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Homophobic Bullying: A Queer Tale of Childhood Politics

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Homophobic bullying in schools is an issue that in recent years has attracted considerable attention in the UK and internationally. It has been identified as an issue of concern by academic¹ and governmental sources;² but also by the Conservative Party while it was in opposition and some religious bodies – organisations with little (or ambivalent) history of sympathy to LGBT issues³. Consequently it is possible to argue that it is now a legitimate and *depoliticised* object of social concern across civil society.

To a certain extent the mainstreaming of the issue is an unproblematic ‘good’. The coupling of ‘childhood’ and ‘(homo)sexuality’ in political discourses has a long history and one that has been dominated by narratives of ‘lost innocence’, seduction and abuse. So, the apparent legitimacy of speaking about homophobic bullying can be read as a fearless break from a misguided and prejudiced past and a challenge to cultural resistance to the acknowledgement of child sexuality. Within this progressive narrative children, and especially LGBT children, are both saved and liberated.

Questioning this liberal progressive account does not deny the existence of the harm experienced in schools but is an attempt to take seriously the injunction from 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.⁴

A key premise here is that ‘homophobic bullying’ is not a neutral descriptive label but a more complex and *productive* narrative. The aim here is to examine the discursive means by which the issue has become perceived as a legitimate subject of concern, to

identify the 'conditions of possibility' that have *enabled* it to become a harm that can be spoken of, and, in doing so, to demonstrate the extent to which this speakability is contingent on contemporary understandings of childhood(s) located at the interface of sexuality and education.

A number of discourses and narratives are examined here: 'abuse', child and gay 'victims'; (queer) developmentalism; and the criminal gaze. These varied ways through which homophobic bullying is made speakable attest to the cultural malleability of 'the child' as an object of concern and renders visible the extent to which agendas of child welfare are always politically embedded projects which mask more complex understandings of (child) liberation.

A Form of Child Abuse

Homophobic bullying, however defined, is not new. Consequently the recent concern represents a 'discovery' that parallels earlier 'discoveries' such as domestic violence and child abuse more generally. These comparisons give rise to two themes: the contingency of the 'discovery' of harms and the contingency of the notion of harm itself.

The discovery of domestic violence and child abuse both effectively challenged the ideal image and patriarchal myth of the family as the 'haven in the heartless world'. In a similar fashion homophobic bullying challenges the idea that the 'schools years are the best years of your life'. In both cases these truisms represented political investments in the home and family and compulsory schooling.

The introduction of compulsory education in the late nineteenth century required an immense and complex spatial and cultural shift in understandings of childhood. As Walkerdine comments, 'it was generally agreed' that it 'brought about the idea of childhood as something separate'.⁵ 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. This is particularly evident in the work of the influential child psychologists Winnicott and 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’.⁶ Here the rendering of the school as a ‘natural’ institution is complicit with the silencing of speaking of the harms within the school. Bowlby for example, commented confidently in 1973 that, bullying was ‘little more than’ a rationalization for school phobia.⁷ The current speakability of homophobic bullying represents a significant departure from this view but it also attest to the spatial contingency of the speakability; for the impact of *parental* homophobia on children remains an issue that is *not* addressed by organisations like Stonewall and children’s rights organisations. 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 simple concern about the well being of children.

Taking a long view here is informative. For whereas the dominant post-war child psychologists’ masking of child harms within schools cohered with political and social shifts unrelated to children’s needs, 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 socio-economic 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; the political construction of parents no longer as passive recipients but as consumers supported by the rhetoric of choice; increases in home education as a legitimate option and, more broadly, the impact of the phenomenon of

school shootings, 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 natural good.⁸ Significantly, they serve too to explain the dichotomy referred to above between the speakability of homophobia within the school and within the home for these broader shifts in many respects have served to *reinscribe* the home and parental child relations as *safer* places.

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. Archard asks ‘Can Child Abuse be Defined?’, and while he acknowledges concerns that questioning the meaning of abuse risks suggesting that it does not exist 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.⁹

This concern is critical when reading the literature about homophobic bullying. The campaigns by Stonewall (The leading LGBT rights lobby) refer to homophobic bullying as being ‘endemic in schools’ and cite statistics that 75 – 80% of pupils experience it one time or another.¹⁰ Yet these statistics are based on an extremely broad definition of homophobic bullying. One that 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 and to experiencing a sense of being different. Moreover the empirical literature cited to support these statistics, while not down playing the significance of homophobic bullying, cites comparative studies with

very different results and is much more cautious about causal claims made as to the effect of homophobic bullying.¹¹

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 here utilises and is spoken of through the dominant image of childhood as vulnerable and one premised on the status of victim.

The Child as 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.¹² 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.

One of the reasons why this discursive categorising of homophobic bullying achieves this status is because images of the child as victim 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.*¹³

This perspective - a provocative challenge to aspects of children's rights agendas - is important because it reveals the extent to which 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. Indeed one of the most striking aspects of the homophobic bullying agenda is the extent to which it speaks of LGBT 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.¹⁴ Similarly, the Conservative Party 2009 report noted above *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. As Ellis argues the approach adopted here is 'a plea for tolerance that doesn't speak about what is to be tolerated'.¹⁵ While challenging homophobia in schools and providing information about HIV are arguably distinct this does not explain the silence. Both bullying and HIV education can be understood as essential rights. Indeed the harm suffered by the absence of the latter is arguably as, if not more, significant than the former. Statistics about HIV infections indicate that gay teenagers are increasingly the most at risk group. The argument here consequently 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. To speak of safer sex would require speaking of sexual agency, pleasure, choice and in doing so would challenge the ideal of the child as non-sexual. 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'.¹⁶

The Gay Victim

While the child as victim resonates with dominant constructions of childhood in this context there is a double victimhood. For what is striking from the literature is the extent to which the image of the queer child in the homophobic bullying discourse mirrors the contemporary discursive representations of the homosexual in the years pre-liberation: depressed, lonely, isolated, suicidal. 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; so too can the gay as victim. Reinforcing the portrayal of gay life as one of tragedy as a key part of the demand for tolerance implicitly can reassure the heteronormative¹⁷ hegemony. At the very least it begs the question: how significant a shift is the recognition of homophobic bullying by conservative groups when it is presented through the portrayal of homosexual lives as one experienced by a majority (according to the statistics) as one of tragedy? It is important to emphasise here that the point is not that real suffering does not exist but the extent to which the dominance of this image is a *condition of possibility* for the speakability of homophobic bullying and in doing so reduces the experience of homophobic bullying to one of passive victimhood.

Alternative narratives about homophobic bullying do however exist. Ian Rivers, the leading empirical UK researcher in the area whose work is used by Stonewall and campaigning groups recently argued that:

despite the nature and severity of bullying participants experienced at school, many overcame it successfully.¹⁸

The productive role of shame in forming identities is one example where future research could provide alternative narratives. Munt 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.*¹⁹

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. The focus here is on the lower end of forms of homophobic bullying: name calling, being identified as different, identifying oneself and experiencing difference as exclusion 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 may be constituted as having a role in identity formation.

Enabling the speakability of this experience of shame as anything other than a harm that must be prohibited coheres with both the notion of child-as-innocent victim and with a particular construction of post-homophobic gay identity, explored below. It

mirrors broader fears and attempts to reinscribe childhood spaces as harm free, pain free spaces.²⁰ This utopian desire is not surprising; as queer theorists Bruhm and Hurley argue, ‘Utopianism follows the child around like a family pet’.²¹ 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 one that reinforces homogeneity.

That alternative stories remain unexplored attests to an investment within contemporary LGBT politics in the predominant *reassuring* image of the queer child as victim. Braveman, in developing a critical queer historiography that disrupts a linear progressive narrative, quotes D’Emilio’s assertion that gay liberationists of the 60s and 70s constructed a mythology that ‘until gay liberation, gay men and lesbians were always the victims of systematic, undifferentiated, terrible oppression’.²² Coupled in this context with the reassuring image of the child as innocent victim, this has a particular resonance and discursive power in the context of queer children.

Queer Developmentalism -- Beyond Homophobia?

The current acknowledgment of homophobic bullying undoubtedly represents a significant and important shift away from the explicit political and juridical homophobia of the past. It is now homophobia that is identified as the problem, not homosexuality, and this shift represents a vindication of a liberal progressive narrative. It also represents a challenge to a certain queer critique. For example, Edelman argues how the queer, and queerness, is subtly but continually represented and understood as antithetical to childhood in ways that ensure that, ‘the cult of the child permits no shrines to the queerness of boys or girls’.²³ The acknowledgment of homophobic bullying could suggest that there *is* a space for including LGBT youth

within the category of legitimate childhood. But it is important to explore the conditions of this inclusion.

One of those ‘conditions’ appears to be that queer youth conforms to the cultural definitions of innocent (and ideally non-sexual) childhood. But a further ‘condition’ can be identified by examining in more detail exactly what homophobic bullying is identified to be the cause of. What this line of enquiry reveals is that while it is indeed homophobia that is identified as the problem and not homosexuality, at the same time, there is no change as to *what* is problematised but merely the cause, and the formal and explicit rejection of homophobia in this way masks a series of heteronormative concerns. Examples of this trend can be identified within the empirical literature about homophobic bullying and in a variety of other cultural texts.

Rivers’ 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.²⁴ 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. 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’.²⁵ 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’, the critical questions left unanswered are what does that ‘adulthood’ look like? And who defines it?

These critical perspectives have a particular resonance with the concerns of queer theorists. Sedgwick, for example, in *The Epistemology of the Closet* 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. And these neutral scientific perceptions cohere with and enable dominant political discourses new-found concern with homophobia. Rivers' use of relationships as an indicator of 'successful adulthood' is significant 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 (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 explicitly linked their new found 'regret' about the notorious Section 28 and support for the CPA with concern about promiscuity amongst gay men. This approach is also adopted by some marriage-equality advocates *within* the LGBT community. Lisa 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*'.²⁶

In a similar vein in relation to the Civil Partnership Act 2004 in the UK, Stychin argues that:

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).²⁷

Stychin's analysis of debates about the Civil Partnership Act went beyond sexual practice to incorporate broader economic calculations; and the extent to which 'stable relationships' cohered with neo liberal discourses about privatisation of care. Echoes of this can also be identified here. Rivers' assessment of psychopathology in adulthood also includes employment status and this linkage reinforces Viv 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?*²⁸

Another cultural text which provides insight into the extent to which the rejection of homophobia coheres with heteronormative understandings of 'perversity' are narratives of sport. The empirical literature on homophobic bullying frequently reveals that sports and changing rooms are the most feared places within the school.²⁹ And the Conservative Party's key policy document about children, which acknowledged homophobic bullying, was entitled 'More Ball Games'; a title that presents a reassuring image of normal stable childhood. But in this context what is noticeable is that other cultural texts present a tantalizing representation of a post-homophobic world within which the playing of sports features highly – in order to present a reassuring image of normal stable homosexuality. An example of this is two soap operas, *Eastenders* on BBC1 and *The Archers* on Radio 4. In both 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 playing cricket in the latter). And in both contexts the gay characters are star players in their teams. That liberation is linked (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’.³⁰

Within this post-homophobic ‘queer’ developmentalist framework, homophobia takes on, with a twist, the psychoanalytical role formally played, albeit often in crude ways, by the concept of ‘arrested development’. ‘Arrested development’, used to explain the origins of homosexuality, is for many LGBT rights campaigners highly problematic. For speaking of homosexuality in terms of development (even if in a morally positive sense and even if applied equally to heterosexuality) challenges the innateness of homosexuality which is both an article of faith and strategically essential for human rights claims within a liberal political paradigm (a point made 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?’. Homosexuality can not and ought not to be ‘cured’, but the attributes and behaviours of those whose lives have been ‘blighted’ by homophobia can be.

This (re)turn to developmentalism is particularly invasive. Reece, a critical family law scholar, has analysed this reconfiguration as a form of ‘(post) liberalism’.

This concept is distinct from both conservative morality and laissez faire liberalism to the extent that it imposes a model of ‘responsibility’ that demands that the individual *internalise* responsibility rather than simply conform to juridical commands. Within this model ‘psychological norms have replaced social norms, and therapeutic correctness has become the new standard of good behaviour’.³¹ So instead of ‘straight good/gay bad’ we have ‘responsible sexuality good’ and ‘irresponsible sexuality bad’ (who you do it with no longer matters). Increasingly therapeutic correctness requires us to explain our deviancy by childhood trauma; liberated from homophobia by the state the injunction is to ‘grow up’ – once provided with equal rights there will no longer be any excuses for their ‘permanent state of adolescence’. It is then a highly conditional riposte to Edelman’s ‘the child is antithetical to the queer’; for the answer is not only that even queers have their ‘Tiny Tim’, but that they must connect with them and explain themselves through them.

In this context it is worth noting that much of the research on homophobic bullying draws on *adult* lesbian and gay accounts of their childhoods³² and, similarly, the numerous incidents of queer theorists drawing on their own personal narratives.³³ What is important to note here is that homophobic bullying is identified not only as the cause of a wide range of personal outcomes but that they are potentially conflicting. As noted above, tackling homophobia can be seen as a way of enabling gays to develop in accordance with heteronormative relationship models and ideals of masculinity. A very different reading is provided by queer theorist Juan Muñoz who perceives the ‘hypermasculinity’ of many forms of contemporary gay male culture as *itself* evidence of homophobia.³⁴ Similarly, sadomasochism can also be read as both caused by homophobia and external oppression and conversely as evidence of ‘liberation’ from heteronormativity.³⁵

The aim here is not to attempt to arbitrate or judge these competing truth-claims but to be attuned to their discursive power and the extent to which they draw on an untheorized and developmentalist investment in the child as future. For in the use of the child in these strategies, there is here a queer paradox. In particular, in the self-avowed queer accounts that distant themselves from mainstream liberal LGBT rights agendas the child represents a free, almost Rousseau-like child, who, brutalized by the social forces of homophobia, is forced to mask and alter his or her behaviour. This is, therefore, equally a project premised on *liberating* childhood in order to build a future – albeit a queerer one – while, at same time, opposing any notion of essentialism. As Lesnik-Oberstein and Thomson argue, queer theory premised on challenging heteronormativity is remarkably wedded to psychoanalytical discourse. For in the desire to affirm gayness the proto-gay child, ‘is strangely destined and yet not destined’.

The point here is not that these are inherently problematic as political aims (for example they may be of strategic value in challenging sex education policies), but to question the investment in the child. As Lesnik-Oberstein and Thomson argue the child:

maintains a centripetal force as an occasion of pathos and of, moreover – and therefore? – an *anti-theoretical* moment, resistant to analysis, itself the figure deployed *as* resistance. The child as a figure that operates through repetition, and therefore as the repeating figure, is made to found the ‘real’ beyond language as the always retrievable already-there.³⁶

This repetition is abundantly in evidence here. For despite the self-conscious and constant distinction made between queer theorists and LGBT rights reformers, the

queer child is invoked here as much as a victim and has to do as much cultural work as the mainstream brutalized proto-gay child.

Challenging Homophobia: Legitimising (Lawful) Violence?

Alongside the enabling and reinscribing of a (queer) developmentalist thinking homophobic bullying also enables and is heard through a legal and increasingly penal discourse. A key premise here is that the coupling of 'homophobic' with 'bullying' is not straight forward, but a linkage that plays a role in determining the legitimacy of the means used to challenge them.

Bullying narratives – individualistic, depoliticised, and, increasingly, drawing on pathological explanations of inappropriate behaviour - cohere and lend themselves with great ease to legal discourse. Critical legal commentators have for many years examined the ways in which legal causation is distinct from factual causation, to the extent that it starts with the harm, identifies the individual perpetrator and then stops. In doing so it does not need to enquire in to broader, political and cultural factors that influenced the behaviour of the perpetrator. In this way, like bullying discourses, it simplifies and individualises. The coupling of bullying with law, moreover, has been emphasised in recent years as law is increasingly resorted to as a means of redress. So, frequently in the name of children's rights, law has been used creatively to meet this challenge by civil law claims of negligence, quasi-criminal law sanctions in the form of school exclusions, as well as the criminal law.³⁷ In support of this, Furniss has argued that it challenges the extent to which 'teachers may see bullying as an inevitable part of growing up' and that failing to utilise the criminal law in particular, 'sends out the message that the bodily integrity of children is not as important as that of adults.'³⁸

From these perspectives it is possible to view the intervention of law as a form not only of individual redress but as justice for all lesbian and gay children. However

hearing homophobic bullying through discourse of school discipline lends itself to particular outcomes. For example in *More Ball Games* the Conservative Party suggested that in tackling bullying there should be ‘increased use of exclusions and firmer use of parent contracts’, a policy that attracted all party support in the 2010 General Election manifestos. Tackling homophobic bullying by policies of ‘zero tolerance’ reveal how it is made *speakeable* through its ability to cohere with a ‘law and order’ discourse leading Harris to express concern that it could lead to the ‘complete abandonment of the perpetrators of bullying’.³⁹

Moreover increased assertions for ever more draconian school discipline in schools finds resonance with concerns of criminologists. In particular what Rutherford describes as the re-emergence of the ‘eliminative 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’ and ‘sits all too comfortably with contemporary pressures for social exclusion, with notions of a culture of containment’.⁴⁰

The potential for ‘lawful 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. And there are significant parallels here with LGBT 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 the criminal model, like campaigns for gay marriage and gays in the military has not been without its critics. Moran, in examining the ways in which criminal law institutionalises emotions in the context of demands for hate crime legislation, has sought to encourage reflection on the ‘alliances that lesbian and gay men are making with law

and order'.⁴¹ Visibility, naming and recognizing the violence of law is critical here, for hate crime, and in this context school disciplinary action against homophobic bullies, as acts done in the name of the law and order are emptied of and perceived indeed as the *opposite* of emotions and disorder. As Moran argues:

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.⁴²

This legitimation equally masks the 'heteronormative violence' of head teachers rigorously enforcing gendered dress codes: 'law's violence becomes good violence'.⁴³ 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'. Here school discipline and exclusions, as with criminal justice generally, have a hugely disproportionate classed dimension.⁴⁴ As Munt observes, shame is lifted off sexual perversion and onto the perpetrator and that:

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.⁴⁵

That liberal agendas in the name of human rights have served to cohere with and play a role in increasing hate underscores Wendy Brown's question: 'What kinds of attachments to unfreedom can be discerned in contemporary political formations ostensibly concerned with emancipation?'⁴⁶

An increasing emphasis on dress codes is one example of an ‘attachment to unfreedom’. Another is the attempt to contain and control the use of the word ‘gay’ within schools, the widespread use of which is a key factor in the ability to present homophobic bullying as being ‘endemic’. The aim here is not to question the possibility of experiencing speech as harmful but by recognising the context-specific meaning of speech to take seriously the views of many children that they ‘don’t mean it like that’ and concerns that censorship necessarily propagates the language it seeks to forbid.⁴⁷

Identifying potential concerns about lesbian and gay engagement with law and order agendas is not to argue against these forms of engagements but rather to be reflective about them, to question the implicit political alliances that underpin them and in doing to locate lesbian and gay political agendas within broader social and economic structures.

Conclusion

It is, perhaps, easy to locate an analysis of homophobic bullying as a discourse, rather than simply as an empirical matter-of-fact tangible harm, within what some commentators have observed as the negative turn of post-structural work – as one that lacks or obscures ‘politics’ and avoids the messy pragmatics of activist struggles. It is, consequently, important to emphasise that nothing here should be taken as suggesting that real harms do not require real action. Rather, that the complexity of the issue requires a deeper analysis in order to inform action. With this in mind the aim here has been to identify that the construction of harms to children – of which homophobic bullying is merely one example of many – is inevitably and unavoidably always precisely that – a construction. It has endeavoured to demonstrate that examining the foundations of that construction – revealing the web of legal, psychological,

sociological and criminological tales through which homophobic bullying is told, heard, enabled and made real - is not simply a theoretical project but itself inevitably and unavoidably a political project.

¹ See for example I. Rivers, 'The Bullying of sexual minorities at school: its nature and long term correlates', *Educational and Child Psychology* 18(1), 2001, 33-46; I. Warwick, R. Goodrich, P. Aggleton and E. Chase, 'Homophobic bullying and schools – responding to the challenge', *Youth and Policy*, 91, 2006, 59-73.

² DES, 'Bullying: Don't suffer in silence', 2002; London: DfES; DCSF *Homophobic Bullying. Safe to Learn: Embedding anti-bullying work in schools* (Ref: DCSF-00668-2007), 2007; Written by Stonewall for the Department and Educational Action Challenging Homophobia (EACH).

³ The Conservative Party, *More Ball Games: The Childhood Review* (2008); Catholic Education Service statement re: Education & Skills Select Committee report on bullying (26th March 2007), Statement issued in response to the House of Commons Education and Skills Committee Third Report of Session 2006-07 on bullying: <http://www.cesew.org.uk/standardnews.asp?id=5254>; Church of England, *Frequently Asked Questions: Do CoE schools encourage homophobia?* (2010).

<http://www.cofe.anglican.org/info/education/faqcofeschools/#homophobia>

⁴ A. Diduck and F. Kaganas, 'Incomplete Citizens: Changing Images of Post-Separation Children', *Modern Law Review*, 67(6), 2004, 959-981, 981.

⁵ V. Walkerdine, 'Developmental psychology and the study of childhood' in M. J. Kehily (ed.), *An Introduction to Childhood Studies*, 2nd edn (Oxford: Oxford University Press, 2009), 112 - 123, p. 113.

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- ⁶ See further: D. Monk, ‘Problematizing home education: challenging “parental rights” and “socialisation”’, *Legal Studies*, 4, 2004, 568-598.
- ⁷ J. Bowlby, *Attachment and Loss. Volume 2 Separation: Anxiety and Anger* (Harmondsworth: Penguin, 1978; first published 1973 Hogarth Press and The Institute of Psycho-Analysis), p. 301
- ⁸ D. Monk, ‘Parental Responsibility and Education: Taking a Long View’, in R. Probert, S. Gilmore, J. Herring (eds), *Parental Responsibility* (Oxford, Hart, 2009), pp. 143-164.
- ⁹ D. Archard, ‘Can child abuse be defined?’ in M. King (ed.), *Moral Agendas for Children’s Welfare* (London: Routledge, 1999) 74 - 89, p. 75, p. 88.
- ¹⁰ DCSF/Stonewall *Homophobic Bullying. Safe to Learn: Embedding anti-bullying work in schools* (Ref: DCSF-00668-2007), 2007.
- ¹¹ I. Rivers, ‘Social exclusion, absenteeism and sexual minority youth’, *Support for Learning*, 15(1), 2000, 13-18; I. Warwick, R. Goodrich, P. Aggleton and E. Chase, ‘Homophobic bullying and schools – responding to the challenge’, *Youth and Policy*, 91, 2006, 59-73.
- ¹² Ibid.
- ¹³ P. Holland, *Picturing Childhood: The Myth of the Child in Popular Imagery* (London: I. B. Tauris & Co, 2004), p. 143 (emphasis added).
- ¹⁴ http://www.stonewall.org.uk/at_school/
- ¹⁵ V. Ellis, ‘Sexualities and Schooling in England After Section 28: Measuring and Managing “At-Risk” Identities’, *Journal of Gay and Lesbian Issues in Education* 4(3), 2007, 13-30, 23.

¹⁶ C. Piper, 'Historical Constructions of Childhood Innocence: Removing Sexuality' in E. Heinze (ed.), *Of Innocence and Autonomy: Children, Sex and Human Rights*, (Aldershot: Ashgate, 2000), p. 40.

¹⁷ For a definition of this term see L. Berlant and M. Warner in 'Sex in Public', *Critical Inquiry*, 24, 1998, 547, 548: '... 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'.

¹⁸ I. Rivers and H. Cowie, 'Bullying and Homophobia in UK Schools: A Perspective on Factors Affecting Resilience and Recovery', *Journal of Lesbian and Gay Issues in Education* 3(4), 2006, 11-43, 38. For a similar perspective from the US see: M. V. Blackburn, 'The Experiencing , Negotiation, Braking, and Remaking of Gender Rules and Regulations by Queer Youth', *Journal of Gay an Lesbian Issues in Education* 4(2), 2007, 33-54.

¹⁹ S. Munt, *Queer Attachments: The Cultural Politics of Shame* Aldershot: Ashgate, 2007), p. 95 (emphasis added).

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- ²⁰ T. Gill, *No Fear: Growing up in a risk averse society* (London: Calourse Gulbenkian Foundation, 2007).
- ²¹ S. Bruhm and N. Hurley (eds), *Curiouser: On the Queerness of Children* (Minneapolis: University of Minnesota Press, 2004), p. xiii.
- ²² J. D’Emilio, ‘Capitalism and Gay Identity’ in A. Snitow, C. Stansell and S. Thomson (eds), *Powers of Desire: The Politics of Sexuality*, pp. 100-113, p. 101; S. Braveman, *Queer Fictions of the Past* (Cambridge: Cambridge University Press, 1997), p. 26.
- ²³ L. Edelman, *No Future: Queer Theory and the Death Drive* (Durham, N.C.: Duke University Press, 2004), p. xiv.
- ²⁴ I. Rivers and H. Cowie, ‘Bullying and Homophobia in UK Schools: A Perspective on Factors Affecting Resilience and Recovery’, *Journal of Lesbian and Gay Issues in Education* 3(4), 2006, 11-43, p. 29.
- ²⁵ V. Walkerdine, ‘Developmental psychology and the study of childhood’ in M. J. Kehily (ed.) *An Introduction to Childhood Studies*, 2nd edn (Oxford: OUP, 2009), 112 - 123, p. 119.
- ²⁶ L. Duggan, ‘Beyond Gay Marriage’ *The Nation*, July 18th, 2005, available at: <http://www.thenation.com/article/beyond-gay-marriage>.
- ²⁷ C. Stychin, ‘Family Friendly? Rights, Responsibilities and Relationship Recognition’ in A. Diduck and K. O’Donovan (eds), *Feminist Perspectives on Family Law* (London: Routledge-Cavendish, 2006), 27-31, p. 30.
- ²⁸ V. Ellis, ‘Sexualities and Schooling in England After Section 28: Measuring and Managing “At-Risk” Identities’, *Journal of Gay and Lesbian Issues in Education* 4(3), 2007, 13-30, 23.

²⁹ I. Rivers, 'The Bullying of sexual minorities at school: its nature and long term correlates', *Educational and Child Psychology* 18(1), 2001, 33-46; I. Warwick, R. Goodrich, P. Aggleton and E. Chase, 'Homophobic bullying and schools – responding to the challenge', *Youth and Policy*, 91, 2006, 59-73.

³⁰ E. Sedgwick, 'How to Bring Up Your Kids Gay: The War on Effeminate Boys', *Social Text* 29, 1991, 18-27, 20. The coupling of sporting prowess with liberation is not new. Most striking is the extent to which it mirrors constructions of Jewish masculinity, see: D. Boyarin, *Unheroic Conduct: The Rise of Heterosexuality and the Invention of the Jewish Man* (Berkeley: University of California Press), 1997.

³¹ H. Reece, *Divorcing Responsibly* (Oxford: Hart, 2003), p. 217

³² I. Rivers and H. Cowie, 'Bullying and Homophobia in UK Schools: A Perspective on Factors Affecting Resilience and Recovery', *Journal of Lesbian and Gay Issues in Education* 3(4), 2006, 11-43.

³³ See for example M. Warner, 'Tongues Untied: Memories of a Pentacostal Boyhood' in S. Bruhm and N. Hurley (eds), *Curiouser: On the Queerness of Children* (Minneapolis: University of Minnesota Press, 2004), 215 – 224 and J. Esteban Muñoz, *Cruising Utopia* (New York: University of New York Press, 2009).

³⁴ Ibid.

³⁵ N. Sullivan, *A Critical Introduction to Queer Theory* (Edinburgh: Edinburgh University Press, 2003), p. 53.

³⁶ K. Lesnik-Oberstein and S. Thomson, 'What is Queer Theory Doing with the Child?', *Parallax* 8(1), 2002, 35-46, 36.

³⁷ N. Harris, 'Pupil Bullying, Mental Health and the Law in England' in N. Harris and P. Meredith (eds), *Education and Health: International Perspectives on Law and Policy* (Aldershot: Ashgate, 2005), 31 – 58.

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- ³⁸ C. Furniss, 'Bullying in schools: it's not a crime - is it?', *Education and the Law* 12(1), 2000, 9 – 29, 17, 24.
- ³⁹ N. Harris, 'Pupil Bullying, Mental Health and the Law in England' in N. Harris and P. Meredith (eds), *Education and Health: International Perspectives on Law and Policy* (Aldershot: Ashgate, 2005), 31 – 58, p. 57.
- ⁴⁰ A. Rutherford, 'Criminal Policy and the Eliminative Ideal' *Social Policy and Administration* 31(5), 1997, 116-135. Zygmunt Bauman expresses a similar concern through the concept of 'disposability' in, *Liquid Love* (Cambridge: Polity Press, 2003).
- ⁴¹ L. J. Moran, 'The Emotional Dimensions of Lesbian and Gay Demands for Hate Crime Reform', *McGill Law Journal*, 2004, 925-949, 925.
- ⁴² Ibid, 942.
- ⁴³ Ibid, 942.
- ⁴⁴ D. Monk, 'Reconstructing the head teacher: legal narratives and the politics of school exclusions', *Journal of Law and Society*, 32(3), 2005, 399-423.
- ⁴⁵ S. Munt, *Queer Attachments: The Cultural Politics of Shame* (Aldershot: Ashgate, 2007), p. 99.
- ⁴⁶ W. Brown, *States of Injury* (Princeton, Princeton University Press, 1995), p. xii.
- ⁴⁷ See J. Butler, *Excitable Speech: A Politics of the Performative* (New York: Routledge, 1998), pp. 129-33.