Deserving victims?: sexual status and the social construction of violence

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Abstract

Theoretical understanding of the meaning of the term violence is under-developed. This paper examines the question of how violence to the person is socially defined, and in particular how understandings of violence are both gendered and sexualised. It highlights how victim characteristics, as well as the social and interactional contexts in which violence occurs, influence interpretative frameworks, with specific reference to the binary distinction between the public and private and to notions of culpability and victimisation. This entails a consideration of the social meanings which constitute notions of a 'person' with a 'right to life' and occupation of 'public space.' The importance of the victim/perpetrator dichotomy in theorising violence is also considered. These themes and issues are examined in relation to a relatively new area of study; the case example of public violence towards lesbians and gay men.

Introduction

The question of how violence is socially defined has important implications for understanding the context in which violence is experienced and more or less 'tolerated' or rejected. This may have consequences for our understanding of the causes and prevention of violence. One of the deficiencies identified within the literature, however, is the undertheorised meaning of the term violence. This article examines the social construction of violence, in particular how understandings of violence are both gendered and sexualised. More specifically, it highlights how interpretations of violence to the person are connected to the binary distinction between the public and private, and to notions of culpability and victimisation.

Social definitions of violence revolve around culpability, victimisation and what is deemed socially appropriate behaviour in particular contexts. The perception of the likelihood of violence in various situational and interactional contexts renders victimisation marginal. In this way, we construct violence towards some individuals as more or less intelligible than others. As will be discussed later in the article, such different meanings suggest that some individuals are seen as more 'deserving' of violence and less deserving of victim status than are others on the basis of their 'behavioural responsibility' for risk avoidance.

A further concern of this article is how characteristics of the victim, as well as the circumstances in which violence occurs, influence understandings of violence; in particular the processes by which blame and responsibility are attributed to both the perpetrator *and* the victim. In looking at this question we can see how the notion of deservedness, the idea that to a greater or lesser extent a person 'deserves' the violence they experience, is not only related to understandings of the social contexts in which violence is thought likely to occur, but is also mediated through social characteristics of the victim. For the purposes of clarity these two aspects, the social context of violence and victim characteristics, will be examined separately, although it is recognised that in practice they are often inter-related. For example, as will be discussed in the following section, gender of the victim is significant in terms of expectations of 'behavioural responsibility' for avoiding social contexts commonly associated with the potential for violence.

Consideration of how we understand and explain violence differently in relation to *who* the victim is, rather than the circumstances in which the violence occurs, raises the question of the social recognition and worth accorded certain individuals or social groups and, related to this, the degree to which they are considered to have 'lives worth living' (Proctor, 1995). The concept of a 'mercy killing', for example, reflects the idea that under certain conditions ending someone's life can be understood as 'just'. Underlying the issue of how violence is socially defined and understood, therefore, are fundamental assumptions about humanity, in particular what constitutes a '*person*' with a '*right to life*'.

In the following discussion these themes and issues are examined in relation to the case example of public violence towards lesbians and gay men, in order to further elucidate the socially constructed meanings of violence. The discussion will address how such meanings are mediated by sexual status as a victim characteristic, in

particular through the effects on attributions of culpability and victimisation. It will also focus on what we have identified as the other key aspect of interpretative frameworks of violence, the social context of violence, through an examination of sexualised and gendered understandings of the public/private divide.

The focus on lesbians and gay men is extremely useful in highlighting how interpretations of violence are mediated through notions of culpability and victimisation. As a marginalised and stigmatised group within society, lesbians and gay men are unlikely to be construed as 'innocent' victims. On the contrary, the idea of the 'homosexual' as dangerous, a threat both to individuals they have contact with, especially children, and to national security and social order, has a long history (Edelman, 1992). As a consequence of this stereotyping of lesbians and gay men as a potential threat, their status of victim is problematic. Social responses to AIDS have demonstrated this extremely well. The dominant view in early accounts of AIDS was that gay men, along with other groups such as Black Africans, prostitutes and injecting drug users, were culpable for the spread of AIDS. The term 'innocent victims' was reserved for groups such as haemophiliacs, children with AIDS and those who had contracted HIV through blood transfusions (Patton, 1994). Analysis of the meanings attributed to violence towards lesbians and gay men, therefore, helps to make explicit the normative processes by which we define someone as an 'undeserving' or 'deserving' victim.

Another important reason for focusing on violence towards lesbians and gay men is that, as a relatively new area of study, the analysis of forms of violence which have previously gone unrecognised and/or undetected broadens our knowledge and understanding of violence. This may influence what is socially defined as violence and what may be rationalised as acceptable and unacceptable behaviour. Furthermore, in addition to addressing gaps in our knowledge and understanding, the value of analysing lesbians' and gay men's experience of violence is that it provides a particularly useful lens through which to critically examine what is a predominant feature of current literature relating to violence: the division of the social world into the public and the private. In particular, the dominant construction of homosexual relationships as 'properly' belonging to the private sphere, as institutionalised in British law,[1] raises interesting questions for current explanations of public violence. For this reason, the analysis will specifically focus on how violence towards lesbians and gay men in *public* settings is defined and interpreted.

First, however, there is a brief examination of the ways in which feminist researchers have drawn attention to the relationship between gender and understandings of violence. This is an issue which should be addressed, since we need to consider the intersections of gender and sexuality. In addition, we believe that such work provides a useful emergent framework for integrating sexuality into analyses and critiques of violence.

The social construction of violence

What constitutes a violent act? Although to some the answer to this question may seem self-evident, definitions of violence are problematic. In seeking an answer, one could resort to the power of the law to define the boundaries of unacceptable and acceptable violence, as well as what is recognised as violence. However, despite the fact that legal codes and practices have a certain authority, since they 'determine whether agencies such as the police, social services and courts of law are able to intervene or prosecute' (Maynard, 1993: 101), there are problems with such definitions of violence. Research by feminist writers in particular, has pointed out how legal definitions of violence, as well as those employed by professionals and researchers, may omit acts which many people understand and experience as violence (Kelly, 1988; Stanko, 1990; Maynard, 1993). Such work has critiqued the focus on violence in the public sphere within criminological research and government policy making, drawing attention to forms of violence that occur in private. In so doing, feminists have attempted to develop a much broader social definition of violence that encompasses a wide spectrum of behaviours which are not necessarily reflected in legal codes or 'expert' accounts. Liz Kelly (1988), for example, argues that 'commonsense' definitions of what constitutes violence reflect a focus on male behaviour that is considered to be a threat to public safety. Analysing accounts of what women experience as violence, based on in-depth interviews, Kelly argues that such definitions are inadequate in accounting for the 'continuum of violence' reported. This and other studies of women's experience of violence have shown not only the extent to which the threat or fear of violence is a part of many women's everyday lives, but also the complex range of activities which are included in definitions of violence (Hanmer and Saunders, 1984; Stanko, 1985; McNeill, 1987; Wise and Stanley, 1987).

In attempting to establish broader definitions of violence,

feminist perspectives have highlighted how socially constructed meanings of violence are mediated through the use of the public and private divide. The interrelationship between what is understood as public and private is extremely complex. As a normative ideal, however, the private sphere is associated with home, domesticity, care and 'safety', whereas risk of violence has traditionally been associated with public places (Duncan, 1996). Accordingly, it can be argued that this public/private dichotomy limits both definitions of violence and what may be regarded as unacceptable or acceptable behaviour. One example of the influence of the public/private divide on interpretative frameworks, is the response to domestic violence and sexual abuse of women and children within the home. Until relatively recently such forms of violence largely went socially unrecognised, remaining a private and hidden problem (Bell, 1993; Plummer, 1995; Maynard and Winn, 1997). In this way, the demarcation of the public and private as distinct spheres may allow or even legitimate the occurrence of violence in particular contexts.

This resistance to seeing the private space of the home as a place of violence is in contrast to the recognition given to violence occurring in public spaces. What this suggests is that violence is to some degree defined in relation to specific places and spaces: outside of these contexts it may be harder to make sense of events as violent. Even within the public sphere, which has traditionally been theorised as the primary site of violence, certain spaces and places are labelled as potentially more dangerous than others. For example, in one study of experiences of and the precautions used to avoid personal violence, 'safety' strategies commonly used in urban areas included avoiding dimly lit areas, bus stops and train stations, run down areas, and selecting parking spaces carefully (Stanko, 1990). The association of violence with different spaces and places is not necessarily static; there may be temporal limits to this process. Thus, some public places or areas may be construed as 'safe' during the day, yet potentially dangerous at night.

That temporal and spatial markers are part of what one might term 'commonsense' notions of violence, is further evidenced in the ways in which the context within which violent acts occur frequently shapes our responses to the victim. As Elizabeth Stanko states:

> If people frequent places that are known to be dangerous or they do not follow exactly the rules for precaution then we implicitly hold them responsible for whatever happens to them. (Stanko, 1990: 49)

This is a highly gendered process. Women are more likely than are men to be blamed for making themselves vulnerable to violence by being in the 'wrong' place at the 'wrong' time . This attribution of greater culpability can, in part, be explained in terms of the assumption that women are more likely to be at risk . Women commit far fewer serious and violent crimes than men and, related to this, are more likely to be seen as potential 'victims' of violence than are men (Newburn and Stanko, 1994). This is despite evidence from criminal surveys that men are commonly the victims as well as the perpetrators of serious interpersonal violence. What this illustrates is the importance of the victim/perpetrator binary in theorising violence, whereby individuals and social groups are positioned as either victims or as perpetrators.

In addition, it is also commonly assumed than women will be less able than men to protect themselves if they are attacked. As a consequence of this gendered construction of the concept of 'potential victim', there is a greater expectation on women to protect themselves from violent attack through modifying *their* behaviour in social contexts associated with risk of violence. This is reflected in common self blame among women who are victims of violence (Kelly, 1988), suggesting that such 'commonsense' notions play a powerful role in shaping the social reality of violence. Research has also documented how this extends to gendered understandings of perpetrator's actions, whereby the victims' behaviour may be perceived as a mitigating factor in 'justifying' various forms of male violence towards women (Dobash and Dobash, 1992; Godenzi, 1994).

As was pointed out in the introduction to the paper, understandings of violence are mediated not only through evaluations of victim status in terms of 'behavioural responsibility for risk', but also by the social characteristics of the victim. Although these two variables may be inter-related, as in the case described above where expectation of risk and responsibility are related to the victim's gender, they can operate independently. This is evidenced, for example, in situations where an individual is identified as a 'type of person' who is a 'legitimate target' for violence. The term 'hate crime' has been used to refer to violence motivated by hatred of a particular class or 'type' of people. Hate crimes have been defined as 'threats of violence, intimidation, property crimes, or crimes of violence motivated by prejudice.' (National Research Council, 1990: 121). Thus, for example, in racially motivated violence different skin colour may be enough to justify an attack (Willis, 1977). In addition to racist violence, the term 'hate crime' has also been used in relation to

homophobic violence (Messerschmidt, 1994; Toolis, 1995; Mason and Palmer, 1996). These are crimes of violence motivated by fear and hatred of sexual difference.

Sexual status and understandings of violence

Although feminist work has challenged the dominant criminological perspective in defining violence, making visible women's experience of especially non-stranger, private violence, and research has increasingly emphasised the importance of investigating racially-motivated violence, relatively little attention has been given to theorising violence directed against lesbians and gay men. That the marginalisation of such violence is not confined to 'mainstream' accounts but extends to feminist critiques is perhaps particularly suprising, given that sexuality as well as violence has been a primary focus of much feminist writing. Discussion of possible reasons for this are beyond the scope of this paper, however one explanation for the omission may be the emphasis on violence within the family as central to feminist work.

At the time of writing, there are no official reports or statistics on the occurrence of public violence towards lesbians and gay men in Britain. The British Crime Survey, for example, whilst it includes questions dealing with racial motivation for violence experienced, whether or not it has been reported to the police, does not enquire about homophobic motivation. Similarly, there has been relatively little research to date on how lesbians and gay men define and experience violence, in both public and private contexts.[2]

Nonetheless, high levels of victimisation have been reported by lesbians and gay men in UK survey studies that have been carried out. The Social and Community Planning Research study found that one in four respondents had been physically threatened or attacked (SCPR, 1995 reported in Mason and Palmer, 1996), whereas in a locally based survey of 178 lesbians and gay men in the Manchester area, 38% of men and 21% of women said they had been 'queer bashed' (Truman et al, 1994). However, the sample size in these surveys was relatively small. In a much larger national survey, over 4,000 lesbians and gay men were asked about their experiences of homophobic violence, harassment and verbal abuse. One in three gay men and one in four lesbians reported that they had experienced at least one violent attack in the last five years, mostly by unknown attackers in public places. Nearly one in three respondents

had experienced some form of harassment such as, for example, graffiti, vandalism, hate mail, threats or blackmail, and 73% had been verbally abused, in the last five years because of their sexuality. Higher levels of violence and harassment were reported by young people, Black, Asian and disabled respondents. In the case of violent attacks, for example, 48% of under eighteen year olds, 45% of Black respondents, 40% of Asian respondents, and 50% of disabled respondents said they had experienced homophobic violence compared with 32% overall (Mason and Palmer, 1996). Here it is important to recognise that constructions of 'race', sexuality, disability and gender are not separate from one another, but are informed by and inform each other (Bhavnani, 1997). Typically perpetrators of anti-gay violence are reported to be strangers, young and overwhelmingly male. However, some studies suggest that whilst gay men are primarily attacked by other men, alone or in groups, attacks on lesbians are carried out by both men and women (Comstock, 1991; Mason and Palmer, 1996).

Similar high levels of victimisation have been reported by lesbians and gay men in surveys carried out in the United States. In their comparison of thirteen major surveys of anti-gay violence, for instance, Herek and Berrill (1992) found that 80% of lesbians and gay men surveyed had been verbally harassed, 44% had been threatened with violence, 33% had been chased or followed, 25% had been pelted with objects and 19% were physically assaulted.

Similarities also exist in the social contexts in which violence towards lesbians and gay men occurs. The majority of violent attacks are carried out by unknown assailants in public places. However, gender differences exist in the geography of homophobic assaults (Valentine, 1996). Lesbians report more violent encounters in 'the street' than gay men, who appear to be more at risk of being attacked in the vicinity of gay venues, neighbourhoods, cruising areas or other public places where gay men are known to meet (Comstock, 1991; Berrill, 1992; Mason and Palmer, 1996). (In part, this may reflect the fact that there are more public spaces available to gay men therefore they are easier to 'target' in this way.) This suggests that far from being 'safe spaces' from the threat of violence and abuse, areas where lesbians but more especially gay men socialise, work and reside may be used to locate victims. It is in this sense that some writers refer to 'queer spaces' as 'hunting grounds' (Myslik 1996: 168).

This brief overview of the limited research on violence towards lesbians and gay men informs the discussion in the following sections. First, sexual status as a salient victim characteristic will be

considered in relation to normative ideas and beliefs about sexuality. Interwoven with this analysis will be the ways in which fundamental notions of 'personhood', 'humanity' and 'right-to-life' both inform and are informed by what is considered to be 'natural' and 'normal' sexuality. Second, and following on from this, we will examine the social contextualisation of homophobic violence.

Victim characteristics: personhood and the right to life

The term human is commonly used to refer to group membership based on biological criteria; the belonging to a particular species. The term 'person', whilst it is based upon the construction of being human, relates to notions of individuality and subjecthood; residing in our uniqueness, our separateness from others. This idea of the person has been conceptualised as grounded in human nature. As John Shotter describes, it represents the belief that 'human beings are born "naturally" as already individuals, possessing (also, "naturally") within themselves the "potential" for an authentic inner self, a potential which in itself owes nothing to society' (Shotter, 1993: 117). The social conditions of life are here seen as acting upon the expression of this natural, pregiven 'self' that is part of human biology. Thus, it is the inhuman conditions of life which are regarded as somehow repressing or preventing the expression of the authentic nature of human being, dehumanising us and the way we relate to each other as 'persons'.

In recent years, the concept of 'the person' has emerged as a contested term within social theory. In particular, the idea of people born with an inner potential for personhood rooted in their human biology has been challenged, giving rise to a different view. This view suggests that 'personhood', as well as our sense of ourselves and others as human, should be thought of as socially constructed. Rather than conceptualising the development of individuality as a process of discovering and becoming aware of our pregiven selves, identities and subjectivities are treated as 'inventions' which are (re)produced in the ongoing relations between people. We become 'persons', we become human, through the process of social interaction whereby the categorisations 'person' and 'human' are attributed to individuals (Shotter, 1993).

This is significant, for it suggests that as a socially constructed border some individuals or groups may be seen as at the margins of humanity and personhood, ie they occupy what David Sibley refers

to as a lower ranking in a socially constructed 'hierarchy of being' (Sibley, 1995: 14). This has been particularly evident in relation to the representation of colonised peoples, especially Australian Aborigines and African slaves, as well as other groups such as Jews and Gypsy communities. For example, in his analysis of the Nazi programme of racial hygiene and racial destruction during the 1930s and 1940s in Germany, Robert Proctor quotes a key spokesperson on 'the Jewish question', Eugen Fischer, as claiming that Jews were of 'such a mentality that one can only speak of inferiority and of beings of another species' (Proctor, 1995: 186).

The construction of some people as 'less than human' can be observed in relation to sexual as well as ethnic and racial minorities. In both instances, concepts of nature and disease have been identified as dominant themes in dehumanising and depersonalising processes of exclusion (Sibley, 1995). In the case of homosexuality, exclusions can be explained in terms of normative beliefs about sexuality, where sexuality is understood to be the basis for human identity, prior to other cultural and social affiliations (Kotz, 1993). That is, we commonly believe that sexuality is associated with human nature and this 'nature' is normally interpreted as heterosexuality (Richardson, 1996a). Thus, in the case of homosexuals, who are not a part of nature so defined, social exclusion is expressed via being constructed as abnormal and un-natural.

The naturalisation of heterosexuality not only serves to dehumanise lesbians and gay men, it also provides the context in which attributions of 'personhood' are established and understood. As Goffman has argued, to possess a 'discrediting characteristic' renders one vulnerable to a social devaluation process whereby the whole person is reduced to a tainted, discounted one (Goffman, 1990: 12). Historically, as noted above, lesbians and gay men have been defined primarily in terms of sexual pathology (Weeks, 1990). A person who is identified as 'homosexual' is therefore at risk of no longer being seen as a whole person, but in terms of a sexualised and stigmatised category which, in many if not all contexts, becomes all defining (Richardson, 1996a).

Such exclusionary practices have important implications for understandings of and responses to violence. (The social construction of murder, for example, is based on an assessment that a 'person', another 'human being', is killed.) For instance, dehumanising and depersonalising processes of exclusion can be observed in relation to legitimations of violence and attribution of victim status. The relegation of some individuals and groups to the borders of

human existence, often expressed in the representation of people as animals, is one way of rendering victimisation intelligible. The victim can be construed as more 'deserving' of violence than others – a 'legitimate target' of violence – which in turn can significantly influence assessments of the degree of culpability attributed to perpetrators. It is important to recognise that at its most extreme the idea of 'deserving victims' of violence raises the question: 'Should they live?'. That is, to put it a slightly different way, attributions of victim status are linked to notions of a 'right-to-life' and the idea of 'lives worth living' (Proctor, 1995).

The social construction of a 'person' normally implies a right-to-life. However, an individual may forfeit their right-to-life through her or his actions, for example by being found guilty of murdering someone in states where murder carries the death penalty. Their right-to-life may also be threatened or even denied them as a consequence of their marginal status as 'persons' who are a recognised and socially valued sector of humanity. This is clearly evident in analyses of state violence involving the destruction of certain groups of people in euthanasia and ethnic cleansing programmes, such as those witnessed recently after the collapse of former Yugoslavia as well as in Nazi Germany earlier this century. Unwanted ethnic minorities, in particular Germany's Jewish and Romani Gypsy populations, and those who were physically or mentally handicapped were not the only groups singled out for such programmes. Social historians documenting the Nazi destruction of 'lives not worth living' have in recent years pointed to the inclusion of homosexuals as a pathological and 'inferior' people (Proctor, 1995), resulting in the detention and extermination of thousands of lesbians and gay men (Grau, with Schoppmann, 1995).

The linking of concepts of right-to-life with a sexual ideology in which heterosexuality is both naturalised and normalised, can be observed in other contexts besides 'social-cleansing' attempts to eliminate homosexuals from society. It may, for instance, be institutionalised through laws which include the death penalty for homosexuality. In the past, under English law concerned with genital relations between men the maximum punishment for 'buggery' was death by various means: burying alive, burning at the stake and death by hanging (for a discussion see Moran, 1996). While in most countries capital punishment for 'homosexual offences' no longer exists, there are some exceptions. For example, in 1993 Iran's representative at the United Nations, Rajaie Khoransi, confirmed that people convicted of same-sex sexual activity four times could be

executed (War on Want, 1996). In many other parts of the world, state-sponsored and state-tolerated violence towards individuals because of their sexual identity and/or practices has resulted in lesbians and gay men being imprisoned and tortured (see Rosenbloom, 1996; War on Want, 1996, Amnesty, 1997).

The struggle to get lesbian and gay rights recognised as human rights reveals how the concept of human rights has historically developed in ways that have failed to recognise many of the abuses perpetrated against certain social groups (Rosenbloom 1996). This raises the question of whether such discourses serve not only to authorise which human rights claims are recognised as basic to humanity, but also to actively shape the social meaning and construction of what it means to be a 'person' who is recognised, to greater or lesser extent, as 'human' (Herman, 1994).

The history of the AIDS epidemic also demonstrates a lack of concern for the loss of gay and lesbian lives (Watney, 1991), with some Right-wing groups and individuals claiming in the early years, when AIDS was commonly perceived as a 'gay plague', that AIDS was a form of 'natural justice', deserving retribution for un-natural and immoral 'lifestyles' (Richardson, 1996b). As a social phenomenon, then, the 'homosexualising of AIDS' has served to articulate deep-seated views about 'the right-to-life' of lesbians and gay men. Indeed, Simon Watney has gone so far as to argue that the presentation of AIDS as a 'gay plague' can be seen as 'the viral projection of an unconscious desire to kill gay men.' (Watney, 1991: 171).

Finally, responses to recent scientific investigations of homosexuality provide further evidence for the argument that notions of right-to-life, and to social membership, are, fundamentally, heterosexualized. For instance, in the early 1990s a research study was published which suggested that brain structure, in particular the size of a small cell group in the hypothalamus, helps to determine whether a person is heterosexual, gay or bisexual (LeVay, 1991). The study attracted considerable media attention and stimulated public debate over how such scientific findings might be used, in particular to eliminate homosexuality. (For a critical discussion of the possible uses of such research see Le Vay, 1996.)

Similar reactions were evoked after the publication of a report two years later, which claimed to have discovered evidence of a gene sequence that predisposed males to become either heterosexual or gay (Hamer, 1993). In this case, debate focused on the possibility of developing genetic tests to try to assess a person's current or future sexual orientation. In addition to use in, for example, selection for

employment or insurance purposes, the possibility of applying such tests to foetuses has been raised (*The Guardian*, 7 December 1996). Behind such a suggestion is the belief that it may be possible to prevent 'homosexuals' from being born by aborting foetuses identified as having 'gay genes'. This is not the first time this has been suggested. In the late seventies media attention focused on causal explanations of homosexuality which asserted the importance of hormonal levels during foetal development (Dorner *et al.*, 1975); suggesting that it might be possible to prevent homosexuality by monitoring and, where necessary, injecting the predetermining hormones for heterosexuality or, failing that, to terminate the pregnancy.[3] In a similar vein, the history of attempts to 'cure' lesbians and gay men can also be understood as a form of social extermination; motivated by a desire to rid society of the 'disease' of homosexuality.

These debates about the nature of homosexuality and research into its alleged biological roots draw attention to the fact that the 'right-to-life', as well as ones 'personhood', as a lesbian or gay man can be questioned. As has already been outlined in the previous section, this can be observed at interpersonal as well as an institutional levels, in particular in 'hate crimes' of violence directed at lesbians and gay men. As one young man put it: 'My friends and I go "fag-hunting" around the neighbourhood. They should all be killed' (Weissman 1992: 173).

Such victimisation reflects, and serves to reaffirm, normative heterosexuality (Messerschmidt, 1994). That is to say, the view of lesbians and gay men as 'deserving victims' of violence and, connected to this, social definitions of homophobic violence as 'justified', derives at least in part from their attributed sexual status as inferior and immoral beings within a social order which privileges heterosexuality as 'natural' and 'normal'. This is compounded by the dominant construction of lesbians and gay men as social groups defined almost exclusively in terms of (same-sex) sexual desires and behaviours. As a consequence of this process of establishing 'homosexuals' as a sexually inscribed class, sexual status becomes a primary defining victim characteristic.

The social context of violence: public and private spheres

The public and the private have often been conceptualised as being independent and discrete: the public sphere appertaining to 'the objective, masculine and non-sexual, and the private sphere which is

assumed to be inherently feminine, concerned with privacy, and the sexual' (Carabine, 1996: 56). However, in recent years the idea of the 'public' has become a contested term within social theory; different theorists adopting different conceptions of the public as well as the private sphere. The distinction between the public and the private, the idea of two *separate* spheres, has also been challenged. Feminist writers in particular have played an important role in developing critiques of the private/public division, arguing that the separation of the public and the private is a patriarchal construction (Nicholson, 1984; Walby, 1990). Despite these trends, it is important to recognise 'the ideological and normative power' of the public/private divide (Cooper, 1993). For instance, it continues to exert enormous influence on major social institutions such as the law, education and the welfare state.

The public/private dichotomy is both gendered *and* sexualised. As Nancy Duncan (1996) puts it: 'This binary opposition is employed to legitimate oppression and dependence on the basis of gender; it has also been used to regulate sexuality' (Duncan, 1996: 128). A notion of privacy closely linked to sexuality, in conjunction with the fact that 'homosexuality' as a social category is defined primarily in sexual terms, helps to maintain the dominant construction of lesbian and gay relations as belonging to the private sphere. Thus, for example, the 1967 Sexual Offences Act legalised some male homosexual relations, those between consenting adults over the age of twenty one, on condition that they were conducted 'in private'.[4] One of the controlling effects of the introduction of this law, therefore, was to 'increase the 'privatisation' and moral 'segregation' of homosexuals' (Weeks, 1990: 275).

Such examples serve to highlight the idea of homosexuality as appropriate *only* in private spaces. They also expose a contradiction in the idea of the private sphere as the site of sexual relations. While lesbian and gay relations are expected to be conducted in private spaces, expressions of heterosexuality are everyday occurrences within the public arena. 'Heterosexuals kiss in public, they hold hands in public, they dance together in public, they flirt in public. They celebrate their relationships in public.' (Mason and Palmer, 1996: 76). This sexual double standard is based on the naturalisation of heterosexual norms in the public sphere. That is to say that, although the conceptualisation of the private/public binary has led to the public sphere generally being thought of as asexual, heterosexuality is inscribed in the public as the dominant ideology (Bell, 1995; Duncan, 1996; Valentine, 1996).

The institutionalised heterosexualisation of the public sphere has had important consequences for the regulation of lesbian and gay behaviour in public places and spaces (Bell, 1995). The vast majority of lesbians and gay men conceal their sexuality in public by avoiding public displays of affection, such as kissing or holding hands, and avoiding appearing gay in other ways. Although there are a number of reasons for this, fear of violence or harassment is a major factor. In a national survey, 25% of lesbian and gay men said they never kiss or hold hands with their partner in public, whilst another 55% reported that they sometimes avoid doing so, in order to avoid homophobic violence and harassment (Mason and Palmer, 1996). As one gay male respondent remarked: 'For me personally, the only place I feel totally safe is on the gay scene or in my own home. Although I don't let this bother me, I think this is at the back of nearly every gay or lesbian person's mind' (Mason and Palmer, 1996: 61).

In addition to being important in the social construction of the fear of violence and notions of safety, the assumption that homosexuality should be confined to private spaces frames understandings of actual violence. In particular, the demarcation of the public as heterosexual territory means that lesbians and gay men who 'trespass' may be blamed for making themselves vulnerable to violence by being in the 'wrong' spatial location. This echoes the gendered meanings of victimisation and culpability, as discussed in the first part of this paper. In this case, however, it is argued that the public/private divide serves to construct lesbians and gay men as 'deserving' or 'guilty' victims of public violence towards them. As has been noted previously, this could be seen to mitigate offenders' culpability and, in some contexts, may even allow acts of public violence to be construed as legitimate. This view is clearly evident in accounts of homophobically motivated attacks on lesbians and gay men. For example, in a recent case in England, on November 13th 1995, three young men attacked two gay men in Central Park, Plymouth, killing one and severely injuring the other. Soon after the attack vandals sprayed graffiti at the site where the attacks had taken place: 'No Queers Here. You Are Banned Or Face Death' (*The Pink Paper*, 17 November, 1995).

It is important to recognise that in many cases of violence towards lesbians and gay men the 'provocation' is not public displays of same sex desire, but rather the public labelling of someone as 'homosexual.' In these cases, it is the (assumed) identity of an individual which determines publicly expressed homosexuality and,

as such, is considered to be inappropriate in what is presumed to be 'heterosexual space'. As a consequence, a person may be attacked because they say they are lesbian or gay or because they look like 'one' (Valentine, 1996). Significantly, trying to avoiding looking 'obviously' gay and avoiding telling people that they are gay have been found to be common tactics used by lesbians and gay men in avoiding violence and harassment in public settings (Mason and Palmer, 1996).

It is the case, however, that demands for lesbian and gay rights, since the 1970s, have increasingly been about an equal rights in the public sphere and not merely the right to a privatised social existence (Tucker, 1995). Analyses of social and legal responses to such demands provide further evidence of the construction of lesbians and gay men as 'deserving' victims of violence. For example, Jackie Stacey, in her examination of governmental and media debates over section 28 of the Local Government Act 1988,[5] shows how lesbians and gay men are frequently constructed as a social group who if they do not 'keep themselves to themselves', have only themselves to blame for the consequences.

> By demanding 'rights' as an oppressed minority, by attempting to open up discussions about sexuality and by trying to challenge definitions of themselves as unacceptable or undesirable, lesbians and gay men were seen to be 'going too far' and thus 'asking for', and indeed 'deserving', any trouble which might come their way (Stacey, 1991).

The idea that the public existence of 'homosexuals' represents some form of provocation, which renders violence and harassment intelligible is evident in institutional as well as informal assessments of public violence. This is supported by the literature on homophobic violence, discussed earlier, which draws attention to the failure of the police to acknowledge the significance of recording 'sexual orientation' among the reasons which motivate attackers to abuse and kill, and the reluctance of the courts to impose harsh sentences on the perpetrators of such crimes (Tucker, 1995; Mason and Palmer, 1996; Minter, 1996).

In Britain this has been particularly evident in relation to homicide, where a 'homosexual panic' defence may be used. A homosexual panic defence is a defence which only applies on a charge of murder, and is a variation on the defence of provocation. If successful, it reduces the charge from murder, which carries a mandatory

life sentence, to manslaughter, where a sentence of five to seven years is typical. (In practice this means that most of those prosecuted serve three to five years.) Recent research has revealed the success of many pleas of provocation in homicide cases where the victim is gay (Toolis, 1995). Typically, in a defence of homosexual panic the accused seeks to establish that they were provoked by the victim making a 'homosexual advance', which caused them to lose control and attack them (Toolis, 1995). By claiming 'provocation' in this way the implication is that the perpetrator is somehow less culpable for what they did and therefore eligible for a lesser charge.

Such practices are evidence of the way in which certain forms of violence are 'normalised',[6] in this case through sexualised constructions of the right to safely occupy public space. This is further underlined when one considers the likelihood of the criminal justice system accepting a defence of 'heterosexual panic' in the case of a woman claiming that she was provoked into killing a male victim as a result of his allegedly making an unwanted sexual advance.

Conclusion

In this paper we have outlined how the characteristics of the victim, as well as the social and interactional contexts in which violence occurs, are important factors in the social construction of violence. In particular, it is argued that not only are notions of victim status gendered, as feminist research has previously outlined, they are also sexualised, which has implications for the attribution of culpability in both the perpetrator and the victim. This account also focuses on how the public/private divide influences constructions and rationalisations of violence. This is examined in relation to the connection between the public/private binary and the institutionalisation of heterosexuality. More specifically, we have highlighted some of the ways in which the assumption that homosexuality should be confined to the private sphere, frames understandings of the fear of, and actual violence towards, lesbians and gay men in the public sphere. In addition to addressing these questions, it is recognised that there is a need to consider the wider social consequences of recognising sexual status, and its relationship to the public/private divide, as important in how violence is socially defined. This is relevant not only in terms of lesbians and gay men who seek legal redress for the violence that they encounter, but also, more broadly, at the level of the production of social conditions which contribute

to the public construction of lesbians and gay men as somehow 'deserving' of anti-lesbian and anti-gay practices, including violence to the person.

What are the research implications of taking account of these themes and issues? The extent of research-based knowledge varies between different forms of violence; 'some are grossly under-studied and under-theorised, while others are sufficiently developed to warrant further research' (ESRC, 1996: 3). What has been highlighted in this article is the relative neglect of research which addresses social divisions based on sexualities and the urgent need for information on the occurrence and experience of homophobic violence and harassment, as well as for policy analysis in this area. This could be pursued through in-depth studies which aim to increase understandings of the meanings to homophobic violence for both victims *and* perpetrators. In this way, such research would help to identify possible narratives of violence which both encourage as well as discourage violence to the person. Additionally, there has been little research which has attempted to evaluate community responses to such forms of violence. A comprehensive study focusing on how violence is systematically and routinely negotiated by those who identify as lesbian or gay would provide valuable information on the impact of homophobic violence on people's everyday lives and identities. What are the self-imposed sanctions and prohibitions utilised in negotiating risky social interactions or situations in relation to both self and others? Do individuals from different social groups use similar or different sanctions and/or prohibitions in different contexts? At another level, studies of violence directed at specific social groups – in this case lesbians and gay men – could usefully examine the costs to social integration and cohesion. Finally, as we have made clear in this article, there is a need to evaluate institutional responses to homophobic violence, both at the level of official reporting and in terms of research aimed at promoting policy development which will assist in its detection and prevention.

The focus in this article has been on the case example of public violence towards lesbians and gay men. The issues that it raises, however, demand that we consider the implications for understanding forms of violence to other individuals and social groups. An examination of literature in the area of violence to the person reveals that definitions of violence are problematic; informed by socially and culturally derived definitions of culpability and victimisation. This suggests a need for future research to identify the social and interactional contexts in which acts are defined or experienced as violent,

rather than focusing exclusively on stereotyped and/or pathologised groups and individuals. This general theme of examining the nature and explanations of violence could be pursued through studies focusing on situational and contextual aspects of violent acts, as well as research focused on neglected victims of violence.

Such examinations would contribute to further conceptual development and analyses of the experience and meaning of violence, in particular within feminist theory. As acknowledged earlier, there are important parallels with feminist work, which informs this paper, but there are also some critical differences in emphasis. Feminist research on violence has also been concerned with how socially constructed meanings of violence are mediated through the use of the public/private binary. In addition, there has been a focus within such work on investigating forms of violence that have previously gone unrecognised. However, whereas a dominant emphasis in feminist accounts has been on analysing violence within domestic and private spheres,[7] the primary purpose here is to examine how the public/private divide is significant in certain forms of public violence going unrecognised. This paper therefore raises important questions concerning how the public and the private are theorised and used as concepts and social definitions of space and place.

As we have argued, gendered and sexualised notions of both spaces and places, as well as victims and perpetrators, serve to 'normalise' certain forms of violence. This process of normalisation has important implications for assessments of the intelligibility of violence, based upon interpretations of both victimisation and culpability (May, 1997). Social and cultural norms of violence provide an interpretative framework for understanding and evaluating violent episodes. Those forms of violence which are 'normalised' are more intelligible, within the boundaries of what one might term 'acceptable' violence. Other forms of violence, which are transgressive of social norms, are less meaningful and may be more likely to attract social approbation. This can be observed in the different meanings attached to homicide carried out by children such as, for example, in the Bulger case[8] which provoked a public outcry, compared to homicide carried out by an adult man. Whereas violence is to some extent 'normalised' for young men (Maynard and Winn, 1997), the dominant status for young children is 'innocent victim' rather than guilty perpetrator. A child who commits a homicide transgresses these conceptual boundaries and social norms of violence. Analyses of responses to women who commit violent crime further substantiates this argument. Women who kill, for instance, are often

described as 'doubly deviant', particularly in relation to violence carried out towards strangers in public places (Winn, 1998).

Finally, it is important to consider how social norms of violence structure lesbian and gay men's 'right to justice.' Marshall described civil citizenship as being related to individual freedom, including liberty of the person and the 'right to justice' (Marshall, 1950). For women, it is recognised that the right to justice from male violence is 'not fully secured' (Walby, 1994: 388). A further related question, which has rarely been explored, is how access to such rights of citizenship are sexualised as well as gendered. It can be argued that lesbians and gay men do not have full access to the right to justice in that they do not have the right to be free from violence towards them by those who would deny them personhood and a right to existence, more particularly in the (heterosexualised) public sphere. Most governments are complicit in the violence faced by women and men because they have a lesbian or gay identity/relationship, indeed very few have specifically outlawed discrimination on the basis of 'sexual orientation'. If forms of abuse and violence, at least in certain contexts, are seen as 'normal' and understandable, in terms of the conditions of a publicly restricted homosexual citizenship, it is far more difficult to argue for protection in law. On the contrary, it can be argued that through its laws and social policies the state encourages a cultural context which both reinforces and reproduces the public construction of lesbians and gay men as, to a greater or lesser extent, 'deserving' victims of violence.

Notes

1. The 1967 Sexual Offences Act decriminalised consensual sexual acts between men over the age of 21 in private.
2. This paper is concerned with violence in the public sphere. There is a similar lack of literature on violence towards lesbians and gay men in the private sphere, although the subject of domestic violence in lesbian and gay relationships has begun to be addressed more recently (see, for example, Lobel, 1986; Renzetti, 1992).
3. For a discussion of Dorner's work see Richardson, 1981. For a critique of LeVay and Hamer's research see Byne, 1995; Doell, 1995.
4. In 1994, the 1967 Act was reformed and the legal age of consent for sexual relations between two men reduced from twenty one to eighteen years of age.
5. Section 28 of the 1988 Local Government Act outlawed, amongst other things, the 'promotion' of homosexuality in local authority schools.

6. Many men who kill their wives or female partners resort to the defence of 'provocation', most commonly on the grounds that the woman was unfaithful or had nagged them. The relative success of such defences, as analyses of such cases has revealed (McNeill, 1996), is further evidence of the way in which certain forms of violence are 'normalised'.

7. We are not suggesting that feminist work has ignored violence in the public sphere, analyses of sexual harassment in the workplace and understandings of rape are examples of this. Rather, we seek to recognise that in addressing issues of violence the primary matrix through which women's experience of violence has been explored and understood is within the 'private' sphere.

8. In 1993, Robert Thompson and Jon Venables, both under twelve years of age, were convicted of murdering two-year old Jamie Bulger. For a discussion see Jackson (1995).

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