

Queer Youth Literature Within the Context of the Evolving Recognition of Human Rights

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Abstract

While law and literature written for adults is a long-established field, there is a paucity of research focusing on texts written for young people. Even more so, however, is a dearth in research on texts with queer characters and how those texts connect with the latter. My work aims to understand the relationship between law and youth literature's representations of queer identities. This article provides a literature review of these emerging areas, connecting them with debates surrounding Section 28 legislation in the UK, a law that was spurred by queer children's literature and which effectively silenced queer identities in schools and libraries across the UK. Finally, this article offers possible pathways forward.

Introduction

1 The interface of law and literature – that is, the comparison of “literary and legal texts for the insights each provides into the other” (Rockwood 533) – is by now a well-established field¹. Until recently, however, it has largely been confined to the realm of adult literature, leaving texts written for young people relatively unexplored (Manderson 12-13; Saguisag & Prickett viii; Todres & Higinbotham, 2013, 2015). This paucity of research exists despite the fact that youth literature, which includes picture books, middle-grade novels, and young adult (or YA) novels,² is “an essential site for the emergence of particular understandings of law” (Manderson 7) and a greater sense of right and wrong. Jonathan Todres and Sarah Higinbotham (2015), two leading researchers in this area, note that “children’s rights are still marginalized in mainstream academic legal circles... Similarly, although the books children read and have read to them are a central part of their childhood experience, so too has children’s literature been ignored as a rights-bearing discourse and a means of civic socialization” (1).

2 In the following essay, I explore the development of this field and discuss my work to extend current conversations on law and queer³ literature, with a focus on youth literature. I first discuss a general history how the field has evolved, including work that frames youth literature as a source of law and as a reflection of law. I then discuss youth literature within the

1 The emergence of the field can be traced back to *The Legal Imagination: Studies in the Nature of Legal Thought and Expression* (1973) by James Boyd White. Other seminal works include *Doing What Comes Naturally: Change, Rhetoric, and the Practice of Theory in Literary and Legal Studies* (1989) by Stanley Fish; and *Law and Literature* (1995) by Ian Ward. For early work surveying the use of literature in law schools, see Elizabeth Gemmette (1989, 1995).

2 I use the terms “youth literature” and “children’s literature” alternatively throughout this essay to refer to this range of books collectively.

3 I use the term ‘queer’ as an umbrella term intended to be inclusive of the full spectrum of gender and sexual identities, including but not limited to lesbian, gay, bisexual, transgender, aromantic and non-binary identities.

context of human rights issues and debates today and, finally, conclude by offering possible pathways forward.

Youth Literature: as a Source of Law

3 Following the 2015 call of Todres and Higinbotham for further research in this area, *The Lion and the Unicorn*, one of the leading journals in the field of children's literature, devoted a special issue in 2016 to youth literature and the rights of children. Edited by Lara Saguisag and Matthew Prickett, the issue aimed to "investigate and interrogate children's literature in light of children's rights discourses... as well as demonstrate how children's rights can enhance and complicate critical studies of children's texts" (v). Their goal, as the editors write, was to lay "the groundwork for new, vibrant perspectives" (v) by identifying intersections of children's rights and literature (viii).

4 The language used by the journal editors suggests that the exploration of such intersections is new; however, similar investigations have been called for since at least the 1970s. In 1977, for example, Marc Soriano identified children's literature as providing young readers with "a clearer awareness of their rights and those of others" (208). Similarly, Ian Ward (1995) argued that children's literature, where "[t]he good and bad are clearly determined, the order-anarchy contrast is always sharp and there is an immanent justice present", is jurisprudence (116). The texts analysed by Ward included *The Tales of Beatrix Potter*, *Alice's Adventures in Wonderland*, *The Hunting of the Snark*, and *The Jungle Books*. In 2003, Desmond Manderson called for further exploration of "children's texts as performing particular jurisprudential work" (13), arguing that children's literature is "an essential site for the emergence of particular understandings of law" (7).

5 In a similar vein, Manderson (2013) also focuses on texts as tools through which young people learn about their own rights, calling for further exploration of "children's texts as performing particular jurisprudential work" (13). Like Ward, Manderson argues that children's literature asks readers to make choices that affect others (65) and to understand the responsibility one has toward other members of society. In doing so, children's literature orients the child reader "to the meaning and purpose of law and the function of the civilized citizen in relation to it" (65). To demonstrate his conclusions, Manderson analysed Sendak's *Where the Wild Things Are* as, in part, "a way of constituting a specific form of legal subjectivity in children" (18).

6 An early contribution to this area also includes the work of Lana A. Whited and M. Katherine Grimes (2004), who demonstrate how *Harry Potter* reflects Kohlberg's work on

children's moral development in six stages: punishment and obedience; instrumental exchange; interpersonal conformity; social system and conscience maintenance; prior rights and social contract; and universal ethical principles (185).⁴ For example, during the punishment and obedience stage, "young children learn to do what adults and older children want them to do in order to avoid punishment" (185). Whited and Grimes use this stage to interrogate *Harry Potter and the Sorcerer's Stone*⁵, such as when, for example, "Harry intimidates Malfoy into" returning the remembrall Malfoy had stolen from Longbottom (185). Another example is Dudley, who, instead of learning to share, is gluttonous and remains concerned only with himself (186).

7 Others have taken up fairy tales as jurisprudential texts. Katherine Roberts (2001) argues that "fairy tales are 'legal' because they seek to internalize norms of good behaviour in readers and concern themselves with the legitimacy of violent punishments" (499). Kimberly J. Pierson (1998) takes this one step further by exploring the concept of revenge in the Brothers Grimm's fairy tales. Citing Richard Posner, an early pioneer in the law and literature movement, Pierson argues that revenge is both an alternative form of justice and "a manifestation of private law or justice" (4). Her concern is "with those insights into the legal justice system that can be provided from modern and traditional fairy tale literature" (6), and she argues that fairy tales, as "teaching tools" (9), "are frequently a child's first exposure to rules, laws, and punishments" (8). The texts analysed by her include *Rumpelstiltskin*, *Bluebeard*, and *Little Red Riding Hood*. She concludes that understanding revenge in these and other tales "can be a crucial step in the evaluation of the principles of law governing today's society", positing revenge as "one of the dangers of an ineffectual justice system" (32).

Youth Literature: as a Mirror of Law

8 As is clear in the examples discussed so far, exploration of fictional legal worlds has tended to centre on just a handful of texts, including *Harry Potter*, *Alice in Wonderland*, and fairy tales (just as the work on literature as jurisprudence does). The Texas Wesleyan Law Review, for example, devoted an entire issue to *Harry Potter* and the law (see Thomas, Smith, Wright, and Barton, 2005), while Paul R. Joseph and Lynn E. Wolf (2003) explore "not only a world of magic but one of politics, social institutions, and law" in *Harry Potter* (194). Joseph

4 See also Marc Soriano (1977), who identifies five stages of development he considers relevant to children's literature and rights: the mirror stage; the Oedipus complex stage; the latency period; pre-puberty; and adolescence (216-217).

5 *Harry Potter and the Philosopher's Stone* was published in the USA as *Harry Potter and the Sorcerer's Stone*.

and Wolf find the world to be largely a negative one when it comes to the law, describing the Ministry of Magic as an “unelected bureaucracy” that is “heavy-handed, corrupt, and incompetent” (195). For example, while the Ministry conducts raids on homes believed to contain Muggle artefacts, Arthur Weasley, who conducts such raids, is himself a collector of banned items (195). A bleaker example is found in the Dementors, who drive prisoners mad, calling into question when punishment becomes torture (and, presumably, illegal) (197). The authors argue that “*Harry Potter* reminds us, through their absence, what lawyers do and why they are important” (201). This is a bridge – albeit a small one – connecting the authors’ analyses with the real world, and their conclusion attempts to cement the connection by suggesting that “*Harry Potter* gives us an example of an inadequate legal system” (202).

9 William P. MacNeil (2002) also explores the inner legal world of the *Harry Potter* book series.⁶ Similar to Joseph and Wolf, MacNeil’s work considers such matters as elf rights advocacy and trials by jury. He also considers the pensieve’s “vision of judgement” and centres his analysis on *Harry Potter and the Goblet of Fire*, a book he describes as “a minor classic of the law-and-literature movement” (546). In doing so, MacNeil connects the imaginary legal realm with the real-world litigation faced by J. K. Rowling, such as a lawsuit for trademark and copyright infringement over the word “muggles” (558); however, he offers little substantive analysis in this regard.

10 Shifting beyond *Harry Potter*, Mary Liston’s (2009) work is concerned with “the social imaginary of the rule of law” (42) in *Alice’s Adventures in Wonderland, Through the Looking Glass*, and *The Phantom Tollbooth*. A primary contribution of her examination is the connection of how imaginary law within texts presents legal order to children and even “the adult reader” (43). Liston frames her work in contrast to the notion that literature itself is a source of law (44; see also Manderson, 2003), focusing instead on the ways in which children’s literature “engage[s] the political and legal imaginary of readers in order to illuminate aspects of the rule of law” (44). Specifically, she argues that

Alice in Wonderland reveals the mistake of understanding law solely as the ‘rules of the game’ within a regime characterized by absolute sovereignty. *The Phantom Tollbooth* discloses the dangers of valuing order and stability over responsive regulation. And, *Order of Phoenix* illustrates how we can lose responsible rule when governments sacrifice their commitment to lawfulness, democratic accountability, and human rights (46)

⁶ See also his discussion and analysis of the legal world in the television series *Buffy the Vampire Slayer* (2003).

Such arguments, in focusing on the “flaws and weaknesses” in the structure of law (45), position the fictional worlds not as a source of law but as perhaps a mirror of law in the real world.

Queer Rights and Literature

11 Given the narrow focuses within law and youth literature so far, it is perhaps unsurprising that there remains little work published on texts written specifically for young people who identify as queer.⁷ Understanding how queer young people perceive or absorb their human rights from texts, and how those texts represent queer human rights, is, however, timely and even vital. For example, a school in Birmingham, England, initiated a programme called “No Outsiders”, part of which involved “sex and relationship education lessons” intended to teach about the UK’s Equality Act (Parveen, 31 January 2019, n.p.). It was “the first of its kind to systematically investigate ways to address gender and sexuality diversity in primary schools” (DePalma 842). Because of that focus, however, “about 600 Muslim children, aged between four and 11, were withdrawn from the school” in protest (Parveen, 14 March 2019, n.p.).

12 These matters affect not only education policies but also the lives of students themselves, and the importance of supporting queer students in particular cannot be understated. While all students require support, queer students in particular are threatened, harassed, and physically attacked at school, in the home, and/or on social media because of their actual or perceived sexual or gender identity (Horn et al. 792; Katz-Wise et al.; I. Meyer; I. H. Meyer; Muižnieks, 2016). Abuse and harassment come not only from fellow students but also teachers, counsellors, and administrators – “the very people whose role it is to ensure that the learning environment is safe and supportive” (Horn et al. 792).

13 In Scotland specifically, where much of my work takes place, Stonewall, a national charity that focuses on queer equality, published its 2017 report on the experiences of ‘LGBT’ (these are the initialisms used in the study) young people in Britain (Bradlow, Bartram, Guasp, & Jadvā, 2017). The report reveals that nine in ten trans students, and seven in ten of LGB students, have thought about ending their life (for the general population, one in four have had similar thoughts). More than four in five trans young people, and three in five LGB young people, have self-harmed. More than two in five (45%) of trans young people, while one in five (22%) of LGB young people, have actually ended their lives. Contributing factors included

⁷ I use the term ‘queer’ as an umbrella term intended to be inclusive of the full spectrum of gender and sexual identities, including but not limited to lesbian, gay, bisexual, transgender, aromantic, non-binary, and so on.

school bullying, disinterested teachers and intolerant school environments, and worry about being placed with homophobic people in university accommodation. For many such students, matters are even more bleak because they are isolated at home, unable to talk about their problems due to intolerant families, churches, and “friends” (35). One young person, for example, reported that her “mum said she’d rather kill herself than have a gay son” (35). Stonewall’s report makes clear that the situation for queer students is dire and often tragic, and it reaffirms the need to understand the perceptions of teachers who, quite clearly, have a direct impact on whether queer students see life as even worth living.

14 Children’s literature has, of course, a decisive role to play in schools and in supporting the lives of queer students. As Francis Ann Day (2000) notes, “books can play an important role in helping young [queer] people survive the life-threatening circumstances in which they find themselves... One way to provide hope to these isolated youngsters is to share compassionate books that deal honestly with the very issues with which they are grappling” (xviii). Literature has arguably an even more essential role in the lives of queer people, especially if they have no one else to turn to for help or for answers. For example, in one particular study, participants reported using various media sources, including fiction, to avoid isolation and to find people, even if fictional, that they could relate to and learn from (Kivel & Kleiber 2000).

15 Youth literature may thus offer hope to young people by providing access to identities they might not otherwise encounter, allowing them “to engage with different roles at an imaginative level” (Hopper 114). As Sarah Hamilton (2005) notes, youth literature “provides an alternative method of social education” (79), including “the development... of legal consciousness” (114). My research is motivated, in part, by whether or not queer students are denied access to the very literature that could help them, and the perceptions that teachers have of that literature, given they are often the gatekeepers of what is and is not read by young people.

Studies on Queer Youth Literature

16 While there are no published analyses of, and no fieldwork involving, children’s literature and queer rights specifically, the study of queer children’s literature itself has continued to garner more and more attention, especially since the turn of the century. Among the more significant texts in this area is *The Heart Has Its Reasons: Young Adult Literature with Gay/Lesbian/Queer Content, 1969–2004* by Christine A. Jenkins and Michael Cart (2006). This text was expanded and updated as a volume called *Representing the Rainbow in*

Young Adult Literature: LGBTQ+ Content since 1969, which begins with a discussion of adult LGBTQ+ fiction from the 1940s and 1950s and moves through subsequent decades by considering titles the authors judge to be “remarkable either for their excellence or for their failures” (xiii) in portraying queer experiences. The discussion of these experiences, however, largely ignores human rights. Another significant text is *Are the Kids All Right? The Representation of LGBTQ Characters in Children’s and Young Adult Lit* by B. J. Epstein (2013), a survey of English-language children’s literature with queer characters. Its scope is wider than *Representing the Rainbow*, with a focus that includes picture books, middle grade books, and young adult novels. While *Are the Kids All Right?* is interested in how queer characters are portrayed and the information that the literature provides for young readers, a focus specifically on human rights and how those rights are conveyed is not included.

Queer(ing) Literature in the Classroom

17 Studies on queer children’s literature in the classroom tend to focus on how the literature can be used to challenge heteronormativity. Renée DePalma (2014), for example, examines the “No Outsiders” project and its pack of 27 children’s books that explore diversity in gender and sexuality. DePalma is interested in not only what kinds of literature to use but also how to use texts to “productively challenge prevailing heteronormative school discourses” (842). In US classrooms specifically, Caitlin Ryan and Jill Hermann-Wilmarth (2013) use a queer lens to read literature in elementary school classrooms. Their interest was in exploring how “classroom communities can engage books already on the bookshelves of elementary school libraries and classrooms to tease out and discuss experiences and subjectivities that been considered inappropriate for school, including issues of sexuality and gender identity” (144).

18 April Sanders and Janelle Mathis (2013) argue that “[c]lassroom discussions should not avoid topics related to the LGBT characters or themes in texts” and further argue that to avoid such discussions is to silence diversity, which reinforces heteronormative constructions and the notion that queer identities should be kept hidden (n.p.). Positing that, in classroom texts, queer “themes must be so deeply embedded in the development of the story that teachers would not even have an option to practice heteronormativity,” they examine literature to determine the nature of those themes. Per their findings, the themes include coming out; tolerance and acceptance; homophobia; decisions (such as how to come out, whether to confront prejudice, etc.); acceptance; family inclusion; stereotypes; and demonstrating normalcy (such as a happy and content disposition of a child who has queer parents). In their conclusion, the authors call for more research on student responses and reactions to queer texts.

19 Mollie Blackburn et al. (2015) conducted a study of queer youth literature with students and teachers in an out-of-school reading group. Such a study no doubt provides the opportunity to answer the call of Sanders and Mathis in exploring student responses to queer texts (and thus extend the work of Todres and Higinbotham). The focus of their work, however, is on the textual analysis of 24 texts, for which the reading group discussions served as mere background. Their ultimate aim was to “provide guidance, techniques, and even impetus” for teachers to use queer texts in classrooms “without unintentionally reinforcing heteronormativity” (Blackburn et al. 44).

20 Most recently, and touching on my own area of analysis, Catherine Lee (2019) compared the perceptions of LGBT+ teachers who experienced Section 28 with LGBT+ teachers who entered the profession after the repeal of Section 28. Section 28 was a UK law that ‘prohibited’ the promotion of homosexuality by local authorities. Specifically, it read in part:

- (1) A local authority shall not -
 - (a) intentionally promote homosexuality or publish material with the intention of promoting homosexuality;
 - (b) promote the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship.

Even though Section 28 regulated local authorities and not teachers specifically, the law had the effect of silencing many LGBT+ teachers during its lifetime. Lee found in her 2019 study that teachers who had experienced Section 28 were, even today, “less open about their sexuality, unlikely to engage in the school community with their partner and more likely to see their teacher and sexual identities as incompatible” (2).

Youth Literature: in the Context of Human Rights

21 Instead of focusing on children’s literature as a source of law or on the legal imagination within children’s literature, my work aims to understand the relationship between law and youth literature’s representations of queer identities. In other words, I seek to correlate real-world legal systems and legislation with fictional worlds. To accomplish this, I focus on a specific instance of the role of children’s literature within law itself: the British parliamentary debates on enacting Section 28.

22 The 1980s, when Section 28 was passed, was a time when discrimination against queer people first “began to be extensively documented, one reason for which was the increasing number of queer organisations, including the Campaign for Homosexual Equality; London’s

Lesbian and Gay Employment Rights Group, and the Gay London Police Monitoring Group” (31). In 1984, the European Parliament even “adopted a resolution urging the member states of the European Community to end discrimination against homosexuals” (McManus 102).

23 But while certain advancements were being made, the 1980s also saw the rise of the AIDS crisis (see Hallsor; and Gallo), which the media referred to as “the gay plague” and “gay cancer” (Clews 232; Hallsor 59; Berridge 180; Weeks 244; Epstein 3–4). As the epidemic grew, fears soon turned towards AIDS spreading to the general population (Berridge 180; Weeks 246). In fact, a newspaper poll taken in 1986 found that 56% of respondents believed people with AIDS should be sterilized, with 24.5% believing they should be kept in isolated camps (Haste 276). In a 1987 survey, nearly two-thirds said that homosexual activity was “always wrong” and an additional 11% viewed it as ‘mostly wrong’ (Park et al. 2013).

24 The general public’s changing attitudes accompanied the rise of the New Right and its opposition to lesbian and gay identities (Smith; see also Berridge 179; Weeks 238; and Wise, para. 3.10; Epstein 2–3). In 1984, for example, the UK government conducted a raid and seizure of books from Gay’s the Word Bookshop in London, eventually making charges of importing obscene literature, charges that were later withdrawn (McManus 103; Weeks 238). In 1986, Tory Baroness Cox introduced a debate on “the case for avoiding the politicisation of education,” attacking both the Greater London Council and Inner-London Education Authority (ILEA) and “denounc[ing] material about gay rights as ‘essentially anti-heterosexual’” (as cited in McManus 109).

25 In 1987, Margaret Thatcher won her third election victory and claimed at a party conference that “[c]hildren who need to be taught to respect traditional moral values are being taught that they have an inalienable right to be gay” (Weeks 239). According to Jeffrey Weeks, Thatcher’s statement was targeted at Labour-controlled local authorities (239), such as the Greater London Council, whose 1985 charter declared that “[l]esbian and gay pupils and students should see reflected in the curriculum the richness and diversity of homosexual experience and not just negative images” (as cited in Weeks 239).

26 Section 28 was an effort to “clamp down” on the advances of lesbian and gay people and to reassert the “compromise” of the Sexual Offences Act 1967⁸ (Weeks 241). Its oft-cited spark was the English version of the Danish picture book *Jenny Lives with Eric and Martin* by

8 The Sexual Offences Act 1967 (the 1967 Act) decriminalised homosexual acts between two men, as long as those acts occurred in private (that is, not in public and with no one but those two men present) between two men, both of whom were at least 21 years old. This Act applied only to England and Wales; a similar act in was passed in Scotland in 1980 and in Northern Ireland in 1982.

Susanne Bösche (Colvin & Hawksley 2; Elliott & Humphries 227). Published by the Gay Men's Press, the book is about a young girl living with her father and his male partner. In 1986, the Daily Mail, a British newspaper, learned that a copy was kept in a local authority library in London. As Colvin et al. (1989) note, that one copy was not available to children: it was instead kept in a 'teachers' resource centre' with controlled access (see also Elliott & Humphries 2017). Nevertheless, the Daily Mail published propaganda that local councils were promoting homosexuality to children at taxpayer expense.

27 Given the British public's attitude toward homosexuality (see the surveys cited above) the uproar that ensued is perhaps unsurprising. And soon other texts for young people were dragged into the limelight of the debate.⁹ Another book which prominently featured in the campaign was *Young, Gay and Proud*, a 1980 collection of essays edited by Sasha Alyson. That book was said to have "been advertised on a notice board in a school run by the Labour-led ILEA [Inner London Education Authority]" (McManus 138). In the 1987 election campaign, the Conservative Party issued posters with the claim that the Labour Party wanted *Young, Gay and Proud* and another book, this one called *The Playbook for Kids about Sex* (1980) by Joani Blank, to be read in schools (Sanders and Spraggs 93).

28 In the parliamentary debates on whether to enact Section 28, Jill Knight, a Conservative MP, claimed these books were being taught to "little children as young as [f]ive and six" and that they contained "brightly coloured pictures of little stick men show[ing] all about homosexuality and how it was done" and that such books "explicitly described homosexual intercourse and, indeed, glorified it, encouraging youngsters to believe it was better than any other sexual way of life" (HL Deb, 9 December 1999 c1102). These claims are false, as is revealed by even a cursory review of the book; nevertheless, the rhetoric galvanised support, and Knight further claimed that parents contacted her with objections "to their children at school being encouraged into homosexuality and being taught that a normal family with mummy and daddy was outdated" (HL Deb, 9 December 1999 c1102).

29 According to Knight, the objections to queer-inclusive children's literature was in fact "the motivation for what was going on, and was precisely what Section 28 stopped" (HL Deb, 9 December 1999 c1102). In other words, Section 28 was, essentially, the result of questioning what children should and should not be allowed to read. As Labour MP Dr Cunningham argued,

⁹ After the Section 28 debates, Conservative Peer Guy Black recalled in an interview: 'Large numbers of copies had to be sought of [*Jenny Lives with Eric and Martin*] because they kept disappearing. There was one famous Friday afternoon when Norman Tebbit wanted to brandish a copy above his head and we couldn't find any. So library boys were sent scurrying to bookshops, undercover, to get yet more copies. I think the [Conservative Research Department] purchased more copies than any other organisation' (McManus 138).

Section 28 was an effort “to control what is taught in the classroom, not directly through an education Act, but indirectly on the provision of books or other materials that are not themselves prohibited by law” (HC Deb, 9 March 1988 c371).

30 The parliamentary debates on Section 28 are extensive, covering approximately 400 pages just on the debates to enact the legislation, let alone those on its repeal. I will explore these debates further in future work, but even the brief overview provided in this article reveals that lawmakers did not entirely conceive of childhood as separate from sexuality; rather, they saw sexuality as being produced in, or co-produced with, childhood, and as precarious and in need of state intervention. That is, children were perceived as developing as heterosexual so long as their childhood was protected from homosexuality ‘corrupting’ (through the use of, for example, children’s literature) that ‘natural’ development. Of course, the irony here is that if heterosexuality were indeed the ‘natural’ course of development, it would not need protection in the first place. But such possibilities required, according to parliament, containment, and thus the literature children read had to be censored, even if indirectly.

31 Containment of (homo)sexuality through regulation and legislation calls to mind Foucault’s argument that sex, as a concern of the state, requires individuals “to place themselves under surveillance” and includes the discipline of “pedagogy, having as its objective the specific sexuality of children [...] the sin of youth” (*The History of Sexuality* 116–117). Indeed, for Foucault, the “pedagogization of children’s sex” is a “double assertion” that the sexual activity of children is both natural and contrary to nature and “pose[s] physical and moral, individual and collective dangers” such that “[p]arents, families, educators, doctors, and eventually psychologists [will] have to take charge, in a continuous way, of this sexual potential” (104). In other words, a “specific ‘children’s sexuality’ [i]s established: it [i]s precarious, dangerous, to be watched over constantly” (*The End of the Monarchy of Sex* 141).

32 One way to achieve this was through protection of the heteronormative family itself and, in particular, its sexual and reproductive practices. Indeed, Knight argued bluntly that homosexuality was “an attack on the family” (HC Deb., 9 March 1988 c387) and another MP, Fairburn, agreed in more crude terms, calling it “a perversion of a human function” for “using the excretory anus and rectum with a reproductive organ” (HC Deb., 9 March 1988 c382). Sexuality, in other words, was meant to be confined to “the family” as “the serious function of reproduction” (*The History of Sexuality* 3). Homosexuality was therefore not just an attack on children but on the very *production* of children.

33 In other words, the law, in seeking to protect those deemed vulnerable (i.e., children), created and produced vulnerability in others (i.e., family arrangements not centered on

reproduction). Parliament's framing of children as innocent was a refusal to see children as sexual and gendered agents having the ability to exercise their own rights. Children were thus seen as objects of regulation and possession, whose vulnerability made legal mediation and intervention a necessity. They, in their innocence, "must be protected" (HC Deb., 15 December 1987 c987). This anxiety was reflected by the British parliament, the majority of whom believed protection was needed from homosexuality and homosexual 'deviants' who would corrupt innocent children and 'recruit' them, and the literature which might be used for those purposes.

Conclusion

34 This essay has provided a brief literature review on law and youth literature and demonstrates the need for additional research focusing specifically on queer youth literature. First, there is a need for research that includes young people's responses to texts. Second, researchers should explore not only how texts are used in the classroom (which previous studies have already touched on, as discussed above) but also how teachers respond to difficulties presented by parents and others who object to teaching about equality for queer people. This exploration of the tension between law and practice has not yet been explored but may provide valuable contributions to the field. Third, a focus on law in the real world as a reflection (or, conversely, a reflector) of society and how it bears on literature itself is another relatively unexplored avenue.

Works Cited

- Alyson, Sasha. *Young, Gay and Proud*. Alyson Publications, Inc., 1980.
- Berridge, Virginia. "Aids, the Media and Health Policy." *Health Education Journal*, vol. 50, no. 4, 1991, pp. 170–85.
- Blackburn, Mollie V., et al. "Examining Queer Elements and Ideologies in LGBT-Themed Literature: What Queer Literature Can Offer Young Adult Readers." *Journal of Literary Research*, vol. 47, no. 1, 2015, pp. 11–48.
- Blank, Joani. *The Playbook for Kids about Sex*. Yes Press, 1980.
- Bösche, Susanne. *Jenny Lives with Eric and Martin*. Translated by Louis Mackay, Gay Men's Press, 1983.
- Bradlow, Josh, et al. *School Report: The Experiences of Lesbian, Gay, Bi and Trans Young People in Britain's Schools in 2017*. Stonewall, 2017.
- Clark, Caroline T. "Preparing LGBTQ-Allies and Combating Homophobia in a U.S. Teacher Education Program." *Teaching and Teacher Education*, vol. 26, 2010, pp. 704–13.
- Clark, Caroline T., and Mollie V. Blackburn. "Reading LGBT-Themed Literature with Young People: What's Possible?" *The English Journal*, vol. 98, no. 4, 2009, pp. 25–32.
- Clews, Colin. *Gay in the 80s: From Fighting Our Rights to Fighting for Our Lives*. Troubador Publishing Ltd., 2017.
- Colvin, Madeleine, & Hawksley, Jane. *Section 28: A Practical Guide To the Law and its Implications*. Civil Liberties Trust, 1989.
- Day, Frances Ann. *Lesbian and Gay Voices: An Annotated Bibliography and Guide to Literature for Children and Young Adults*. Greenwood Press, 2000.
- DePalma, Renee. "Gay Penguins, Sissy Ducklings ... and Beyond? Exploring Gender and Sexuality Diversity through Children's Literature." *Discourse: Studies in the Cultural Politics of Education*, vol. 37, no. 6, 2014, pp. 828-845.
- Elliott, Sue, and Humphries, Steve. *Not Guilty: Queer Stories from a Century of Discrimination*. Biteback Publishing Ltd., 2017.

- Epstein, B.J. *Are the Kids All Right? The Representation of LGBTQ Characters in Children's and Young Adult Lit.* HammerOn Pres, 2013.
- Epstein, Debbie. "Introduction: Lesbian and Gay Equality in Education - Problems and Possibilities." *Challenging Lesbian and Gay Inequalities in Education*, edited by Debbie Epstein, Open University Press, 1994, pp. 1-24.
- Foucault, Michel. *The History of Sexuality Volume I: An Introduction.* 1976. Translated by Robert Hurley, Pantheon Books, 1978.
- Foucault, Michel. (1989). "The End of the Monarchy of Sex." *Foucault Live: Collected Interviews, 1961-1984*, edited by Sylvère Lotringer and translated by John Johnston, New York: Semiotext(e), pp. 137–155.
- Gallo, Robert C. "A Reflection on HIV/AIDS Research after 25 Years." *Retrovirology*, vol. 3, no. 72, 2006. <https://doi.org/10.1186/1742-4690-3-72>.
- Haertling Thein, Amanda. "Language Arts Teachers' Resistance to Teaching LGBT Literature and Issues." *Language Arts*, vol. 90, no. 3, 2013, pp. 169–80.
- Hallsor, Samuel. "A Comparison of the Early Responses to AIDS in the UK and the US." *Journal of the Royal Medical Society*, vol. 24, no. 1, 2017.
- Hamilton, Sarah. (2005). "Over the Rainbow and Down the Rabbit Hole: Law and Order in Children's Literature." *North Dakota Law Review*, vol. 81, pp. 75–114.
- Haste, Cate. *Rules of Desire: Sex in Britain, World War I to the Present.* Pimlico, 1994.
- HC Deb. 9 March 1988 Debate (Vol 129, Col 370). 1988, <https://api.parliament.uk/historic-hansard/commons/1988/mar/09/prohibition-on-promoting-homosexuality>.
- Hermann-Wilmarth, Jill, and Caitlin L. Ryan. "Interrupting the Single Story: LGBT Issues in the Language Arts Classroom." *Language Arts*, vol. 90, no. 3, 2013, pp. 226–32.
- HL Deb. 6 December 1999 Debate. 1999, <https://hansard.parliament.uk/Lords/1999-12-06/debates/2e5d2009-bcbb-466e-ae5e-995c6a59fbfb/LocalGovernmentBillH1?highlight=section%2028#contribution-edcca010-0fba-45bc-a651-dfd5b901c763>.

- Hopper, Rosemary. "What are Teenagers Reading? Adolescent Fiction Reading Habits and Reading Choices." *Literacy*, vol. 39, no. 3, Nov. 2005, pp. 113-120.
- Horn, Stacey S., et al. "Schooling, Sexuality, and Rights: An Investigation of Heterosexual Students' Social Cognition Regarding Sexual Orientation and the Rights of Gay and Lesbian Peers in School." *Journal of Social Issues*, vol. 64, no. 4, Dec. 2008, pp. 791–813.
- Jenkins, Christine, and Michael A. Cart. *The Heart Has Its Reasons: Young Adult Literature with Gay/Lesbian/Queer Content, 1969–2004*. The Scarecrow Press Inc., 2006.
- Jenkins, Christine, and Michael A. Cart. *Representing the Rainbow in Young Adult Literature: LGBTQ+ Content since 1969*. Rowman and Littlefield, 2018.
- Joseph, Paul R. and Lynn E. Wolff. "The Law in Harry Potter: A System Not Even a Muggle Could Love." 34 *University of Toledo Law Review* 193, 2003, pp. 193-202.
- Katz-Wise, Sabra L., et al. "LGBT Youth and Family Acceptance." *Pediatric Clinics of North America*, vol. 63, no. 6, 2016, pp. 1011–25.
- Lee, Catherine. "Fifteen Years On: The Legacy of Section 28 for LGBT+ Teachers in English Schools." *Sex Education*, vol. 19, no. 6, Mar. 2019, pp. 1–16.
- Lester, Jasmine C. "Homonormativity in Children's Literature: An Intersectional Analysis of Queer-Themed Picture Books." *Journal of LGBT Youth*, vol. 11, no. 3, 2014, pp. 244-75.
- Liston, Mary. "The Rule of Law Through the Looking Glass." *Law & Literature*, vol. 21, no. 1, pp. 42–77.
- Macneil, William P. "Kidlit as 'Law-And-Lit': Harry Potter and the Scales of Justice." *Law and Literature*, vol. 14, no. 3, 2002, pp. 545–564.
- Manderson, Desmond. "From Hunger to Love: Myths of the Source, Interpretation, and Constitution of Law in Children's Literature." *Law and Literature*, vol. 15, no. 1, 2003, pp. 87-141.
- McManus, Michael. *Tory Pride and Prejudice*. Biteback Publishing Ltd, 2011.

- Meyer, Ilan H. "Prejudice, Social Stress, and Mental Health in Lesbian, Gay and Bisexual Populations: Conceptual Issues and Research Evidence." *Psychological Bulletin*, vol. 129, no. 5, 2003, pp. 674–97.
- Meyer, Ilan H. "Prejudice and Discrimination as Social Stressors." *The Health of Sexual Minorities: Public Health Perspectives on Lesbian, Gay, Bisexual, and Transgender Populations*, edited by Ilan H. Meyer and Mary E. Northridge, Springer, 2007, pp. 242–67.
- Muižnieks, Nils. *LGBTI Children Have the Right to Safety and Equality*. Council of Europe, Commissioner for Human Rights, 2014.
- Park, Alison, et al. *British Social Attitudes: The 30th Report*. NatCen Social Research, 2013, <http://www.bsa.natcen.ac.uk/latest-report/british-social-attitudes-30/personal-relationships/homosexuality.aspx>.
- Parveen, Nazia. "School defends LGBT lessons after religious parents complain." *The Guardian*, 31 January 2019. Retrieved from <http://www.theguardian.com/education/2019/jan/31/school-defends-lgbt-lessons-after-religious-parents-complain>
- Parveen, Nazia. "Birmingham primary school suspends LGBT lessons indefinitely." *The Guardian*, 14 March 2019. Retrieved from <http://www.theguardian.com/education/2019/mar/14/birmingham-primary-school-suspends-lgbt-lessons-indefinitely-parkfield-protest-parents>
- Pierson, Kimberly J. "Revenge and Punishment: Legal Prototype and Fairy Tale Theme." *Circles: Buffalo Women's Journal of Law and Social Policy*, vol. 6, 1998, pp. 3-32.
- Roberts, Katherine J. "Once Upon the Bench: Rule Under the Fairy Tale." *Yale Journal of Law and Humanities*, vol. 13, no. 2, 2001, 497–529.
- Rockwood, Bruce L. "The Good, the Bad, and the Ironic: Two Views on Law and Literature." *Yale Journal of Law & the Humanities*, vol. 8, no. 2, 1996, pp. 533–558.
- Saguisag, Laura, and Matthew B. Prickett. "Introduction: Children's Rights and Children's Literature." *The Lion and the Unicorn*, vol. 40, no. 2, 2016, pp. v–xii.

- Sanders, April M. and Janelle B. Mathis. "Gay and Lesbian Literature in the Classroom: Can Gay Themes Overcome Heteronormativity?" *Journal of Praxis in Multicultural Education*, vol. 7, no. 1, 2013. <https://doi.org/10.9741/2161-2978.1067>.
- Sanders, Sue, and Gill Spraggs. "Section 28 and Education." *Learning Our Lines: Sexuality and Social Control in Education*, edited by Pat Mahony and Carol Jones, Women's Press, 1989, pp. 1-39.
- Schieble, Melissa. "A Critical Discourse Analysis of Teachers' Views on LGBT Literature." *Discourse: Studies in the Cultural Politics of Education*, vol. 33, no. 2, 2012, pp. 207–22.
- Smith, Anna Marie. "The Imaginary Inclusion of the Assimilable 'Good Homosexual': The British New Right's Representations of Sexuality and Race." *Diacritics*, vol. 24, no. 2/3, 1994, pp. 58–70.
- Smolkin, Laura B., and Craig A. Young. "Missing Mirrors, Missing Windows: Children's Literature Textbooks and LGBT Topics." *Language Arts*, vol. 88, no. 3, 2011, pp. 217–25.
- Soriano, Marc. "Children's Books and Human Rights." *Prospects*, vol. 7, no. 2, 1977, pp. 204–225.
- Thomas, Jeffrey E; James Charles Smith; Danaya Wright; and Benjamin H. Barton, editors. "Harry Potter and the Law." 12 *Texas Wesleyan Law Review* 427, 2005.
- Todres, Jonathan, and Sarah Higinbotham. "A Person's a Person: Children's Rights in Children's Literature." *Columbia Human Rights Law Review*, vol. 45, no. 1, 2013, pp. 1–56.
- Ward, Ian. *Law and Literature: Possibilities and Perspectives*. Cambridge University Press, 1996.
- Weeks, Jeffrey. *Coming Out: The Emergence of LGBT Identities in Britain from the 19th Century to the Present*. Quartet Books Limited, 2016.
- Whited, Lana A., and M. Katherine Grimes. "What Would Harry Do? J. K. Rowling and Lawrence Kohlberg's Theories of Moral Development." *The Ivory Tower and Harry*

Potter: Perspectives on a Literary Phenomenon, edited by Lana A. Whited, University of Missouri Press, 2004

Wise, Sue. “‘New Right’ or ‘Backlash’? Section 28, Moral Panic and ‘Promoting Homosexuality.’” *Sociological Research Online*, vol. 5, no. 1, May 2000, pp. 1–10.