty, 2009), the political construction of parents no longer as passive recipients but as consumers supported by the rhetoric of choice (Harris, 2007), increases in home education as a legitimate option and, more broadly, the cultural impact of the phenomenon of school shootings (Warnick, Johnson and Rocha, 2010), have all in different ways rendered the school potentially dangerous, open to question and at odds with the earlier constructions of it as an unquestionable and natural good. Significantly, they serve too to explain the dichotomy referred to above between the speakability of homophobia within the school and the home, for these broader shifts in many respects have served to *reinscribe* the home and parental child relations as *safer* places. Albeit that the changing perceptions of the parental role in education, while enhanced within political discourses, do not in any way represent a straightforward increase in parental autonomy or rights (Monk, 2009).

Extent and definition are key issues in the literature about homophobic bullying and here too important parallels can be drawn with domestic violence and child abuse. For surveillance and the accumulation of knowledge of a subject are a crucial part of the process of 'discovery'; they do not construct a problem but, rather, reflect already problematised issues. As Hunter argues in the context of the history of education:

'the role of social statistics is not so much to represent reality as to problematize it, to call into question, to hold it up for inspection in the light of what it might be, to picture its reconstruction around certain norms of life and social well being – norms derived of course from the social, economic and political objectives of government.' (1996, p. 154)

In this vein, when Archard asks the question, 'Can child abuse be defined?', he acknowledges the extent to which attempts to do so are never in any way neutral exercises but inherently political and social. Archard acknowledges Gough's concern that, 'at worst an over intellectual questioning of the meaning of abuse implies that abuse does not really exist' (1996, p. 13, quoted in Archard, 1999, p. 75) but he concludes that:

'the increasing versatility of the concept of child abuse – its ability to pick out more and more types of wrong done to children – has only been purchased at the cost of its increasing vacuity, its lack of any distinctive content possessing clear evaluative connotations.' (1999, p. 88)

This concern is critical when reading the literature about homophobic bullying. The campaigns by Stonewall refer to homophobic bullying as being 'endemic in schools' and cite statistics that 65–98 per cent of pupils experience it at one time or another (Hunt and Jensen/Stonewall, 2007, p. 3).²⁰ Yet these statistics are based on an extremely broad definition of homophobic bullying. One that

20 The language used here to describe the extent – 'endemic' – is also significant. Moran, in the context of homophobic hate crime, argues that 'the exceptional is figured in the suggestion that this violence represents a crisis and an epidemic. Epidemic stands for novelty. This is not so much the novelty of the appearance of homophobic violence, but the novelty of its characterization as disorder and the novelty of an awareness of the scale of this violence' (2004, p. 935).

stretches from, at one end of the spectrum, extreme repeated systematic violence, to, at the other end, overhearing the word 'gay' being used in a pejorative way, being socially excluded and experiencing a sense of being different. Significantly, the empirical literature which is cited to support these statistics, while not downplaying the significance of homophobic bullying, also cites comparative studies with very different results and, as explored below, is more cautious about causal claims made as to the effect of homophobic bullying (Rivers, 2001a; Warwick *et al.*, 2006). This selective statistical representation coheres with and appeals to the broader cultural shifts within which schooling itself is increasingly perceived as a dangerous space. More particularly, it attests to the extent to which the homophobic bullying agenda utilises and is spoken of through the dominant image of childhood as vulnerable and one premised on the status of the child as innocent victim.

'The child victim'

Empirical research about homophobic bullying frequently identifies causal links between homophobic bullying and alcoholism, suicide, low school attendance and a variety of emotional disorders (Rivers, 2001a; Warwick *et al.*, 2006). Mirroring in this way the literature on child abuse, it enables homophobic bullying to be included discursively within this ever-expanding category. This is strategically important, for under the label of child abuse, homophobic bullying is represented as an unquestioned wrong, a legitimate and, crucially, a *depoliticised* harm and one therefore able to garner widespread sympathy (Parton, 1985, Part Two).

One of the reasons why this discursive categorising of homophobic bullying achieves this status is because it draws on familiar images of the child as innocent victim. And these images reassure as much as they appal. As Patricia Holland has argued:

'Without an image of an unhappy child the concept of childhood would be incomplete. Real children suffer in many different ways and for many different reasons, but pictures of sorrowing children reinforce the defining characteristics of childhood – dependence and powerlessness. Pathetic images of children create a desired image in which childhood is no longer a threat and adults are back in control.' (2004, p. 143, emphasis added)

This perspective represents a provocative challenge to the work of certain aspects of children's rights agendas and it is not unreasonable to question why, strategically, it matters. In other words, if the effects of homophobic bullying are suffering and unhappiness and emphasising this interpretation of the literature in campaigns brings the issue to a wider audience, why should this be an issue of concern? A key argument here is that it matters because enabling the speakability of homophobic bullying through the imagery of the child as victim renders silent other concerns.

The most notable silence is about sex. One of the most striking aspects of the homophobic bullying agenda is the extent to which it speaks of lesbian and gay youth through a desexualised discourse. For example, the Stonewall website page that addresses school issues is dominated by homophobic bullying but has no mention of young people's needs for information about safer sex and education about HIV.²¹ Similarly, the Conservative Party report *More Ball Games* (no pun intended) supports tackling homophobic bullying, but in the broader context of a nostalgic support for children to play more sports (Conservative Party, 2008). As Ellis argues, the approach adopted here is 'a plea for tolerance that doesn't speak about what is to be tolerated' (2007, p. 23).²²

21 See <www.stonewall.org.uk/at_school/> (last visited 18 November 2010).

22 See also Ingham (2005).

While challenging homophobia in schools and providing information about HIV are arguably distinct, this does not explain the silence. Both bullying and access to information about HIV can be understood as basic human and children's rights (Harris, 2005; Veerman, Talsa, Druzin and Weinstein, 1999; Packer, 2000). And the harm suffered by the absence of the latter is arguably as significant as the former, if not more so, as recent UK statistics about HIV infections indicate that gay teenagers are increasingly the most at-risk group.²³ Consequently, the argument here is that the distinction between challenging bullying and providing information about HIV is not an obvious or neutral one, but rather one that is indicative of the extent to which the homophobic bullying agenda coheres with and is contingent on the 'reassuring' image of the brutalised child. For to speak of safer sex would require speaking of sexual agency, pleasure and choice, and in doing so would challenge the ideal of the child as 'innocent' and non-sexual (Stainton Rodgers and Stainton Rodgers, 1999; Waites, 2005). This silencing is not new, as Piper has observed, in tracing the origins of the dominant norm of childhood sexual innocence and its relationship with the development of welfare policies:

'There is a sense in which the price paid by children over the last 150 years for the presumed benefits of child welfare legislation and provision has been their "de-sexing":' (2000, p. 40)²⁴

'The tragic gay'

While the child as victim resonates with dominant constructions of childhood, in the context of homophobic bullying there is a double victimhood. For what is striking from the research, in particular from accounts of its effects, is the extent to which the image of the lesbian and gay child mirrors the dominant image of the homosexual in 1950s popular discourses: depressed, lonely, isolated, suicidal (Rebellato, 1999; Cook, 2007). And while critical engagements with the discourse of the child as victim demonstrate how that image *reassures* and reinscribes a social and cultural binary (in that case between adult and child), the gay victim also provides an image of the homosexual as a *reassuringly* distinct and tragic 'other' from that of the heterosexual. Victimhood as the basis of the call for tolerance enables religious groups to distinguish between protecting the sinner and condemning the sin. And the extent to which conservative and religious groups' recognition of homophobic bullying reflects a highly limited shift in thinking was clear when the Conservative Party and the majority of Bishops in the House of Lords successfully opposed provisions in the Children, Families and Schools Bill 2010 to extend the provision of sex education in such a way that would have ensured that information about HIV and discussions about sexuality would have been more firmly embedded in the curriculum.²⁵ Moreover, as Quinlivan argues, identifying lesbian and gay youth as at risk 'allows them to be classified as fitting within a deviant model which argues that they "need help"' (2002, p. 25).

23 The National Aids Trust (NAT) notes that 'There has been a worrying increase in diagnoses amongst young gay men' <www.nat.org.uk/HIV-Facts/Most-affected-by-HIV/Gay-and-Bisexual-Men.aspx> (last visited 18 November 2010); see also statistics from the Terence Higgins Trust (THT): <www.ygm.org.uk/home/professionals/sexhiv/> (last visited 18 November 2010).

24 While policies introduced by New Labour acknowledged the reality of sexual activity amongst young people, it did so primarily to reduce teenage pregnancy and to advocate delay; see Monk (2001). Moreover, the Labour Party 2010 Manifesto stated that it would provide support for parents who wished to challenge 'aggressive or sexualised commercial marketing' and 'ask Consumer Focus to develop a website for parents to register their concerns about sexualised products aimed at their children (2010, para. 6:3).

25 Children, Families and Schools Bill 2010, clauses 13, 14. While the Bill was enacted Conservative opposition ensured that these provisions were dropped during the 'wash-up' period prior to the General Election.

Victimhood also has a reassuring role within lesbian and gay political discourses. Bravmann, in developing a critical queer historiography that disrupts a linear progressive narrative, quotes D'Emilio's assertion that gay liberationists of the 1960s and 1970s constructed a mythology that 'until gay liberation, gay men and lesbians were always the victims of systematic, undifferentiated, terrible oppression' (1983, p. 101, quoted in Bravmann, 1997, p. 26). This political move is reflected in Stonewall's representation of contemporary school life as overwhelmingly one of hardship and of bullying of 'endemic' proportions. But there is an unremarked tension here, for this very representation was criticised in recent research commissioned by Stonewall about young people's responses to images of gays and lesbians in the media; a key finding being that the representations focused too much on the negative aspects of gay lives – to the point of caricature – and failed to present positive images (Stonewall, 2010).²⁶ Once again the paradoxical uses of symbolic representations indicates the contingency of narratives about young gays and lesbians.

It is important to emphasise that the point here is not that real suffering does not exist but the extent to which the dominance of the tragic image is a *condition of possibility* for the speakability of homophobic bullying and the extent to which it effectively silences other voices and reduces the experience of lesbian and gay young people to one of passive victimhood.²⁷ The reality of young people's sexual activity is one such silence but others can be detected that relate to the causal claims made about homophobic bullying.

Ian Rivers, the leading empirical researcher in the area, whose work is relied on by Stonewall and campaigning groups, recently argued that:

'despite the nature and severity of bullying participants experienced at school, many overcame it successfully ... [there was] little evidence of long-term anxiety or indeed insecurity within intimate relationships ... and that given some of the positive outcomes found, researchers should begin to focus more intently upon coping strategies and resilience and seek to determine why some former victims of bullying successfully negotiate adulthood while others do not.' (Rivers and Cowie, 2006, p. 38)

A similar point is made by Blackburn (2007) in relation to developments in the USA. What they both suggest is that much of the research in this area looks for harm and that the stories not only of resilience but also of those who do not experience homophobic bullying are never mentioned by campaigners.²⁸ Two possible alternative narratives that give voice to more complex subject positions can be identified; first, through a rethinking of the causal linkage between homophobic bullying and educational attainment and, second, by exploring the concept of shame.

Educational attainment

Existing research frequently identifies the gym and physical sports as the most uncomfortable and feared space for lesbian and gay young people (Rivers, 2001a; 2001b; Rivers and Duncan, 2002; Warwick *et al.*, 2006). But we are not directed towards thinking about the *least* feared space. If asked, it might be that the library would be identified as the safest place. If so, it might complicate

26 Examples of typical statements by young people in this report are: 'They never seem to be happy' (William, aged 13, p. 7); 'TV gives the wrong view of gay people because every storyline is about them being beaten up and discriminated against. They are never accepted by their family' (Ishani, aged 16, p. 7).

27 Indeed, it is in part a recognition of the problematic discursive power of 'homosexual victimhood' that, arguably, informs much of the recent queer historical scholarship that endeavours to complicate these earlier dominant narratives of the past, see Bravmann (1997), Cook (2007), Houlbrook (2005).

28 A similar point has been made in relation to the experiences of children post-divorce; see Smart, Neale and Wade (2001). My thanks to Helen Reece for making this link.

the dominance of 'tragedy' in the context of educational attainment. Much of the literature identifies low educational achievements and school refusal (truancy) to be a result of bullying. The confident statements that homophobic bullying is 'endemic' could give the impression that lesbian and gay youth are, consequently, particularly disadvantaged in education. But other statistics give a significantly different impression. Research undertaken by SIGMA in 2008 found that the proportion of homosexually active men in post-compulsory education was higher than the national average (Weatherburn, Hickson, Reid, Jessop and Hammond, 2008, para. 2.4).²⁹ And, this finding is congruent with the data from the first *National Survey of Sexual Attitudes*, which suggested that homosexually active men had been in full-time education longer than other men (Johnson, Wadsworth, Wellings, Field and Bradshaw, 1994, p. 209). The aim here is not to set up a competing claim to truth about the *real* educational attainments of lesbian and gay youth, nor indeed to challenge the suggestion that there is a relationship between homophobic bullying and educational attainments. An attempt to explore with any rigour the connections between sexual orientation and educational outcomes would need to address the complex intersections of gender and, most crucially in this context, socioeconomic background. Consequently, in introducing the other 'evidence' here, the aim is simply to complicate the representation of tragedy.

Educational statistics that demonstrate that girls do better than boys in examinations are loudly proclaimed on a seemingly annual basis. These statistics are, of course, crude, and mask complex social and political narratives (significantly there is never any mention of sexual orientation, which begs the question about the educational attainments of young lesbians).³⁰ But it is their power to produce and signify a very particular and restricted notion of a 'crisis in masculinity' that dominates (Collier, 2001). The statistics referred to above, that, equally crudely, could suggest that gay men achieve better educational attainments than heterosexual men currently receive no such attention, and yet they too could problematise dominant masculinity.

It is interesting to note that such a 'conclusion' would not be new, for, from the late nineteenth century, American medical discourses routinely identified homosexuals as being intellectually gifted as a compensatory result of their homosexuality (Franklin, 2003). Again, the point here is not that this approach is in any way a more accurate picture; on the contrary, this medical model simply reaffirmed a scientific belief in the unnaturalness and abnormality of homosexuals. The point here is that any attempt to speak of the educational attainment of a highly unheterogenous group as an indicator for the experiences of that group demonstrates the extent to which the 'facts' are used to confirm rather than to inform a discursive construction. Consequently, the relative silence about alternative narratives of educational attainment are, it is suggested, not simply the result of a lack of methodological rigour, but rather attest to an investment within contemporary lesbian and gay politics in the gay child as tragic victim.

Shame

The concept of shame can also be utilised to complicate the dominant narrative of tragedy. Shame is a complex concept that is understood in different ways across a number of disciplines (Probyn, 2005). In the context of homophobic bullying it has been identified as one of the detrimental effects (McDermott, Roen and Scourfield, 2008). McDermott *et al.* make the important point that shame/pride discourses establish a binary, which 'appears to allow for only two subject positions: the successful, proud-self who can cope with homophobia; and the failed, ashamed-self who is

29 See also Weatherburn, Davies, Hickson and Hartley (1999).

30 There is an extensive literature about this; see, for example, O'Flynn and Epstein (2005), Epstein, Maw, Elwood and Hey (1998), Youdell (2005).

distressed by homophobia' (p. 822).³¹ Excluding the possibility of shame and pride co-existing, or neither being present, this binary, 'tends not to allow for more nuanced and complex manoeuvring within these discourses to subject positions which may be proud in some spaces, but less so in other situations' (p. 822). This is an important distinction that to some extent echoes Rivers's suggestion that responses to homophobic bullying are more complex than the 'evidence' suggests. But the argument here raises a more fundamental question by suggesting that shame is not simply a negative outcome, evidence of the harm caused by homophobic bullying, but a more complex emotion and sensation and, crucially for this argument, not one from which lesbian and gay childhood can, or necessarily should, be removed, overcome or liberated.

This use of the concept of shame draws on the queer theoretical approach of Munt, who reminds us that 'the foremost shame narrative of Western culture' is The Fall of Adam and the expulsion from Eden and that:

'the ensuing *rejection* by God instigates Man's *individuation*; his self-consciousness occurs because of his separation. This is the vacillation of subjection and individuation.' (2007, p. 80)

She argues that a proud, defiant sexuality is 'premised on an uncomfortable historically discursive shame' and that:

'In any personal trajectory, the growing consciousness of same-sex desire must, in a Western context, give rise to feelings of difference and exclusion ... The presence of shame has been repressed in the discourse of homosexual rights in an unhelpful way, *in order to gain greater agency, we must learn to revisit its ambivalent effects.*' (p. 95, emphasis added)

The argument here is that attempts to remove, outlaw or silence shame-inducing practices through expansive definitions of homophobic bullying is an example of rights discourse overlooking the *productive* role of shame. Definitions of homophobic bullying are broad, and the focus here is on the lower end of activities. Name-calling, identifying oneself and being identified as different, and experiencing difference as exclusion and as uncomfortable – these practices share much with the emotion of shame. The blush of recognition as different (whether or not self-identified as 'gay' or 'lesbian') might sometimes be a painful sensation, but one that plays a role in identity formation.

Silencing the speakability of this experience of shame as anything other than a form of violence, as abuse or harm, coheres both with the notion of the child as innocent victim and with a particular construction of 'liberated' gay identity, noted above, which is dependent on the uniformed oppressed *pre-liberated* representation. Moreover, it mirrors broader fears that underlie contemporary attempts to construct childhood spaces as harm- and pain-free (Gill, 2007; Guldberg, 2009). This utopian desire is not surprising; as queer theorists Bruhm and Hurley argue, 'Utopianism follows the child around like a family pet' (2004, p. xiii). But, in the context of 'shame', by way of stark contrast, the playground represents here a paradise, an Eden, pre-The Fall, pre-Shame: a space premised on welfarist understandings of protection but within which children are denied productive individuation, denied self-consciousness and the 'blush of recognition', and one that reinforces homogeneity.

A political agenda

Revealing the contingent representations of lesbian and gay youth through which homophobic bullying is made speakable (and its silencing of alternative narratives) demonstrates how the

³¹ The use of shame here resonates with the concept of internalised homophobia discussed below.

agenda is concerned not solely with addressing harms inflicted on children but is intimately interlinked with broader political strategies and imaginations of the future. In the context of historical scholarship, Bravmann argues that:

‘we need to look at how images of the gay and lesbian past circulating among us animate the present and to read lesbian and gay historical self-representation as sites of ongoing hermeneutic and political struggle in the formation of new social subjects and new cultural possibilities.’ (1997, p. 4)

Reading contemporary debates about homophobic bullying as a ‘history of the present’, this perspective can be applied here. Indeed, homophobic bullying is a particularly rich site for this form of political meaning-making, located as it is at the intersection of discourses of education and childhood. The perception of education as the key tool for unlocking individual potential and for creating a fairer society remains an article of faith within liberal and progressive political paradigms (Finch, 1984; Hendrick, 2003), and the predominant social construction of childhood is one of ‘not-yets’, ‘becomings’, ‘empty vessels’, always to be understood as something in the future and for the future of society as a whole (Jenks, 1996; Lee, 2001; James, Jenks and Prout, 1998). Research about homophobic bullying is inherently and inevitably a political project. Yet while issues such as gay marriage and gays in the military are campaigns that have been exposed to lively critique within the LGBT community and academic literature, there has been very little similar debate about homophobic bullying, located as it is within the ‘benign’ emancipatory liberal discourses of education and future-focused discourses of innocent and universal childhood. In identifying and making visible the aspirational political implications, the focus here turns first to imaginations and representations of a post-homophobic time, and second to an examination of the role that collective memory plays within advanced or post-liberal societies where therapeutic correctness functions as a key form of governance.

The liberated gay?

One way of exploring the broader political and emancipatory role of the homophobic bullying agenda is by identifying exactly what homophobic bullying is understood to be the cause of. What this line of enquiry reveals is that while there has been a demonstrable shift in political and public attitudes, to the extent that it is now homophobia that is identified as the problem and not homosexuality, at the same time there is in important respects no change as to *what* is problematised, merely the cause. For, drawing implicitly on a child developmentalist model, homophobia takes on, with a twist, the psychoanalytical role formerly played by the Freudian concept of ‘arrested development’. ‘Arrested development’ famously sought to explain what made a person homosexual. For lesbian and gay rights campaigners this very question is highly problematic, as the innateness of homosexuality is both an article of faith and strategically essential for human rights claims within a liberal political paradigm (a position explored by numerous queer critiques). Yet the argument here is that ‘arrested development’ has not been rejected but reformulated. Development into successful normal adulthood is not ‘arrested’ by parental or maternal attachment, but rather by homophobia itself. In other words, the developmental question now is not, ‘What makes someone homosexual?’, but instead ‘What makes someone behave in a way that fails to conform to heteronormative behaviour’. It is no longer homosexuality that can be cured but the attributes and behaviours of those whose lives have been blighted by homophobia. As Harwood argues, this ‘post-pathological’ intelligibility of homosexuality, ‘superficially appears not to situate homosexuality as mental illness, but rather situates mental illness as the risk wrought by homosexuality’ (2004, p. 102). What is at stake here are imaginations of what it might be to be a ‘liberated’ gay. While never addressed explicitly, this

emancipatory projection can be identified within the empirical literature about homophobic bullying and in a variety of other cultural texts.

Rivers and Cowie's work calculates the impact of homophobic bullying against assessments of 'psychopathology in adulthood' – a concept that, amongst other things, is evaluated by relationship status and duration of relationships (2006, p. 29). This seemingly neutral psychological assessment is emblematic of a form of child developmentalism which has been subject to sustained critique by numerous theorists of childhood. Underlying their critiques, often informed by Foucauldian insights about the power of a depoliticised psy-expertise and knowledge, is a willingness to question the norms against which psychological functioning adulthood is evaluated. As Walkerdine argues: 'The subject is not made social, but rather the social is the site for the production of discursive practices which produce the possibility of being a subject' (2009, p. 19).³² Consequently, while Rivers, as quoted above, argues that research should explore in more detail why some victims of bullying appear able to 'successfully negotiate adulthood', what is left unanswered are critical questions about what that 'successfully negotiated' adulthood might look like and who defines it.

These critical perspectives have a particular resonance with queer theorists such as Eve Sedgwick, who demonstrated how the removal of homosexuality from the catalogue of psychological disorders has been followed by the discovery and inclusion of new ('DSM recognised') pathologies (1991). What is significant in this context is the extent to which these neutral scientific perceptions cohere with dominant political discourses new-found concern with homophobia. Rivers and Cowie's (2006) use of relationships as an indicator of 'successful adulthood' is particularly relevant here.

Within new 'psychological disorders', the inability to form 'stable' adult relationships is frequently a key component and this problematisation coheres with the widespread political support for the Civil Partnership Act 2004 (CPA). For support was frequently premised, often explicitly, on the view that it would enable and support lesbian and gays to establish stable relationships. Indeed, some Conservative politicians have explicitly linked their support for the CPA with expressions of regret that the attitudes underlying their earlier support of Section 28 may have prompted promiscuity amongst gay men.³³ As Stychin argues in relation to the CPA:

'there is a message within the Act . . . that the encouragement of the rights and responsibilities of civil partnership through law will provide a disincentive for "irresponsible" behaviour. In the context of New Labour politics, irresponsibility seems to include promiscuous sex, relationship breakdown at will, and the selfishness of living alone (or perhaps even living with friends and acquaintances).' (2006, p. 30)

This approach is also adopted by some marriage-equality advocates within the LGBT community. Duggan argues that 'many have couched their advocacy in language that glorifies marital bliss, sometimes echoing the "family values" rhetoric of their opponents'. As an example she quotes the *Roadmap to Equality: A Freedom to Marry Educational Guide*, which states that: 'Denying marriage rights to lesbian and gay couples *keeps them in a state of permanent adolescence*' (Duggan, 2004).³⁴ What is significant here is that while the failure to allocate rights is linked to pathological

32 See also Harwood (2004) and Talburt (2004).

33 See, for example, an interview with Conservative Party Chairman Francis Maude MP (2006): 'Tories' Gay Stance was "Wrong"', BBC News, Thursday, 9 February 2006. Available at <http://news.bbc.co.uk/1/hi/uk_politics/4696236.stm> (last visited 19 November 2010).

34 Another recent example of this approach from within the lesbian and gay community is the fact that promiscuity was described as being a 'negative' portrayal in the report of the representations of lesbians and gays in the media, as opposed to 'suffering', which was described as 'negative but realistic' (Stonewall, 2010, p. 3).

development, this is not an uncomplicated form of passive victimhood, for the demand of responsibility with rights both acknowledges and demands action on behalf of the new rights holders. As Rose argues, 'Citizenship becomes conditional on conduct' (2000, p. 335).

Stychin's analysis of debates about the CPA went beyond sexual practice to incorporate broader economic calculations and the extent to which 'stable relationships' cohered with neoliberal discourses about the privatisation of care. Echoes of this can also be identified here. Rivers's assessment of psychopathology in adulthood also includes employment status and this linkage reinforces Ellis's observation that concern about homophobic bullying cohered neatly with New Labour's managerialist calculations and broader education reforms premised on clearly identifiable outcomes and audits of economic citizenship. In this vein, he asks rhetorically:

'Is it a coincidence that recent policy and guidance from both a neo-liberal government and from the voluntary sector focus on how risky and disruptive identities might be *managed safely to ensure the production of auditable outcomes?* (2007, p. 23, emphasis added)³⁵

Alongside concerns about promiscuity, other cultural texts also provide insight into the extent to which the rejection of homophobia coheres with pathologising understandings of non-conformist practices. For example, a causal link is often identified between the experience of homophobic bullying as a child and an adult preference for sado-masochistic (SM) sexual activity. In the documentary *Pleasure and Pain*, flashbacks to being bullied at school are linked to sexual submissiveness – the depravity of SM being perceived as a direct result of the bullying (Sullivan, 2003, p. 154). Significantly, here, and in other contexts,³⁶ it is the submissive role that is the remarked upon and pathologised position. And the silence about the desire to dominate attests to the extent to which psychological perceptions of normality are informed by cultural norms – in this case of a particular construct of masculinity.

The empirical literature on homophobic bullying frequently reveals that sports and changing rooms are the most feared places within the school (Rivers and Duncan, 2002; Warwick *et al.*, 2006). And, as referred to above, the Conservative Party's policy document about children was entitled *More Ball Games*, in order to present a reassuring image of normal stable childhood. But, in this context, what is noticeable is that other cultural texts present a tantalising representation of a post-homophobic world within which the playing of sports features highly – in order to present a reassuring image of a 'liberated' normal stable homosexuality. An example of this is two soap operas, *Eastenders* on BBC1 and *The Archers* on BBC Radio 4. In both of these programmes, the public broadcasting company, in an almost Reithian educational role, portrays their resolutely 'out and proud' gay characters playing sports alongside the heterosexual male members of their respectively urban and rural communities (Christian playing five-a-side football in the former and Adam cricket in the latter), and both are star players in their teams.³⁷

A telling silence here is that popular media representations of lesbians – of which there are far fewer – never emphasise sporting prowess. Such a portrayal would, of course, conform to a

35 In the context of economic citizenship it is interesting to note that the only reference to lesbians and gays in the Conservative Party general election manifesto was to tax benefits for those in civil partnerships (2010, p. 35).

36 Franklin, in his analysis of the famous trial of Leopold and Loeb, reveals how medical discourses pathologised Leopold's desire to be a 'submissive slave' to Loeb as evidence of his emotional and sexual depravity (2003, p. 139).

37 That the playing of sport – and playing well – functions as a key motif for the portrayal of confident post-homophobic identity is similarly demonstrated by the fact that annual international LGBT Human Rights conferences are now coupled with Out Games – a sporting competition.

stereotypical image of adult lesbians or, in children, of tomboys (Cockburn and Clarke; 2002; Halberstam, 2004). Consequently, the portrayal of a lesbian in a media drama ably playing sport has none of the 'liberatory discursive power' that it has with a gay man. In other words, liberation in this discourse is profoundly heteronormative, linked as it is to binary gender conformity.

The coupling of sporting prowess with 'liberation' is not new. Most striking is the extent to which it mirrors constructions of Jewish masculinity. The similarities here are far from coincidental. As Gilman has demonstrated, for much of the nineteenth and early twentieth centuries, 'Jew' and 'homosexual' were virtually synonymous and interchangeable categories of social and sexual difference (Gilman, 1993, pp. 36–48, 132–68). Significantly, as with homosexuality and homophobia now, the causal link made between the unliberated, weak and feminine male Jew and anti-semitism was frequently espoused by those explicitly concerned with *challenging* anti-semitism.³⁸

That both individual and collective 'liberation' is linked to (and conditional on) a particular performance of masculinity is not surprising. Sedgwick reminded us long ago that 'the gay movement has never been quick to attend to the issues concerning effeminate boys' (1991, p. 20).³⁹ Similarly, Weiss comments that 'the celebration of effeminate flamboyance – femininity in the face of "male power" – is precisely what is excluded from homonormativity gay activism' (2008, p. 92). Linking this silence with broader political strategies, Bell and Binnie argue that:

'When sexual dissidents make use of rights-based political strategies to demand citizenship, they must conform to a prevailing model of acceptability that is "privatized, de-radicalized, de-eroticized, and confined".' (2000, p. 3)

There is then a paradox: failure to conform to particular ideals of behaviour are read as indicators of the harmful effects of bullying, but, at the same time, freedom from bullying is evaluated against an ability to conform to those same ideals. Nevertheless, queer perspectives that seek to reveal these tensions do not discard homophobia or deny that it causes real harm and suffering. Moreover, they sometimes offer simply an alternative causal reading of its effects. So, for example, embracing sado-masochism and celebrating promiscuity (Sullivan, 2003, 151–67; Thompson, 1995) and rejecting the hyper-masculinity of many forms of contemporary gay male culture (Muñoz, 2009, pp. 78–79) are often provided as evidence of 'liberation' from heteronormativity.⁴⁰ The aim here is not to attempt to arbitrate or judge these competing truth claims but to be attuned to their discursive power and, in particular, to make visible the political dynamics underlying homophobic bullying agendas which are masked by developmentalist modes of thinking and investment in the child as future.⁴¹

'Responsible' memories?

One might reasonably ask whether in highlighting the existence of homophobia in schools and developing strategies that enable it to be acknowledged by policy-makers it is necessary to engage

38 For example, Elisha Friedman argued in a US medical journal that Jewish predominance in scholarly and mercantile pursuits was the result of anti-semitic exclusions (1923, pp. 352–53, quoted in Franklin, 2003, p. 143).

39 Another recent example is the finding that femininity is perceived as 'negative' in a report of the representations of lesbians and gays in the media: (Stonewall, 2010, p. 6).

40 For a particularly nuanced overview and analysis of the debates and 'productive' tensions between 'gay' and 'queer' and 'assimilation' and 'transgression' see Stychin (2005).

41 See Lesnik-Oberstein and Thomson (2002) for an analysis of how queer theory premised on challenging heteronormativity is deeply wedded to psychoanalytical discourse.

with conflicting imaginations about an idealised post-homophobic world. The argument here is that it is, for if homophobic bullying is made speakable through discourses of heteronormativity, then those outcomes become the form through which its success is evaluated. In other words it can lead to a pathologising of behaviours – ironically those that often signify resistance to homophobia. Moreover, this form of pathologising is a particularly invasive form which resonates with broader shifts in governance within contemporary advanced liberal societies (Rose, 1999).

Garland argues that ‘where the state once targeted the deviant for intensive transformative action, it now aims to bring about marginal but effective changes in the norms, routines, and the consciousness of everyone’ (1996, p. 454). Reece has analysed this form of governance as a form of ‘(post) liberalism’. This concept is distinct from both conservative morality and laissez-faire liberalism as it imposes a demanding model of ‘responsibility’ to the extent that it demands that the individual *internalise* responsibility rather than simply conform to hierarchical juridical commands. Within this model, Reece argues that ‘psychological norms have replaced social norms, and therapeutic correctness has become the new standard of good behaviour’ (2003, p. 217). For Rose, this represents a form of ‘government at a distance’ which, through concepts of ‘empowerment’ and ‘self-esteem’, serves to mask strategies of control:

‘the beauty of empowerment is that it appears to reject the logics of patronizing dependency that infused earlier welfare models of expertise. Subjects are to do the work themselves, not in the name of conformity, but to make them free ... High self-esteem is linked to the power to plan one’s life as an orderly enterprise and take responsibility for its course and outcome.’ (2000, pp. 334–35)

These broader insights into this shift in governance clearly cohere with queer theoretical concerns about the conditions of inclusion within civil society. For therapeutic correctness requires individuals to explain and to account for their failure to conform to traditional relationship models, their sexual ‘perversions’ and, indeed, their unhappiness, by connecting with childhood trauma. The relatively recent predominance of the expression ‘internalised homophobia’ as a widely understood phenomenon within both psychotherapeutic circles and LGBT communities more widely, not only attests to homophobia as an external force to be challenged but also, implicitly, places a burden on the individual to unravel and question its negative impacts.⁴² As Kitzinger argues, ‘Instead of going to heterosexual therapists to be cured of our homosexuality, now lesbian and gay men are supposed to seek out lesbian and gay therapists to be cured of internalized homophobia’ (1997, p. 211).

In this context it is significant that much of the research on homophobic bullying draws on *adult* lesbian and gay accounts of their childhoods (Rivers and Cowie, 2006) and, similarly, to note the preponderance of queer theorists drawing on their own personal narratives (Warner, 2004; Muñoz, 2009, pp. 67–73). In these narratives memory plays a crucial role. Carol Smart, drawing on the work of Misztal (2003), argues that we need to ‘grasp the chameleon nature of memory’, that it, ‘works in unstable ways, notwithstanding that it almost always appears to have the status of the most authentic and most signifying act of identity creation’ (2007, pp. 40–41). In foregrounding the fact that ‘even individual memory is social’, she argues that ‘Memories can change to suit an

42 For a nuanced critique of this concept see Williamson (2000). The aim here is not to dismiss the potential benefits of psychological perceptions or calculations, but rather to identify, as Adam Phillips argues, the ways in which, at least explicitly, psychology concerns itself far more with disavowal and lack than it does with affirmation and world making. Moreover, as Phillips argues, ‘if we are living in the age of the specialist, then psychoanalysis can be useful as a critique of the whole project of wanting authorities’ (1995, pp. xx1 and xiii).

audience *or to fit a newly crafted identity* (2007, p. 41, emphasis added).⁴³ The aim here is not to discount memories but to be attuned to their productive role and their dependence on the availability of language and dominant discourses and, in particular, to look beneath individual accounts to reveal the collective political meaning-making inherent in the project of naming, challenging and resisting homophobic bullying.

Lawful violence: institutional homophobia and the criminal gaze

In this final section the focus shifts from the bullied to the bully. In contrast to the construction of the 'responsible victim', here we find a return to the subject of traditional hierarchical forms of control: the demonised criminal other. Yet, while the role of the state in this context is more direct, more explicit, it, similarly, is heard through 'common-sense' narratives that have the effect of masking the political.

'Bullying' and homophobia

A key way in which the homophobic bullying agenda is depoliticised is through the discourse of bullying itself. History is significant here, for while homophobia in schools has been written about in earlier periods (particularly in the context of Section 28), the fact that bullying is now the key focus remains unremarked upon. The argument here is that the coupling of 'homophobic' with 'bullying' is not straightforward, but, rather, a linkage that plays a productive role in determining the construction of the harms focused on and the legitimacy of the means used to challenge them.

Bullying is spoken of not just in the context of children, but also in relation to adults' lives, particularly in the workplace. In recent years there has developed what is fair to describe as a vast industry defining, deploring and highlighting the ills of bullying (Smith, 2005; Rigby, 2002).⁴⁴ It is beyond the remit of this article to attempt to explore the genealogy of bullying as a discourse. That said, however, an attempt to do so could locate its ascendancy within the broader developments of neoliberal individualistic governance, the increasing dominance of psy-discourses and, of particular relevance here, a reinscription of the political as primarily private. The workplace provides a good example of this. In the vast majority of incidences now labelled as bullying, the bully is the employer; indeed, a report by the Institute of Management suggested that bullying was part of the new management credo (2000). A political response would be to see such relationships as reflecting broader structural inequalities within the workplace and society more generally; in other words, as a labour relations issue.⁴⁵ Read through the narrative of bullying, however, and this political potential is lost and the issue is individualised as the bully is constructed through a pathological gaze. This is not to suggest that psychology, broadly defined, has nothing to offer in explaining why a particular individual might behave towards colleagues or staff in a particular way. But it is important to be attuned to what is at the same time silenced through such an account.⁴⁶

If homophobic bullying is caused by homophobic bullies, consequently is individualised, what gets overlooked are *structural* forms of homophobia. Many of these are implicit and subtle; in other words the opposite to explicit juridical prohibitions such as Section 28. Examples are the

43 See also Talburt (2004).

44 See also <www.antibullyingalliance.org> (last visited 18 November 2010).

45 A report by the Institute of Management suggested that bullying was part of the new management credo (IOM, 2000).

46 For example, research undertaken by the TUC suggests that the groups most likely to be bullied are women, ethnic minorities and people with disabilities <www.tuc.org.uk/h_and_s/index.cfm?mins=30> (last visited 18 November 2010).

emphasis on parental involvement in sex and relationship education and the privileged space (and contingent definition) of biology within the curriculum (Monk, 1998). Beyond the formal curriculum numerous commentators have long identified the existence and observed the impact of the ‘hidden curriculum’ in relation to heterosexism and gender more generally across almost every aspect of school life (O’Flynn and Epstein, 2005; Kehilly, 2002).

One aspect of the ‘hidden curriculum’ is school dress codes. These have a particular relevance in this context as they are highly gendered and conforming to gender stereotypes is identified in much of the literature as being a critical factor in homophobic bullying (Phoenix *et al.*, 2003). The Equalities and Human Rights Commission recently argued in relation to school dress codes that because trousers are conventional dress for women and jewellery is equally conventional dress for men, ‘there is a strong argument that it would be unlawful sex discrimination to deny’ these forms of dress for children in school.⁴⁷ Such an argument has yet to be tested, but on the basis of increased support for school dress codes, and stricter application of them, coupled with an extreme reluctance of the courts to intervene in ‘educational’ matters, it is unlikely to succeed (Monk, 2005). Indeed to describe dress codes as an ‘informal’ aspect of education can be misleading as they are understood to be a key aspect of school discipline and one that can warrant the ultimate penalty of permanent exclusion.

That government and individual schools’ commitment to rigorously enforcing gendered dress codes can co-exist with an explicit commitment to challenging homophobia, despite the repeated evidence of the connections between heteronormativity and gender performance, demonstrates the highly restrictive manner in which challenging homophobic bullying is heard.

Bullying narratives – individualistic, depoliticised and, increasingly, drawing on pathological explanations of inappropriate behaviour – cohere and lend themselves with great ease to a criminal law paradigm. Critical legal commentators have for many years examined the ways in which legal causation is distinct from factual causation, to the extent that the former goes backwards – which is say that it starts with the harm, identifies the individual perpetrator and then stops – and that in doing so it does not ask or enquire and does not need to examine broader, political cultural factors that influenced the behaviour of the perpetrator. In this way, like bullying discourses, it simplifies and individualises, requiring simply the identification of a victim and a perpetrator (Norrie, 2001, pp. 134–40).

Furniss has argued in favour of criminal law responses to bullying in order to challenge the extent to which ‘teachers may see bullying as an inevitable part of growing up’ (2000, p. 17). Moreover, echoing long-standing debates about domestic violence and the physical chastisement of children, she argues that:

‘By treating attacks on adults as worthy of a serious response, but attacks on children as not, this sends out the message that the bodily integrity of children is not as important as that of adults.’
(p. 24)

Criminal law is not, however, the only form of legal redress: provisions under the European Convention of Human Rights and the UN Convention on the Rights of the Child can be interpreted to create positive obligations on the state to prevent bullying; civil law claims can be brought by parents and children based on the duty of care of schools to pupils; and quasi-criminal law sanctions in the form of school exclusions can be used against individuals (Harris, 2005).⁴⁸ Yet despite these different forms of legal interventions, in reality it is the quasi-criminal form of

47 <www.equalityhumanrights.com/advice-and-guidance/education-and-training-providers/fair-treatment-when-in-education/school-uniform/> (last visited 12 August 2010).

48 For comparative approaches see Ananiadou and Smith (2002).

redress that is the most accessible. The case of *Bradford-Smart v. West Sussex CC* in 2002 extended a school's duty of care to taking reasonable steps to prevent bullying within the school and made clear that this was an educational as well as a health and safety issue.⁴⁹ But in practice it is exceptionally difficult to satisfy the doctrinal requirements that there be evidence of the breach of duty and a causal connection between the breach of duty and the harm. Furthermore, where the harm is psychological it is necessary to show that it takes the form of a clinically recognised mental health problem. The contrast between the difficulties facing a child or parent attempting to bring a school or teacher to account in a civil action and the remarkable ease with which a school can discipline a pupil is stark. The underlying similarity is that in both contexts the courts can be seen to err on the side of schools, for it is as hard for parents to challenge an exclusion as it is to bring a claim for negligence. What is significant here is that both legal doctrine and practice reflects and bolsters the inherent tendency of the bullying narrative to focus on an individual perpetrator and in doing so shift the focus away from institutional and more complex structural understandings.

It is possible to view the intervention of law as a form not only of individual redress but also as justice for all lesbian and gay children. A right to be free from homophobic bullying in this way fits neatly with rights-based discourse. There are significant parallels here with lesbian and gay campaigns for the recognition of homophobia as a form of hate crime. While demanding widespread support – often of an unquestionable ‘common-sense’ nature – this recourse to law and, once again, the criminal paradigm, like campaigns for gay marriage, and gays in the military, has not been without its critics. Before turning to these critics it is informative to locate these developments in both the local context of the school and in broader criminological debates.

School discipline

The only statutory reference to bullying is in the context of school discipline,⁵⁰ and this focus has been clearly espoused in recent political statements. For example, in *More Ball Games* the Conservative Party suggest that in tackling bullying there should be increased use of exclusions and firmer use of parent contracts (2008, p. 10). Moreover, in the 2010 general election both major parties argued in support of head teachers' extensive disciplinary powers; the Conservative Party stated that it will ‘stop them being overruled by bureaucrats on exclusions’ (2010, p. 51), and the Labour Party, under the heading ‘Zero Tolerance of Poor Behaviour’, stated that it will ‘bring order and discipline back to young people's lives’ (2010, Chapter 3:5).

In these political responses there is no mention of institutional homophobia. Moreover, the repeated calls for zero tolerance in relation to bullying reveals how homophobic bullying is made *speakeable* in this way through its ability to cohere with a conservative law and order discourse. As a result the significant race and class dimensions of exclusions (Parsons, 1999; Parsons and Harris, 2001; Parsons, 2009) and the impact on poor parents (almost always the mothers), who through parenting contracts are increasingly held responsible for their children's behaviour, are overlooked and silenced in this account (Gillies, 2005; Gewirtz, 2001). As Harris argues, the disciplinary response to bullying risks the ‘complete abandonment of the perpetrators of bullying who ... often have mental health or behavioural problems themselves’ (2005, p. 57).

Law and order

The inability to reduce the use of exclusions and increased assertions of the necessity for ever more draconian school discipline in schools resonates with broader criminological developments.

49 *Bradford-Smart v. West Sussex CC* [2002] ELR 139.

50 The Schools Standards and Frameworks Act 1998, Section 61 (now section 98 of the Education and Inspections Act 2006).

The criminologist Rutherford describes increased penalty as a form of managing social behaviour as the re-emergence of the 'eliminative ideal'. An ideal which 'strives to solve present and emerging problems by getting rid of troublesome and disagreeable people with methods that are lawful and widely supported', he argues, 'sits all too comfortably with contemporary pressures for social exclusion, with notions of a culture of containment' (1997, pp. 117, 132). Expressing a similar concern, Bauman refers to an emergence of the notion of 'disposability', and argues that the possibility for harsh sanctions rests upon 'twin assumptions: a clean-cut territorial division between the "inside" and the "outside"; and of the completeness and indivisibility of the sovereignty of the strategy-selecting power inside its realm' (2003, p. 137).

Rutherford argues that the eliminative ideal provides a seductive but dangerously false sense of collective certainty and security,⁵¹ and that challenges to this trend need to address both the *instrumental* and the *expressive* dimensions of the eliminative ideal. The expressive dimension owes much to Durkheim's classic rejection of utilitarian explanations of punishment; that it is never 'a rational social defence against harm done or threatened' but, 'a passionate reaction, a matter of feelings'. While his subsequent application of this idea has been much critiqued, this, still bold, assertion is particularly pertinent here and, indeed, recognising the emotional dimension of penalty coheres with much of the critical thinking about homophobia as hate crime.⁵²

In keeping with her argument that it is important to be attuned to the ambivalent effects of shame, Munt argues that:

'Shame puts us in our place, but the spaces of subjectivity are not wholly fixed or predetermined; shame's loss carries uncertainty, but it also presages a desire for reconnection. It is this desire for re-attachment that *has the precarious potential for violence or love.*' (2007, p. 103, emphasis added)

The potential for violence in the context of challenging homophobia consequently coheres with calls to utilise both school discipline policies and the criminal law as a political tool in the demand for rights and protection by the state. Murphy and Hampton argue that:

'criminal law institutionalizes certain feelings of anger, resentment and even hatred that are typically directed towards wrong doers, especially if we are the victims of those wrong doers.' (1988, p. 63, quoted in Moran, 2004, p. 940)

Moran, in examining the implications of this in the context of demands for hate crime legislation has sought to make visible and encourage reflection on the 'alliances that lesbian and gay men are making with law and order' (2004, p. 942)⁵³ Visibility, naming and recognising the violence of law is critical here. For penalising hate crime and, in this context, school disciplinary action against homophobic bullies, as acts done in the name of law and order are emptied of, and indeed perceived as the *opposite* of, emotions and disorder. As Moran argues:

51 Garland similarly argues that punitive responses are frequently 'barely considered attempts to express popular feelings of rage and frustration', but are at the same time 'a form of denial which appears increasingly hysterical' about the state's limitations in respect of crime control (1996, pp. 459–60).

52 For a detailed analysis and an apologist for Durkheim's perspectives on social solidarity and crime, see Cotterrell (1999).

53 Nancy Fraser (1995) has explored in depth the tensions inherent in developing a critical theory of recognition, one which identifies and defends only those versions of the cultural politics of difference that can be coherently combined with the social politics of equality.

'as dimensions of retribution, they become civilised by being made in the image of reason and rationality and are thereby made to disappear. Through this process they take their place as a part of law's legitimacy.' (p. 925)

It is important to acknowledge here that this act of legitimisation equally masks the 'homophobic violence' of head teachers rigorously enforcing gendered dress codes: 'law's violence becomes good violence' (p. 925). But, in relation to the disciplined, excluded, punished 'homophobic' pupil, the legitimate violence of law serves to not only mask its own homophobia but positions it elsewhere, outside, onto an 'uncivilised other'. And once again it is important to recognise that school discipline and exclusions, as with criminal justice generally, has a hugely disproportionate classed dimension (Parsons, 1999). As Munt observes, in what she describes as 'shame logic':

'Violence is transposed onto these marginal spaces in a discursive shift that empties middle class life of any accountability ... Dominant discourse has long conflated non-normative subjectivities with criminality and threat; indeed, there is a kind of discursive contagion operating in which shame is infectiously displaced.' (2007, p. 99)

This concern resonates with current debates about the construction of Islam as the 'uncivilised other' to secular liberal human rights; and here again school dress codes have been a critical site for this conflict (Motha, 2007; McGoldrick, 2006). That liberal agendas in the name of human rights have served to cohere with and play a role in increasing hate underscores Brown's question: 'What kinds of attachments to unfreedom can be discerned in contemporary political formations ostensibly concerned with emancipation?' (1995, p. xii). This concern suggests that it is worth reflecting, at the very least, on the fact that mainstream concern with homophobic bullying coheres with concerns about Islamic fundamentalism.

'Attachment to unfreedom' can also be detected in the attempt to contain and control the use of the word 'gay' being used within schools. Much of the literature on homophobic bullying emphasises its use as a derogatory term (Rivers, 2001a; Matthews, 2001; DCSF/Stonewall, 2007; Winterman, 2008)⁵⁴. Incidences of this are used to assess the extent of homophobic bullying in schools and its apparent widespread use in this way is consequently a key factor in the ability to present homophobic bullying as being 'endemic' and thus plays a role in extending the category of 'abuse'. The aim here is not to deny that young people may experience it as hurtful, and far less to deny that speech itself can be harmful. Rather, the argument here is that it might not always have that impact and that attempts to curtail speech may have contradictory effects.

Many young people, including young lesbians and gays, confronted with the use of the word 'gay' as a derogatory term suggest that they 'don't mean it in that way', and that it does not reflect a negative view of lesbians and gays. The silencing of this account reinforces the concern that the homophobic bullying agenda, while premised on research with young people, looks for harm and, like much research with children, fails rigorously to engage with the 'life-world' of young people themselves (Blackburn, 2007). Acknowledging the complexity of children's experiences has practical implications, for, as Blackburn argues, 'when youth claim multiple subject positions, they are better able to identify, name and work against oppression' (p. 50). Being sensitive to the ability of the word 'gay' to have different and contextualised meanings is important. As Butler argues, drawing on Austin's concept of performative utterance, the context-specific meaning of speech is a critical factor to take into account in evaluating the uses of censorship (Butler, 1997). She also makes the strategic argument that any attempt at censorship, legal or otherwise,

54 See also 'Challenging Homophobic Language, Stonewall Education Guide' available at <www.stonewall.org.uk/at_school/education_for_all/quick_links/education_resources/4006.asp> (last visited 20 November 2010).

necessarily *propagates* the very language it seeks to forbid (pp. 129–33).⁵⁵ A similar argument, by Jacobs and Potter, is made in relation to hate crime generally. They argue that it mobilises new prejudices and ‘exacerbate[s] rather than ameliorate[s] social schisms and conflicts’ (1998, p. 144, quoted in Moran, 2004, p. 945).

Mindful of the dangers of ‘investment in simplistic violent hierarchies of politics as either progressive or reactionary’ (Moran, 2009, p. 312), and in recognition of the ambivalent impact of hate crime, Moran has argued that ‘using violence as a resource to make a claim on the state becomes a way of gaining back the control that has been lost through violence itself, that law can play an important educational role and that it need not promote the status quo but ‘offer a significant challenge to its heterosexism’ (2004, p. 942). In a similar vein, Grabham suggests alternatives to readings of identity-based legal rights claims as *always* an investment in powerlessness and injury, arguing that:

‘subjects make an impression on law when they make rights arguments, and these impressions circulate within law as traces of the hurt and trauma that they have experienced . . . They may not be expressly counter-cultural, but they do give rise to a “public culture”.’ (2009, p. 199)

Identifying potential concerns about lesbian and gay engagement with law and order agendas (in this context demands for recourse to disciplinary responses to homophobic bullying) is, consequently, not to argue against these forms of engagement, but rather to suggest a need for reflection about them, in order to question the implicit political alliances that underpin them and to locate lesbian and gay political agendas within broader social and economic structures.

Conclusion

‘Children are forced to solicit our anxieties, our delights, our ethics, our love, or really any form of our attention, especially when politics and moral values are made an issue.’ (Cobb, 2005, p. 119)

The increased attention to and concern about homophobic bullying is a welcome development. And this article should not be read as an abstract criticism of the necessarily messy and pragmatic business of influencing policy-makers. Rather, its aim has been to raise a different set of questions. Highlighting how the twin constructions of victimhood – the innocent child and the tragic gay – dominate both academic and political narratives about homophobic bullying is not to deny real harm but to reveal the *conditionality* of what, on the surface, appears to be an inclusive progressive politics. The political is similarly revealed by identifying how concerns about lesbian and gay children operate as a site for broader aspirations, imaginations and contestations about a post-homophobic world and the ways in which these contestations require a form of active citizenship in accordance with the subtle shifts in governance in post- or advanced liberal societies. Finally, bringing the notion of victimhood together with an examination of the disciplinary (quasi-criminal) responses, questions have been asked about the political alliances and broader social developments that underlie seemingly ‘common-sense’ narratives of harm and causation. The fact that, in relation to legal responses, the emphasis is exclusively on disciplinary measures is far from straightforward, but, rather a reflection of precisely the way in which the harm is constructed and how it is produced by and within broader political narratives.

⁵⁵ In a similar way, in examining the implications of a particular form of recognition politics, Fraser argues that ‘the practice of affirmative redistribution, as iterated over time, tends to set in motion a second – stigmatizing – recognition dynamic, which contradicts universalism’ (1995, p. 85).

It is too early to tell how the issue will be addressed in the future, and the very real shift in mainstream thinking about sexuality, which this article does not underestimate, demonstrates the potential for change. But it may be that the very means by which the issue has been made speakable could limit more radical developments. In recognition of the fact that schools were scared to touch the issue of homosexuality in any way, one of the earliest documents about homophobic bullying was entitled *Playing it safe!* (Warwick, Aggleton and Douglas, 2001). In some schools much has changed, but this article suggests reflection about, and questions what the costs are, of the progressive agenda itself 'playing it safe'.

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