

Erotic Civility:  
Normative Monogamy as a Technology of Governance and  
Self-Governance in North America, 1850s to the Present

By  
Serena Petrella, B.A. Honours, M.A.

A thesis submitted to the Faculty of Graduate Studies and Research  
in partial fulfillment of the requirements for the degree of

Doctor of Philosophy

Department of Sociology and Anthropology  
Carleton University  
Ottawa, Ontario

May 13, 2008

Copyright © 2008 Serena Petrella



Library and  
Archives Canada

Published Heritage  
Branch

395 Wellington Street  
Ottawa ON K1A 0N4  
Canada

Bibliothèque et  
Archives Canada

Direction du  
Patrimoine de l'édition

395, rue Wellington  
Ottawa ON K1A 0N4  
Canada

*Your file* *Votre référence*  
*ISBN: 978-0-494-43903-6*  
*Our file* *Notre référence*  
*ISBN: 978-0-494-43903-6*

**NOTICE:**

The author has granted a non-exclusive license allowing Library and Archives Canada to reproduce, publish, archive, preserve, conserve, communicate to the public by telecommunication or on the Internet, loan, distribute and sell theses worldwide, for commercial or non-commercial purposes, in microform, paper, electronic and/or any other formats.

The author retains copyright ownership and moral rights in this thesis. Neither the thesis nor substantial extracts from it may be printed or otherwise reproduced without the author's permission.

**AVIS:**

L'auteur a accordé une licence non exclusive permettant à la Bibliothèque et Archives Canada de reproduire, publier, archiver, sauvegarder, conserver, transmettre au public par télécommunication ou par l'Internet, prêter, distribuer et vendre des thèses partout dans le monde, à des fins commerciales ou autres, sur support microforme, papier, électronique et/ou autres formats.

L'auteur conserve la propriété du droit d'auteur et des droits moraux qui protègent cette thèse. Ni la thèse ni des extraits substantiels de celle-ci ne doivent être imprimés ou autrement reproduits sans son autorisation.

---

In compliance with the Canadian Privacy Act some supporting forms may have been removed from this thesis.

Conformément à la loi canadienne sur la protection de la vie privée, quelques formulaires secondaires ont été enlevés de cette thèse.

While these forms may be included in the document page count, their removal does not represent any loss of content from the thesis.

Bien que ces formulaires aient inclus dans la pagination, il n'y aura aucun contenu manquant.

■ ■ ■  
**Canada**

## Table of Contents

<b>Abstract .....</b>	<b>v</b>
<b>Acknowledgements .....</b>	<b>vi</b>
<b>Introduction .....</b>	<b>1</b>
i. The “State” of Monogamous Things .....	1
ii. Research Question .....	1
iii. The “Splintering” of Sexual Governance since the 1850s in North America: Normative and External Regulation .....	7
iv. Monogamy and Norm and Practice, and Erotic Civility .....	12
v. Scope of the Thesis .....	15
vi. Structure of the Thesis .....	18
<b>Chapter 1 - A Review of Recent Contributions to the Study of Relationships in Sociology: Methodological Considerations for a Genealogy of Erotic Civility as Governance of Paired behavior .....</b>	<b>25</b>
1.1 Introduction .....	25
1.2 The Modern Condition and the Pair: Risk Society and the Transformation of Intimacy in the Works of Beck, Beck-Gernsheim, and Giddens.....	28
1.3 Methodological Considerations for the Genealogical Study of Personal Relationships and Normative monogamy .....	39
Critiques of Giddens, Beck and Beck-Gernsheim’s Analyses of Relationships in High or Reflexive Modernity .....	39
Bio-Politics and Governance in Personal Relationships.....	43
The Genealogical Method .....	45
Areas of Research and Lines of Inquiry .....	47
Further Areas of Research: Integrating the Study of State Apparatuses in the Genealogy of Erotic Civility as Governance of Paired Behavior.....	54
1.3 Conclusion.....	58
<b>Chapter 2 - Subjugated by the “Freedom” of Our Desires: Normalization and Erotic Civility .....</b>	<b>60</b>
2.1 Introduction .....	60
2.2 Sexual Practices as <i>Habitus</i> and the Disposition to Monogamy .....	62

2.3 Discourse and Normalization.....	75
Sexuality and Bio-politics .....	78
The Relationship between Discourse, Norms, and the Technology of Sexuality.....	84
2.4 Fashioning the ‘Practical Sense’ of Sexuality: Erotic Civility, the Pair, and Monogamy in Discourse .....	86
2.5 Conclusion.....	97
<b>Chapter 3 - Medical Authorities and the Constitution of Erotic Civility .....</b>	<b>101</b>
3.1 Introduction.....	101
Classic Sexology and the Emergence of Erotic Civility .....	102
Nineteenth Century Europe: Social Context and Ideologies .....	104
The Rise of “Perverse” Sexuality: Krafft-Ebing’s <i>Psychopathia Sexualis</i> .....	109
Erotic Civility: Monogamy and the Socialization of Procreative Behavior.....	116
“Natural” Monogamy and Social Hygiene: Havelock Ellis .....	124
Mutations in Erotic Civility: from Reproduction to Intimacy.....	130
3.2 The Production of “Normal” Sexuality: Erotic Civility in Modern American Sexology .....	134
The New North American Authorities .....	136
Findings in <i>Sexual behavior of the Human Male</i> and the Monogamous Norm.....	140
Findings in <i>Sexual behavior of the Human Female</i> and the Monogamous Norm..	149
Sexology in the Aid of Marriage: Masters and Johnson .....	157
Sexology in the Age of AIDS: the Erotic Ethics of Mandatory Monogamy.....	169
3.3 Conclusion.....	172
<b>Chapter 4 - Popular Literature on Sex: The Constitution of Erotic Civility in the Publications on Sexual Statistics, Marriage Manuals and Sex Manuals.....</b>	<b>175</b>
4.1 Introduction.....	175
4.2 Statistics on Sex .....	176
“Shedding” Old Sexual Hang-ups: Hunt’s <i>Sexual Behavior in the 70s</i> .....	178
“Prowling” and Emancipated Girls: Wolfe’s <i>Cosmo Reports</i> .....	186
Sexually Disgruntled Women: the <i>Hite Reports</i> .....	189
How Sexually Boring We Really Are: <i>Sex in America</i> .....	197
4.3 Erotic Civility in Marriage and Sex Manuals.....	207

Marriage and Sex Manuals, 1890s-1950s. Daring Princes and Sleeping Beauties: “Different and Unequal” Lovers in “Companionate and Erotic” Marriage.....	211
1950s-1965: Lovers as “Equal and Emancipated Heroes in Blissful Relationships.” Or are they? .....	222
1975-1980s: Relationship No More! The “Hedonistic pair” and Lovers and “Free Agents” .....	226
1975-1980s: Blissful Autonomy – For <i>Her</i> Sake – the “Selfishly Righteous” Woman Lover and the Demotion of the Male Lover to “Dildo” .....	231
1980s-Present: AIDS, the “New” Monogamous and Committed Relationship and the “Resignedly Careful” Lovers.....	234
4.4 Conclusion.....	242
<b>Chapter 5 - The Regulation of Paired Behavior Through the Governance</b>	
<b>Mechanisms of the Law.....</b>	<b>245</b>
5.1 Introduction.....	245
5.2 The Evolution of the Law: Normalization, Privatization and Re-Regulation .....	249
5.3 Hegemonic Serial Monogamy: Demographic Trends on Personal Relationships in Canada.....	256
5.4 The Origins of Family Law, Marriage and Divorce Law in Canada .....	260
5.5 Divorce Law in Canada, 1967-1969.....	267
5.6 Divorce Law in Canada, 1985 to the Present .....	276
5.7 Civilizing “Uncivil” Relationships: The Management of Common-Law Unions in Canada, 1950 to the Present.....	283
5.8 The Law as “Social Barometer”: The Circularity of Normalization .....	290
5.9 Conclusion.....	295
<b>Conclusion .....</b>	<b>297</b>
<b>Works Cited.....</b>	<b>303</b>

## Abstract

This dissertation is concerned with the study of normative monogamy and pairing, and charts the emergence and consolidation of these specific forms of sexual governance in North America, specifically in the United States and Canada, over the past 150 years.

Since the 1850s, there has been an increase in both state-centered and non-state-centered regulation of sexuality. Interests in the erotic have splintered off in a myriad of directions, producing new definitions and new programs for the policing of sexual behavior, as well as for the “care” of sexuality. In the dissertation I contend that in order to understand properly how sexual regulation occurs, the symbol of the pair and the norm of monogamy need to be analyzed together, as a *couplet*.

I argue that the sexual governance of paired behavior is exercised through two processes: the normalization of “erotic civility” and the institutionalization of monogamy through marriage and marriage-like relationships in the law. On the one hand, sexual governance takes place through the normalization of a specific form of “civil” sexual comportment. This “civil” intimate eroticism has been defined as dyadic, committed and contained, and is epitomized in the loving heterosexual pair. On the other hand, sexual governance has been fostered through a process of direct regulation in the mechanisms of the law; these have stipulated the forms that unions can take, and the ways in which individuals must act in the eventuality of the dissolution of their relationships. These two-pronged governance trajectories allow for the *direct sexual governance* of subjects, yet also permit individuals to *govern themselves* sexually.

The thesis investigates how monogamy has been discursively fashioned into the “ultimate relationship,” mapping out the evolution of ideals of erotic civility in the expert discourse of medical science, in the texts of classic European Sexology and in those of its North American modern counterpart. It also analyses more popular discourses in texts aimed at a mass audience, statistical studies on sexual behavior, and marriage and sex manuals in the genre of self-help.

The dissertation studies the ways in which monogamy continues to be enforced in North America through a complex legal apparatus that is comprised by marriage, divorce and family Law. It analyzes state-sponsored regulatory mechanisms, offering a systematic study of legal texts in Canada, and examining how the legal protection for the pair has evolved.

In conclusion, the dissertation argues that the symbol of the pair and the norm of monogamy are technologies of governance that “open up” subjects to the exercise of power, by making them “docile bearers” of erotic civility. This process is deeply obscure to them: individuals enact erotic scripts without realizing that their freedoms are restricted and their choices circumscribed, as forms of possible sexual engagement are limited.

## Acknowledgments

Over the years, I heard my fellow colleagues compare the process of writing a dissertation to many things: giving birth, running a marathon, climbing a mountain... In my experience, it has been closer to taming a mythological beast: a frustratingly difficult and messy process, not without its share of injuries and falls; yet, now, in the amnesic delight of completion, I think of it as an amazing feat that fills me with wonderment and happiness. Researching and writing the thesis has been a long and tortuous journey that has stretched over many years and many lands; it even emigrated with me to another continent and back. Through it, I have relied on the help and support of many, and the list of those who deserve acknowledgment is long.

First of all, I want to thank my parents, Ester and Filippo, for allowing me to “escape” to Canada, at the age of 21, and my sister Pierluisa, for spurring me on. They truly gave me “a chance of a lifetime” - embarking on an academic career – it would have never happened, had I stayed in Italy.

I want to thank my committee: my co-supervisor Alan Hunt for his academic brilliance, for always encouraging me to think further, and for inciting me to explore new avenues of enquiry. I am also grateful for his good nature and patience, which persuaded him time and time again to endure my long-winded, catholic-style confessionals. I want to thank my other co-supervisor Bruce Curtis, for his academic talent, his warmth, and constant support. Bruce always knew what had to be done, gave me clarity of vision when I lacked it, and encouragement when I wavered. His good humored pragmatism has led me to the twinkly light at the end of the tunnel. And I want to thank Trevor Purvis, for his insightful analysis of my work and his always helpful advice, which made the dissertation more rigorous and complex. I also want to thank him for his friendship, his unwaveringly belief in me, and for remembering and sharing his own experiences of the writing process.

I want to thank my Editor, Alex Samur for her amazing skill and extreme patience.

I want to thank my friends and members of the “Safe Triangle,” Kim Elliott, my muse, and Mythili Rajiva, my hero. Thank you for the intellectual and professional inspiration, but above all, thank you for your friendship.

And finally, I want to thank my husband, Roger Shears. What can I say my love? You have given me a life I never thought was possible. You have been my partner in crime, my kindred spirit, my sexual boy-scout, my dragon tamer. Over all these years you have patiently waited for me to get my act together. You believed in me even when I thought all was lost, you put me back together when I came undone, and moved me back to Canada, allowing me to complete this feat. I love you. It’s your turn now – enjoy your retirement!

## **Introduction**

### **I. The “State” of Monogamous Things**

In the Western world, a majority of people share a substantial portion of their lives with one partner. Adherence to the norm of monogamy begins at an early age: upon entrance into the sexual sphere, we pair up. Many individuals now engage in long-term life partnerships that may or may not be marriage. Sequential partners are acceptable and individuals can, throughout their lives, have a varied array of sexual experiences. Generally though, we tend to pair up in multiple yet exclusive relationships.

Sexual expectations are often influenced by scripts of specific lifestyles that inform decisions on both life goals and expectations. Sexual fulfillment and pleasure are to be given and received, as they are now symbolically constructed as key requirements for a satisfactory and mature union. Discourses of love used to be tied to sexuality in the context of marriage, or a monogamous pairing in which sexual relations were permitted for reproductive purposes, at least for the majority of the sexually active population. In present North American society, sexual intercourse and love are connected to the concept of the “relationship.” This means that monogamy is generally embraced at the onset of pairing up, during adolescence. In the context of sexual engagements, the institution of marriage has lost its primacy and is being substituted by the relationship, a new form of monogamous engagement where sex is justified as a tool in the quest for love, self-actualization and satisfaction, not necessarily reproduction.

Divergence from monogamy may be acceptable during a certain period in a person's life but, if prolonged beyond a certain age, it becomes suspect, potentially interpreted as a sign either of emotional immaturity or of dysfunctionality. Enterprising, fulfilled and successful adults are expected to "settle down," to have a partner and be monogamous. It is possible to blunder, to choose a partner unwisely. Thus, extra-relational and marital affairs are tolerated, as long as these function as intermediary steps in the quest to find a new exclusive partner. Thus we live under a hegemonic regime of serial monogamy<sup>1</sup>, where fidelity to a single partner is the norm.

An examination of demographic trends pertaining to pairing in North America reveals that an overwhelming majority of individuals living in Canada and in the United States live a substantial portion of their adult life in legal marriages or common law unions (Le Bourdais et al., 2000: 86; ). In the United States, 90 to 95 per cent of the adult population eventually marries (Norton and Miller 1992: 4).

Although there have been drastic changes in recent years in the way individuals carry out their relationships, coupling persists as the norm. The popularity of marriage has fluctuated over the past decades but rates have now begun to decline steadily, while common-law living has steadily increased (Milan 2000: 6; Norton and Miller 1992: 4). The incidence of divorce has also increased dramatically, a trend that indicates that life-long monogamy is no longer a norm. Nevertheless, many are not discouraged by the end of their first marriages and

---

<sup>1</sup> Serial monogamy can be defined as the practice to pair up in multiple, long-, or short-term relationships that are emotionally and erotically exclusive, throughout a person's life (Petrella 2005: 170).

subsequently embark on new relationships (Kelley 2003/2004; Norton and Miller 1992: 5). So we are faced with a somewhat puzzling picture that indicates at once a conservative persistence of monogamy, a trend towards relational dissolution, and adherence to more liberal values.

It is important here to examine the sexual habits of North Americans. Generally, it is believed that we live in sexually liberated times: we may continue to engage in paired relationships, but we also hold very dear the value of self-fulfillment. Is monogamy an antiquated and obsolete norm, one that is inexorably on the way to extinction?

In 1994, Laumann, Gagnon, Michael and Michaels published *The Social Organization of Sexuality. Sexual Practices in the United States*, which analyzed the findings of the National Health and Social Life Survey (NHSLs). In this study, the sexual habits of Americans were surveyed and documented in detail. Its findings were startling and ran completely counter to the stereotypes of sexual hyperactivity and promiscuity believed to characterize the “post sexual revolution” era. The vast majority of Americans, far from being a liberated and promiscuous people, was found to be sexually conservative and contained.

Overall, it was reported that most Americans had a very limited number of partners throughout their lives. Only a very small number could be said to be leading a somewhat “promiscuous” lifestyle: a mere 9 per cent had had sexual contact with more than 20 partners. Individuals also appeared to be very committed and faithful to their partners. When asked about how many sexual partners individuals had had over the previous year, 94 per cent of the married

respondents had had only one. Cohabitation seemed to imply serious commitment and fidelity as well.<sup>2</sup> High rates of pre-marital sex, casual sexual encounters, and infidelity were found to be unusual in American society. The study concluded that American people were not promiscuous and instead monogamous lifestyles were found to dominate (Laumann et al. 1994: 181).

The researchers concluded that there was a wide discrepancy between what was believed to be happening in the sexual lives of Americans, and what was actually taking place:

These findings give no support to the idea of a promiscuous society or of a dramatic sexual revolution reflected in huge numbers of people with multiple casual sex partners. The finding on which our data give strong and quite amazing evidence is not that most people do, in fact, form a partnership; or that most people do, in fact, ultimately get married... Nor is it news that more recent marriages are much less stable than marriages that began thirty years ago... Our study clearly shows that no matter how sexually active people are before and between marriages, no matter whether they lived with their sexual partners before marriage or whether they were virgins on their wedding day, marriage is such a powerful social institution that, essentially married people are nearly all alike – they are faithful to their marriage as long as it is intact. (Michael et al. 1994: 105)

## **II. Research Question**

Given all the above, although we live in a “post sexual revolution” era, there has been very little change over the past century in the way we structure our sexual and emotional relationships: we still cannot think, or erotically and

---

<sup>2</sup> Of those who were living together, and never married, 75 per cent had been faithful over the past year; of those previously married, and presently cohabiting, 80 per cent had been faithful (Laumann et al. 1994: 176-181).

emotionally engage, “beyond” the pair.<sup>3</sup> While there has been a slackening of the strictness of monogamy in practice, the norm of monogamy remains unchallenged in our culture. These issues inspire many questions including the following: what social processes have made us “loosely” or “serially” monogamous? Why are we still so taken by the ideal of monogamy, to the point that we can only express our sexual and intimate needs in the confines of the pair?

What has brought me to study the norm of monogamy is the apparent incongruity between a culture of sexual emancipation, on the one hand, and a reality of conservative restraint, on the other. Adherence to the first trend should entail greater sexual freedom: if we are technically “free” to have any sexual relationship we might wish for, why do so many people engage in monogamous conduct? It cannot be said that we live our sexual lives in accordance with strict conservative doctrines: higher numbers of teenagers now engage in sex at increasingly younger ages, and homosexuality — which, a few decades ago was illegal — is tolerated. These trends, and the celebration of recreational and pleasure-driven sexuality, indicate a departure from popular traditional conservative agendas.

In the dissertation I study how individuals are governed through their sexual practices, specifically analyzing norms for paired behavior and monogamy. The thesis investigates how monogamy has been discursively fashioned into the “ultimate relationship,” the bond through which individuals

---

<sup>3</sup> Polyamory is very much on the social fringes of society and enjoys no legal or fiscal recognition (Petrella 2007: 154).

strive to reach their highest sexual and emotional potential. I chart the emergence of systems of expertise that have stipulated the parameters for human conduct and proper sexuality. I also investigate state-sponsored regulatory mechanisms, discussing the ways in which normative monogamy and paired behavior have been targeted for legal codification and governmental punitive intervention. Finally, I offer a critical history of the schema for human recognition called into being by normative paired sexuality, giving an account of how they have been constituted and describing the ways they have changed over time.

### **III. The “Splintering” of Sexual Governance since the 1850s in North**

#### **America: Normative and External Regulation**

I contend that sexuality has been given special status in Western societies and has become a technology of subjectivation and governance. Through sexuality, subjects are unknowingly “opened up” to the exercise of power and regulation, in a manner that is deeply obscure to them: individuals enact erotic scripts in their pursuit to adhere to norms without realizing that their freedoms are restricted and their choices circumscribed, as forms of possible erotic engagement are limited.

Over the past 200 years sexual conduct has been the object of great concern. Starting at the beginning of the nineteenth century, an unprecedented preoccupation with sex spurred a veritable explosion of accumulation of knowledge on all sexual things, and of governance mechanisms to manage and

control them. Sexuality has been made the object of scientific investigation and the target of legislative and punitive efforts, as well as a concern for scholars in many social sciences, especially in the fields of medicine and psychology. From the 1850s on, there has been an increase in both state centered and non-state centered regulation of sex. Interests in the erotic have splintered off in a myriad of directions, producing new definitions and new programs for the policing of sexual behavior, as well as for the “care” of sexuality.

In these efforts, the pair as the basic unit for social reproduction and familial formation has received special attention and concern. The issue of monogamy, as comportment intrinsic to pairing, to the establishment of the family and to its maintenance, has been the object of medical treatises of social hygiene, programs for the preservation of communal morality, marriage and family law. Thus, in order to understand how sexual regulation has taken place, the pair and the norm of monogamy need to be analyzed together, *as a couplet*.

The governance of paired affairs had been mainly administered, until the early 1840s, by forces “external” to the individual, in the form of cultural ostracism, familial intervention, as well as juridical and punitive mechanisms, which regulated relational options available and intervened in cases of deviation. But at the end of the nineteenth century and the beginning of the twentieth centuries, these were gradually supplanted by a new rationality of “care” and new subtle forms of management, operated through normalization.

The positive sciences of populations, which emerged at this time, were instrumental in the perpetration of regulation through the norm. These had the

specific aims of studying the masses as well as the individual, and of proposing programs for the amelioration of life and for its orderly reproduction. The social sciences established norms by giving directives for proper behavior, defining healthy and socially responsible acts, and outlining illicit and deviant ones. As such, they stipulated which comportment individuals should demonstrate if they wished to become “civilized citizens.” In this manner, regulation was effectively brought *within* subjects (Cossman 2007: 9; Petrella 2007: 153).

Normative prescriptions of sexual behavior specifically targeted the pair, and problematized monogamous behavior. Monogamy, defined and advocated as a norm for licit, proper and healthy pairing, became an effective mechanism to embed governance within the individual. Norms, then, facilitated self-governance, which came to be enacted by those who adhered to the ideals of erotic civility outlined by experts. Subjects were effectively transformed into sexually “docile bodies,” acting in socially prescribed “productive” and “reproductive” ways.

However, alongside these processes of “embedding” of sexual governance, which spread infinitesimally like an oil stain on water, older forms of relational regulation, juridical and punitive apparatuses, were maintained and have persisted. For example, at the turn of twentieth century in Canada, the law continued to sponsor very strict and life-long monogamy in marriage by limiting individuals’ ability to exit conjugal unions, except in very specific and extreme circumstances. It was only around the 1950s that a progressive slackening of the legal and punitive mechanisms for the imposition of life-long monogamy began to take place.

From this point forward it is possible to identify a distinct trend towards what, at first glance, appears to be the de-regulation of “rigid” marriage, and a gradual move towards a form of law-sponsored “serial” monogamy. In fact, these processes, which upon closer inspection are actually forms of re-regulation (Cossman and Fudge 2002: 34), have intrinsically altered the function of the law. New regulations have transformed legislative mechanisms into normative apparatuses to encourage “erotic civility,” a term to be discussed herein.<sup>4</sup>

#### **IV. Monogamy as Norm and as Practice, and Erotic Civility**

The aim of this dissertation is not to focus on the study of sexual behavior in practice. It is not concerned with the issue of whether people are monogamous or not. Rather, this research project examines the forms of regulation that have attempted to transform individuals into “erotically civil” subjects, through the symbolic casting of the pair as the “ultimate” form of human relationship, and the discursive invocation of monogamy as its proper sexual ethics. To understand the scope of the thesis adequately then, it is necessary to make a distinction between monogamy as a practice and monogamy as a norm. In the next paragraphs I will offer definitions of normative monogamy, the pair and erotic civility, and illustrate how they function as an “assembled” and “multi-layered” apparatus for the sexual governance of beings.

---

<sup>4</sup> On the one hand, the law has maintained its older functional purposes to provide recognition of unions, and regulate divorces. It has also continued to facilitate the dissolution of families by freeing up its members to enter new unions, and ensuring individuals take financial responsibility for those family members affected. On the other hand, it now performs a normative function as well, by re-centering a specific form of familial structure, the nuclear, heterosexual and reproductive family in the law as the goal for erotic civility.

I contend that in present Western neo-liberal societies, the norm of monogamy is a discursive and symbolic construct for the regulation of the sexual conduct of individuals. It does not function in isolation: rather, it is deployed in conjunction with other symbolic constructs and normative structures including the symbol of the pair. Present normative ideals of emotional and erotic fulfillment rest upon the pair and upon monogamy. The two function in symbolic collusion, forming a mythological projection for the “ultimate human experience,” or a “dyadic” teleology, that specifically entails an *emotionally and erotically exclusive paired relationship*.

By defining normative monogamy and normative pairing in this manner, I am formulating heuristic devices, or conceptual tools, that are analytically useful: they allow me to map out their discursive advent, their proliferation and their transmutations over a specific period of time and within specific expert discourses. I specifically define the norm of monogamy, here, as the invocation of an ascetic practice designed to “care” for the pair, a strategy to maintain its intimate health and its erotic longevity (Petrella 2005: 176).

As an “economic” directive, normative monogamy aims at predisposing individuals to paired relationships. As a norm, it is not confined to marriage in present North American society but, rather, it is a regulatory structure that operates from the onset of relational life, or from the moment at which individuals begin to explore their erotic and intimate possibilities. Normative monogamy functions both as an “interpretative code” for erotic ethics, through which individuals can grasp and ascribe meaning to their actions, and as an “economic”

moral code for proper behavior, that attempts to limit the erotic possibilities available to them. Present elaborations of monogamy and pairing can be traced back to the normative assemblages on sexuality that emerged out of the biopolitical machinations of the eighteenth century police state (Petrella 2005: 173). Therefore, monogamy and the symbol of the pair are parts, or “layers,” of a much larger normative apparatus.

I term this larger apparatus *erotic civility*. I conceive erotic civility as an assemblage of different discursive symbolic constructs of the “erotically civil subject.” It should be understood as a strategic “umbrella” concept, referring to all the possible ways in which *normal sexuality* has been defined, over the past 150 years. Clearly, it should not be thought of as a stable or “closed” concept: erotic civility has morphed and changed, taking disparate forms, according to numerous articulations within various sciences, disciplines and fields that relate to human sexuality. Generally, it can be thought of comprising all the “proper” and “licit” characteristics and behavioral dispositions in human sexuality, be they related to the body, to gender, to orientation, to appetite, to reproduction, as well as to form. In short, erotic civility can be defined as the evolving discursive conglomeration of the *sexually normal*.

Erotic civility will be utilized as a tactical heuristic device that will allow me to engage in a genealogical reconstruction of its discursive shifts within the discourses on sexuality in medical science and the law. Erotic civility, I will argue, emerged at a specific historical moment in the West, and has been forged out of

conflicting debates among different experts on sexuality, and the competing epistemologies they have created within different disciplines.

In the dissertation I shall offer an account of the ways in which erotic civility has come to define the basic parameters of the embodiment of sex, as well as its behavioral dispositions. I will discuss how this normative assemblage has provided subjects with the “ontological blueprints” to recognize themselves as human, and the “practical information,” or the “know-how,” to perform a “civil” sexual identity.

## **V. Scope of the Thesis**

This dissertation is concerned with the study of normative monogamy and pairing, charting the emergence and consolidation of these specific forms of sexual governance in North America, specifically in the U.S. and Canada, over the past 150 years.<sup>5</sup> I approach the governance of sexuality according to two historical trajectories. On the one hand, I study how sexual governance is administered through normalization and specifically through the norm of

---

<sup>5</sup> Reasons must be given to justify the geographical circumscription to Canada and the United States, as well as the focus on the specific time period for the analysis of sexual regulation through normative monogamy and the pair. A number of concurrent historical, economic, cultural, technological and scientific developments make it possible to approach the two social spaces as a heuristic conglomerate. Demographic explosions due to immigration, the two World Wars, the consolidation of the capitalist system, the cultural upheavals of the late 60s and 70s, the establishment of the science of sexology, and the invention of the birth control pill, to name a few, make it possible fruitfully to study sexual regulation, through normative monogamy and the pair, in this area and within this time frame.

monogamy and the symbol of the pair. Moreover, I direct my analytical efforts to the study of medical discourses.<sup>6</sup>

On the other, I study how sexual governance still takes place through direct regulation, in the form of legal sanctioning, such as fiscal penalties or punitive measures. Here, I specifically study all forms of Canadian legislation that address paired behavior: marriage law, common law, divorce law, and family law.<sup>7</sup>

Each aspect of the regulation of sexuality is important and is worthy of attention. The study of sexual normalization, through the symbol of the pair and the norm of monogamy, investigates how regulation has been exercised through the deployment of symbols for “proper” paired life and prescriptions for “desirable” sexual expression, or what I term the ethics of “erotic civility.”<sup>8</sup>

This part of the dissertation investigates how individuals are governed and govern themselves sexually by adopting normative ideals of paired life and by engaging in monogamy — strictly, serially, intermittently, loosely, or not at all — in pursuit of what they perceive to be the highest form of emotional and sexual

---

<sup>6</sup> The focus on secular discourse and not on other forms of discourse is tactical. I contend that since the turn of the century, older authorities on the sexual, such as the church, have been supplanted by secular ones, and the most influential of these has been medical science (Foucault [1978] 1990; Donzelot 1979; Rose 1996a: 316-317).

<sup>7</sup> The dissertation will focus primarily on the study of Canadian Law. I do so for practical reasons: an analysis of American marriage, divorce and common-law regulation, would have to be state specific, and because of its breadth it falls out of the scope of the thesis.

<sup>8</sup> In the dissertation I exclusively focus on a genealogy of “erotic civility”: my analytical aim will be on the norms of hegemonic, heterosexual and contained sexuality. A genealogy of “abject” erotic civility, which hegemonic erotic civility has called into existence (for example, the rise and consolidation of “abject” homosexuality, and its own forms of “erotic civility”), is beyond the scope of the thesis.

fulfillment. The normative structures of monogamy and the pair will be studied in the Foucauldian tradition of governmentality. The thesis offers a reconstruction of the evolution of sexual governance through the normative structures of erotic civility.

I trace the development of “erotic civility” as a form of governance in North America, from the 1850s to the present.<sup>9</sup> I focus specifically on the symbolic construction of monogamy as an important consideration in examining intimate relationships, as emphasized by medical discourses, among the most important authorities on sexuality. The dissertation moves on to analyze the role of the state in the regulation of paired behavior and monogamy, arguing that state involvement should not be approached as peripheral.<sup>10</sup> Though its role continues to evolve, the state’s role in the sexual governance of individuals is significant. This thesis traces the origins of such forms of regulation from their inception, and contends that they have become entrenched in legal and financial apparatuses. Resistant to change, these structures are indicative of an older logic of governance that privileged the nuclear family (heterosexual and reproductive). They are, however, coming under attack from other streams of government, which have effectively undermined, for example, the definitions of the pair as exclusively heterosexual, and the family as exclusively nuclear.

---

<sup>9</sup> I argue that since the rise of bio-politics, individuals are increasingly governed through a strategy of “suggestion.” Many different experts discuss “proper” sexual conduct and norms emerge, out of the negotiations in these discourses. The norm of monogamy, over time, morphs and changes, reflecting the ideological shifts that inform the discourses on sexuality. Yet it is surprisingly effective at reproducing itself: non-monogamous relationships are not the norm, and only occur in the subversive fringes of society (Laumann et al. 1994: 181).

<sup>10</sup> In fact, it continues to be operated in society by state apparatuses, including the law.

## **VI. Structure of the Dissertation**

In the first chapter, titled “A Review of Recent Contributions to the Study of Relationships in Sociology; Methodological Considerations for a Genealogy of Erotic Civility as Governance of Paired Behavior,” I review different sociological contributions to the study of personal relationships. I analyze the works of Anthony Giddens, Ulrich Beck and Elizabeth Beck-Gernsheim. I discuss how they approach the study of pairing, and how they explain the changes that have taken place in monogamous behavior and intimacy in late modernity. I offer a critique of the authors’ methodological choices and propose a new method for study. I argue that the study of sexual governance through normative monogamy and the pair requires the adoption of two research approaches discussed herein. I argue that an analysis of sexual regulation through state apparatuses remains important. Although sexual regulation is increasingly exercised through norms and “in-folded” into subjectivity, the role of the law is worthy of attention. Monogamy, in fact, is a practice that remains enforced through a complex legal apparatus that comprises marriage, divorce and family law.

In the second chapter, titled “Subjugated by the ‘Freedom’ of Our Desires: Normalization and Erotic Civility,” I address how to theorize human behavior and sexuality. I argue that the study of monogamy and paired behavior makes evident an issue that has been the object of great debate in social theory, the dichotomy of structure and agency. On the one hand, monogamous conduct has slackened over the past decades, which suggests individual agency. Yet, monogamy and pairing remain the only “proper” formats for intimate and erotic

engagement. This would indicate that there might be a structural dimension to sexuality, which reproduces monogamy, even in its more “fluid” formats, as the “rule” of engagement. In order to resolve this issue, I contend that it is necessary to adopt a two-pronged theoretical approach. On the one hand it must explain the “stubbornness” of monogamy; on the other, the theoretical apparatus must elucidate how social changes in the realm of sexuality have occurred, such as, for example, the move away from strict monogamy towards its present “serial” format.

In this chapter I discuss the works of Pierre Bourdieu, Michel Foucault and Judith Butler. I devote my attention to how sexual norms are reproduced in informal ways, through habitual practices. This section approaches monogamy as a custom that emerges out of informal relationships, which are not necessarily reducible to codified rules. Here I utilize the theoretical framework of Pierre Bourdieu of the *habitus* to explore how social processes related to sexuality become “ingrained,” and how the norms of sexual interaction reproduce themselves, while at the same time constituting the parameters for action and subjectivity.

In the next section of the chapter, I argue that Foucault’s and Butler’s work offers an orientation to the genealogy of sexual practices, and can illustrate the ways in which the gender habitus, and the disposition to monogamy, are constituted. The theoretical approaches they propose have dynamic explanatory potential that can address both the “stubbornness” of sexual norms and the

emergence of “abject” behaviours, which break away from ingrained sexual habits.

In the final section of the chapter, I focus my analytical efforts on one example of authoritative discourse — medical knowledge on sexuality — and discuss its normative formulations. I offer a schematic account of the rise and consolidation of norms pertaining to sex within these discourses, from the 1850s to the present, in North America. This discussion will be taken up in more detail in the third and fourth chapters of the dissertation.

In the third chapter, “Medical Authorities and The Constitution of Erotic Civility,” I begin to trace the evolution of erotic civility in the expert discourses of medical science. In the first section, I analyze some emblematic examples of the texts of classic sexology. I argue that sexuality was strongly valorized in sexological discourses. These discourses deemed that the “key” to a person’s identity could be found in sexuality.

I argue that three important and conflicting trends were at play in this new understanding of the sexual: first, the heterosexually reproductive pair was reinscribed as the true “norm” for human relations, while unbound lust continued to be deemed detrimental to the civilizing process. Second, the double standard was given “scientific” support, as women were depicted as less lustful, and men as naturally promiscuous. And finally, reproduction, as the primary driving force for the constitution of the pair began to be questioned and lost its primacy, while love and fulfillment took center stage. The norm of monogamy was thus diffused with a stronger romanticism and symbolically eroticized.

In the second section of the chapter, I continue to follow the evolution of normative monogamy in the discourses of sexology. Specifically, I analyze its developments in the modern scholarship of four important figures: Kinsey et al., Masters and Johnson and Kaplan. This discussion primarily focuses on the ways in which conceptualizations of gender, sexual attraction and pairing have problematized normative monogamy.

In the concluding paragraphs of the chapter, I contend that the discursive constructions of normal sexuality circulated by the experts of sexology have re-centered normative monogamy as the ideal form of relationship; yet, they have stretched and inflated the parameters for emotional couplehood and sexual aptness, thus increasing the responsibilities of each partner in unattainable ways.

In the fourth chapter, "Popular Literature on Sex: The Constitution of Erotic Civility in the Publications on Sexual Statistics, Marriage Manuals and Sex Manuals," I continue to trace the evolution of the normative structure of erotic civility. I specifically discuss the problematization of normative monogamy and pairing in popular texts on sexuality, including statistical studies on sexual behavior, marriage and sex manuals, works compiled by doctors, counselors and other "pseudo-experts" for mass consumption. The first section is dedicated to the discussion of popular publications on sex habits in the North American populace through the 1970s and 1990s. The second section presents an analysis of marriage and sex manuals; specifically I analyze the symbolic construction of the pair, illustrate the shifts in its evolution, and flesh out the discourses that inform them.

In conclusion, I argue that the symbolic construction of the pair, and the heterogeneous scripts that it supports, effectively predispose individuals to engage in the continuous examination of their sexual and relational lives, in a manner that predisposes them to serial monogamy.

In the fifth chapter, entitled “The Regulation of Paired Behavior through the Governance Mechanisms of the Law,” I set out to study the function of the law in the sexual regulation of the pair and monogamy. I contend that monogamy is a practice that is enforced through a complex legal system that comprises marriage, divorce and family law. The chapter illustrates how sexual regulation continues to be exercised through state mechanisms. I offer a systematic study of legal texts, and examine the evolution of the law in “protecting” the pair, through the sponsorship of monogamy.

I argue that the state has the authority to make sexual unions licit. Those who engage in “proper” relationships are rewarded with a number of benefits and services. Ultimately, state mechanisms set up parameters for proper sexuality in a manner that makes relationships and their dissolution least expensive for its redistributive strategies and most economically advantageous for the orderly reproduction of beings.

Moreover, I argue that heterosexual monogamy continues to be the norm sanctioned in marriage. Originally this relational arrangement was codified and entrenched in the English common law, which Canadian Provinces adopted at the end of the nineteenth century. It was geared to instill in the populace a specific form of sexual economy, monogamy, according to the understanding that

the heterosexual monogamous nuclear family was the founding unit for economic and social reproduction. Through monogamy lineage could be determined and inheritance could be practically allotted. The chapter goes on to trace what can be understood as a trend of liberalization within the law, beginning in the 1950s in Canada.

The chapter analyzes the legal developments that have given primacy to heterosexual and monogamous relationships and to the reproductive family. On the one hand, they have facilitated the divorce process, and on the other they have safeguarded the nuclear way of life, by specifically allowing its members to “free themselves up” and enter new unions.

Another trend studied in the chapter is the legalization and entrenchment of common-law unions in the law as a parallel structure to marriage. The popularity of marriage has decreased from the 1960s on in Canada, as many have chosen to enter common law relationships that were originally not sanctioned by the state. The dissertation follows the legal emergence of protective apparatuses created in response to the dissolution of such unions.

In the chapter’s conclusion, I argue that legal developments regarding paired behavior, upon closer inspection, are forms of re-regulation, not de-regulation. They have intrinsically altered the function of the law, transforming legislative mechanisms into normative apparatuses. Thus, they participate in larger normative projects for the creation of “responsible” intimate sexuality, by attempting to instill sexual self-governance in individuals, while at the same time

promoting a specific form of familial structure — the nuclear, heterosexual and reproductive family as the goal for erotic civility.

## Chapter 1

### **A Review of Recent Contributions to the Study of Relationships in Sociology; Methodological Considerations for a Genealogy of Erotic Civility as Governance of Paired Behavior**

#### **1.1 Introduction**

What is the best way to approach the study of sexual governance in paired relationships? Recent contributions to the sociology of relationships have devised methods and interpretative grids for the analysis of recent changes in paired behavior. They have contended that the focus of analysis should be placed on large social processes and historical shifts (such as changes in production systems and technological developments). These globally widespread processes, they argue, are causing relational instability and making monogamy serial, effectively transforming the meaning of intimacy and the structure of families. The first section of this chapter, offers a review of these approaches, by an engagement with the work of Giddens, Beck and Beck-Gernsheim.

The second section, offers an alternative approach to the study of normative monogamy and the pair. I begin my discussion by critiquing Beck, Beck-Gernsheim, and Giddens' contributions and contending that their analytical focus is inadequate properly to understand sexual regulation. I argue that research on sexual governance should start with an analysis of the ways in which paired behavior in the West has been targeted by a myriad of governance strategies, since the 1850s. These strategies have not only defined the forms

relationships ought to take, but have shaped the “nature” and the “character” of the partners involved.

The aim for analysis, then, should be to examine the ways in which heterogeneous authorities have problematized the relational aspects of human conduct, thus “forming” erotic subjects. It is necessary to scrutinize the subtle processes of bio-political governance that have formed intimate relationships *into* a dyadic and monogamous enterprise. In the sub-section titled “Bio-Politics and Governance in Personal Relationships,” I argue that sexual regulation is now exercised through less direct yet more pervasive mechanisms, which operate in seductive ways. Subjects, rather than simply being forced to conform to a moral code of proper sexuality, are enticed into adhering to norms of “sexual civility,” through which, they are told, they can aspire to reach the full potential of their sexual, intimate and loving capacities.<sup>11</sup>

I discuss the chosen methodology for analysis in the dissertation in the sub-section, “The Genealogical Method.” I give details on Michel Foucault’s approach to the analysis of sexual governance, arguing that it is a useful method for the analysis of discursive practices.

In the subsection “Areas of Research and Lines of Inquiry,” I offer a detailed description of the specific areas that the dissertation will cover, outlining

---

<sup>11</sup> Erotic civility, as a governance strategy, controls behavior in insidiously appealing ways — in Rose’s words, “through the aspirations and liberties of subjects” (1996c: 186). Subjects “choose” to be sexually civil: this choice at once *makes them* sexual citizens, and simultaneously *regulates* their erotic conduct. *Being* a “sexually civilized subject” effectively fuses ontology to an ethics of sexual self-actualization that is specifically expressed as a feature of “citizenship” (Cossman 2007: 15).

a plan for the study of sexual governance through normative monogamy and the pair. I discuss the thesis' focus on medical discourse and the law.

For the former, I outline a plan for the examination of two distinct systems of medical knowledge: expert knowledge on sexuality, produced by medical science for medical scientists, and popular knowledge on sexuality, produced by doctors, counselors and "pseudo-experts" for larger, non-expert audiences. I give a detailed description of the texts that will be analyzed and justify such choices.

In the final section of this chapter, "Further Areas of Research: Integrating the Study of State Apparatuses in the Genealogy of Erotic Civility as Governance of Paired Behavior," I propose that a genealogical study of sexual governance, which usually would focus on capillary power, need not do away with an examination of state apparatuses. Monogamy is a practice that remains enforced through a complex legal system that comprises marriage, divorce and family law in North America. It is necessary then, not only to address how sexual governance takes place through the "insidious" mechanisms of discourse and normalization, but also to provide an account of how it is exercised through more traditional power structures.

The orientation to a de-centered and capillary analytic of power does not necessarily imply a complete abandonment of the study of state efforts in the regulation of sex. Although sexual regulation is increasingly exercised through norms and "in-folded" into subjectivity, the role of the law remains important and close examination of its mechanisms is a worthwhile exercise. In this final section, I outline a plan for the systematic study of legal texts. I argue that legal

codification performs different functions. The more obvious one is a punitive one, where legislation restricts options for sexual behavior and punishes infractions. Another is a “reward” function, through which the law promotes proper behavior by ascribing status and meting out fiscal rewards and services. A less evident function in the law is its normalizing action. The law here participates in larger projects of sexual governance by sponsoring specific forms of sexual civility, or a form of sexuality that is heterosexual, contained, nuclear and reproductive. Each function of the law requires attention and investigation.

## **1.2 The Modern Condition and the Pair: Risk Society and the Transformation of Intimacy in the Works of Beck, Beck-Gernsheim, and Giddens**

Social research has addressed monogamy directly in socio-biology and evolutionary anthropology, and in the materialist research of the 1960s and 1970s.<sup>12</sup> The accounts of the “risk society” by Beck and Beck-Gernsheim, and the “pure relationship” by Giddens have also touched upon monogamy indirectly. Generally, these approaches argue that the precariousness of modern personal relationships and the development of the “serial” character of monogamy are related to forces external to the individual in larger historical developments. Serial monogamy is the inevitable result of processes of detraditionalization and

---

<sup>12</sup> For a detailed discussion and critique of these approaches see Serena Petrella’s “Only with you – Maybe – *If You Make Me Happy: A Genealogy of Serial Monogamy as Governance and Self-Governance.*” Amsterdam: Rodopi, 2005, Pp. 169-182.

globalization, which have inexorably altered the ways in which individuals relate to one another.

The theorization of changes in intimate relationships as a result of reflexive or high modernization revolves upon a specific understanding of the human subject. At the center of these theses is the “process of becoming” that characterizes the individual. Beck, Beck-Gernsheim and Giddens, among others, argued that this process has drastically changed since the advent of early modernity, and has continued to change in advanced modernity (Beck 1992; Beck and Beck-Gernsheim 1994, 1995, 1996, 2002; Giddens 1990, 1991, 1992). The “birth” of the individual, according to these theorists, is the result of continuous, compulsive and obsessive processes of modernization (Lash in Beck and Beck-Gernsheim 2002: vii).

In order to understand these arguments it is necessary to review Beck’s, Beck-Gernsheim’s and Giddens’ accounts of the development of “reflexive” or “high” modernity. The theorists agree that modernity begins with the establishment of industrialization. Industrialization, understood by Giddens as “the social relations implied in the widespread use of material power and machinery in production processes,” is not its sole institutional dimension. Another is the economic order of capitalism, or “a system of commodity production involving both competitive product markets and the commodification of labor power” (Beck, Giddens and Lash 1994: 2; Lash in Beck and Beck-Gernsheim 2002: viii; Giddens 1991: 15). Another dimension is the institutionalization of surveillance, or a massive bureaucratization of military

power, which makes it possible to wage what Giddens called “total war,” a conflict of global proportions that can only be unleashed through the use of modern weaponry (1991: 15).

Unique features of modernity are dynamism and discontinuity: “...Not only is the *pace* of social change much faster than in any prior system, so also is its *scope*, and the *profoundness* with which it affects pre-existing social practices and modes of behavior” (Giddens 1991: 16, italics in original). Three elements propel this dynamism: the separation of time and space, dis-embedding mechanisms, and institutional reflexivity (Giddens 1990: 53; 1991: 20; 1994: 59-60).

The separation of time and space is defined by Giddens as the condition for the articulation of social relations across wide spans of time-space which, in late or high modernity, attain global reach (1990:17-21; 1991: 18). Dis-embedding mechanisms have the effect of “lifting out” social relations from the geographical circumscription of locality. Giddens distinguished two types. The first, symbolic tokens, are media of exchange of standard value, which can be used globally; the second, expert systems, are conglomerations of technical knowledge invested with validity, regardless of who makes use of them (Giddens 1990: 21-29; 1991: 18; 1994: 81-85).

Beck and Beck-Gernsheim discussed similar points in their description of the advent of reflexive modernity. With the development of “informational modernity” and late-phase capitalism, social relationships are dis-embedded in a manner that resists re-stabilization. Thus they remain “floating,” or unanchored.

In contrast to early modernization, where the individual still operated according to a social logic of structures,<sup>13</sup> in late modernity the inherent dynamism of capitalism brings about a new process, which Beck and Beck-Gernsheim termed *individualization*. Individualization can be understood as a chronic resistance to re-embed social relations into the institutionalized forms of class and status groups. Thus individualization has made the individual central to relations of social interaction and exchange, and supplanted older social institutions, such as the family, professional associations, and social status (Beck, Giddens and Lash 1994: 4; Bauman in Beck and Beck-Gernsheim 2002: xv-xvi; Beck and Beck-Gernsheim 2002: 2-3).

Technological advancements and the expansion of knowledge systems have been instrumental in the transformation of the social location of the individual. Specifically they have placed him/her in a state of “over-reliance” on diffuse economic and social networks. To the individual, these systems of expert knowledge are never fully graspable or commanded. Additionally, the economic system of the market is increasingly operated through diffuse or de-centered expertise, driven by a rationality that once again is never fully comprehensible to its participants (Beck, Giddens and Lash 1994: 10-11; 30-31; Beck and Beck-

---

<sup>13</sup> For Beck and Beck-Gernsheim, early modernity is characterized by processes of “dis-embedding” and “re-embedding”: traditional customs, and the social relations that they support, are gradually abandoned; they are replaced by newer social relations intrinsic to capitalist economies (Beck, Giddens and Lash 1994: 2; Lash in Beck and Beck-Gernsheim 2002: viii). Self-identification practices that characterize pre-industrialism, which afforded individuals membership and belonging according to title, estate, trade or kin, are supplanted by a newer form of membership, class. This form differs in character from earlier ones, because it is based on achievement, instead of on birth (Bauman in Beck and Beck-Gernsheim 2002: xv).

Gernsheim 2002: 23). Through these inexorable processes, “the individual, not his or her class, becomes the unit for the reproduction of the social in his or her own lifeworld” (Beck and Beck-Gernsheim 2002: 203).

Giddens discussed these developments in terms of “risk” and “trust,” and approached the issue of individualization in terms of reflexivity. Institutional reflexivity can be defined as the process of “regularized use of knowledge” that informs every day social interactions. This knowledge is constitutive of social relationships themselves, their organization and transformation. Reflexivity is the process through which most aspects of day to day life are constantly revised according to the advice of expert systems of knowledge. It can be understood as a “dialogic juggling” between the two poles of risk and trust. On the one hand, individuals are plagued by the risk that mires their social realities, and on the other they are soothed by the faith and trust they place in the institutions of expertise that inform their acts (Giddens 1991: 20-21). Giddens summed up this dilemma succinctly: “The integral relation between modernity and radical doubt is an issue which, once exposed to view, is not only disturbing to philosophers but is *existentially troubling* for ordinary individuals” (Giddens 1991: 21).

Reflexive individualization presumes the existence of non-linear social systems and the gradual eclipse of classic institutions, such as the state, class, the nuclear family, and ethnicity (Lash in Beck and Beck-Gernsheim 2002: 24-25). It is important to note that the theorists are not necessarily pessimistic when discussing the trajectories of individualization and reflexivity. The ontological uncertainty and the relational risk of reflexive modernity can in fact foster a high

degree of social innovation (Beck, Giddens and Lash 1994: 13; Lash in Beck and Beck-Gernsheim 2002: xi).

Beck and Beck-Gernsheim argued that processes of re-normalization have occurred simultaneously with individualization. There has been a re-standardization of, for example, the relationship of the individual to the market, to the education system, and to the welfare system. These new structures work against the individual's "freedoms," placing her/him at the whim of the market economy and of state structures. Therefore, the individual is caught between two social currents that are completely at odds with each other: on the one hand, he/she is "shaped" to become an agent of his/her own destiny, according to the cultural imperative of meritocracy in neo-liberalism; on the other, her/his freedoms are stripped away, according to the demands of the structures and of the institutions that surround him/her.

So, although culture fosters the belief that individuals are in control of their destinies, structural and institutional forces effectively undermine that freedom (Beck and Beck-Gernsheim 2002: 203):

Seen this way, individualization is a social condition which is not arrived at by a free decision of individuals... Individualization is a compulsion, albeit a paradoxical one, to create, to stage manage, not only one's own biography but the bonds and networks surrounding it and to do this amid changing preferences at successive stages of life, while constantly adapting to the conditions of the labor market, the education system the welfare state, and so on. (Beck and Beck-Gernsheim 2002: 4)

This paradox is particularly evident in the domestic sphere, in family life and personal relationships.

Let us now turn to the theorists' discussion of the effects of modernization on intimacy, the pair and monogamy. For Beck and Beck-Gernsheim individualization has meant that persons can choose to relinquish gender roles, which, for the theorists, had functioned as "mooring structures" for the safeguarding of the traditional nuclear family, conceived as the basic socially productive and reproductive unit of industrial society. Individualization has cast subjects in an impersonal world of rarified social relationships that impoverishes the ties and support of an extended kinship system and of a less diversified economic system based on immediate knowledge. Under these conditions, the importance of personal relationships based on love and friendship is exacerbated (Beck and Beck-Gernsheim 1995: 5-6; 2002: 10-11):

The more other reference points have slipped away, the more we direct our craving to give our lives meaning and security towards those we love. More and more we tend to pin our hopes on another person, this man or that woman. (Beck and Beck-Gernsheim 1995: 50)

At the same time, individuals find themselves compelled to follow the demands of a market economy, which entails economic uncertainty, requires specialized training, and the willingness to move to ensure material well-being. These demands fly in the face of familial commitments, placing relationships under strain (Beck and Beck-Gernsheim 1995: 6; 2002: 11; 60-61). In response, the authors attempt to explain the recent volatility of relational bonds, and justify recent trends towards serial monogamy. Reflexive modernization simultaneously "brings individuals together" and "tears them apart": they are brought together as they seek to find, in loving intimate relationships, a higher meaning to existence

(Beck and Beck-Gernsheim 1995: 192). It tears them apart, as the market infringes upon the stability of their bonds, and acculturation insists on the self-fulfillment and sufficiency of each individual partner, to the detriment of the other (Beck and Beck-Gernsheim 1995: 96-97; 2002: 65).

The uniqueness of reflexive modernization impinges upon what the authors' term *labor market individualism*, which culturally places the drive to self-fulfillment of both men and women on the same plane (Beck and Beck-Gernsheim 1995: 8). As women have accessed training and education, they have carved out a position for themselves in the labor market. Consequently, this has challenged the legitimacy of their restriction to domestic roles. Yet structural inequalities, such as lower income earnings and career limitations, have persisted. This reality continues to place the woman's career second to that of her partner (Beck and Beck Gernsheim 1995: 14).

For Beck and Beck-Gernsheim, this has given rise to a peculiar phenomenon: on the one hand relationships break apart more easily, while on the other, marriage, the family and close relationships are "idolized" (1995: 171). Thus the symbol of the pair, buttressed by the ideal of life-long monogamy, persists; in actuality, however, individuals barely manage to be serial monogamists, as their relationships are made brittle and are short lived by the harshness of their economic and social environments.

Giddens offered a different and more sophisticated explanation of the effects of institutional reflexivity on personal relationships. The conditions of modernity have had a radical effect on the ways individuals relate to one another,

and have brought about drastic developments in the constitution of the pair. A first important change from pre-modern times has been the introduction of partner choice. Individuals can now choose partners voluntarily and from a number of options. For Giddens, this choice potential is the foundational condition for the development of a new form of dyadic connection, the “pure relationship” (Giddens 1991: 87):

It refers to a situation where the social relation is entered for its own sake, for what can be derived by each person from a sustained association with another; and which is continued only in so far as it is thought by both parties to deliver enough satisfactions for each individual to stay within it. (Giddens 1992: 58)

A number of features characterize this new form of relationship: the first is the centrality of love as causal drive in the search for intimacy. Another important feature is that relationships are no longer contractually negotiated according to status or economic necessity. For Giddens the bond between partners is now “free-floating” — the relationship is initiated and maintained only as long as it provides an acceptable amount of intimate, emotional and sexual satisfaction (1991: 89). As such, it is “democratized” and “equalized” (Giddens 1992: 149). The basis for the relationship specifically rests upon this mutuality. Giddens discussed this point in the context of “confluent love,” which he defines as “pure” specifically because it is sought out for “its own sake” (1992: 63).

There are structural consequences of this “purity.” Any behavior or event that threatens the pair’s stability can inexorably undermine the relationship itself (Giddens 1991: 90; 1992: 138-139). Its reflexive organization entails the ongoing management of feelings and behaviors that nourish the intimacy between

partners. As such, it is closely linked to larger reflexive projects of ontological formation, which Giddens termed “the reflexive project of the self.” Because it is part of the reflexive labor of identity consolidation and ontological grounding, the pure relationship is a part of the overall project of reflexivity in high modernity (Giddens 1991: 92; 1992: 139).

Commitment is important for Giddens because it relates to the issue of trust in high modernity. Commitment based on choice replaces older and fixed arrangements of mutuality (such as contractual marriage in pre- and early modernity). Love, seen in this way, essentially becomes the tenuous guarantee for the continuation of the relationship itself, the “leap of faith” that individuals take in becoming intimate with one another (Giddens 1991: 92; 1992: 140).

Giddens’ treatment of intimacy and relationships provides a much more sophisticated hermeneutic model to approach monogamy and the pair than the one offered by Beck and Beck-Gernsheim. The pure relationship is understood here as an inestimable venue for the “ontological project of the self” in modern reflexivity. For Giddens, intimacy is not sought by individuals simply because of a paucity of emotional engagement in daily life, or due to the aridity that modernity has injected into all other forms of human interaction (1992: 140).

For Giddens, intimacy provides the occasion for the establishment of trust between individuals, which has become a necessity for the ontological grounding of subjectivity in late or high modernity. As such, it needs to be approached with more optimism. In their quest for intimacy, partners strategically establish mutual trust in their relationship. This project of “trust building” allows each partner to

negotiate the ontological grounding necessary for the “creation” and “maintenance” of the self: “...Self identity is negotiated through linked processes of self-exploration and the development of intimacy with the other” (Giddens 1991: 97). In this regard, modern relationships can be much more emotionally satisfying than older models of relationships, based on status kinship. They can also provide the occasion to interact with the world, fostering the creation of “shared histories” that integrate participants into one another’s life-plans (Giddens 1991: 97).

Giddens introduced a caveat to balance the optimism he associates with modern bonds: pure relationships can be unstable, which can ultimately undermine the reflexive project of the self. It is indeed noticeable that pure relationships offer the occasion to develop trust, based on a voluntary loving commitment and an intimacy that thus intensifies. This trust, however, is contingent upon the continuation of emotional work between the partners. This creates an “enormous burden” for the project of “self-care” (Giddens 1992: 139-140).

The lack of external social moorings that tradition provided in pre-modern times has shifted the foundations of the modern relationship, which today is based solely upon the “authenticity” of feelings between partners. Authenticity — the shared belief in honesty and commitment between partners — is extremely delicate. Other internal tensions and contradictions can undermine the relationship, especially because it is predicated on confluent and mutual love. As such, for Giddens, the characteristic of being “good until further notice” is what

makes the pure relationship so ontologically precarious for those who choose to engage in it. The possibility of dissolution is constantly present to “unground” the ontological project of the self (Giddens 1991:187).

### **1.3 Methodological Considerations for the Genealogical Study of Personal Relationships and Normative Monogamy**

#### Critiques of Giddens, Beck and Beck-Gernsheim’s Analyses of Relationships in High or Reflexive Modernity

There are a number of problems contained in the accounts offered by Giddens, Beck and Beck-Gernsheim on relational changes in modern times. In my thesis, I approach the issue of human action, subjectivity and personal relationships from a perspective that opposes the analytical methodologies utilized by Giddens, Beck and Beck-Gernsheim. Agreeing with the critical insights of Nikolas Rose and Mitchell Dean, I distance myself from Giddens, Beck and Beck-Gernsheim’s adherence to an evolutionary and progressive historiography of subjectivity. A fundamental problem lies in the way they organize their narratives of historical developments and social practices into organic and progressive accounts, which place the human subject at the center of history, in a “transcendental and synthetic philosophy of humanity” (Rose 1999: xvii-xviii).

Instead, I am skeptical of Giddens, Beck and Beck-Gernsheim’s departure from a unified theory of the self, as well as of the periodization that they outline

— tradition, modernity, detraditionalization, reflexivity (Dean 1994a: 9; Rose 1996a: 299; 1999: xviii).

In my research I approach the issue of the self as “assemblage” (Rose 1992: 142) and locate myself in the Foucauldian governmentality tradition. I espouse Foucault’s understanding that expert knowledge and power are interrelated and formative of both subjects and experience. My research analyzes the ways in which persons have been understood and formed within particular knowledges. In order to do this, I investigate how epistemological systems have emerged and reached “scientific” status. I find the methodological orientations outlined in the work of Foucault, Dreyfus and Rabinow, Rose, and Dean particularly useful for the study of relationships and monogamy from a governmentality perspective.

In *Governing the Soul* (1999), Nikolas Rose conceived subjectivity as “splintered” and brought to “crisis” through complex, multi-vocal, variably material, technical and social phenomena, “the confluence of a whole variety of different shifts and practices with no single point of origin or principle of unification” (Rose 1999: xvii). He developed an analysis of subjectification from this insight, setting out to establish how individuals have been shaped by the expert epistemological systems that surround them. Rather than asking *how* individuals have been formed by social processes, he analyzed the ways in which persons have been understood within particular practices, how these practices have come about, what techniques of intervention they entailed, and

what consequences they instigated (Deleuze 1986: 94; Rose 1996a 300; 312; 1999: xviii).

Rose's analysis is powerful because it does not rely upon a unified theory on the subject. Like Hacking, he offered an analysis of the shifts in "subjectivity assemblage" from a social constructionist perspective, emphasizing the significance of language and expert knowledge in the historical construction and transformation of personhood. Rose argued that subjectification is tied to governance, and is a matter of "making up persons" (Rose 1999: xviii). Hacking, following a similar line of argument, contended that human actions become possible and intelligible only through specific vocabularies of description, or expert terminologies for motive (Dean 1994b: 156; Hacking 1986: 228; Rose 1996c: viii, 172; 1996a: 300).<sup>14</sup>

This analytical orientation reveals another fundamental problem with Giddens, Beck and Beck-Gernsheim's work: their analyses are contingent upon a specific way of understanding subjects. Their analysis departs from a conception of the subject that rests on a structuring dichotomy between social processes and the self, maintaining a public/private divide. Individuals are assumed to act in dialogue with the external forces that surround them. For example, they are "frustrated actors" that are "cast about" by historical developments they cannot

---

<sup>14</sup> The emergence of certain kinds of language or vocabularies, makes the creation of an ontological category (for example, 'homosexual' or 'child abuser') and its related ways of dividing up different kinds of activity and different sorts of people, according to meaning and conduct, possible. It also makes evaluating behavior in certain ways possible, and this in turn engenders new forms of human conduct. Thus, "human kinds" emerge and are simultaneously transformed with and by the languages that describe them (Hacking 1986: 228; 1995: 95).

control and are external to them. They piece together tentative autobiographies, confusedly, as they fall prey to the anxiety produced by the contradictions of their socialization. But this structuring dichotomy between self and history is artificial and overly simplistic (Dean 1994a: 176, 179; Dreyfus and Rabinow 1982: 120; Rose 1996a: 299, 305; 1999: xvii-xviii).

In their analysis, Giddens, Beck and Beck-Gernsheim failed properly to problematize how governance takes place through pairing. They assumed that personal relationships are intrinsically dyadic and monogamous prior to modernization – and become fragile and serial with its advent. But since the 1850s, the pair, and the partners that form its intimate domain, have been targeted by a myriad of governance strategies, that have not only defined the forms that relationships ought to take, but also the kinds of people that those who wish to engage in relational life should become. Giddens, Beck and Beck-Gernsheim failed to grasp the subtle processes of bio-political governance that have made intimate relationships a dyadic and monogamous enterprise. In theorizing subjectification through erotic civility, the rationale of a public/private dichotomy is unhelpful: governmentality effectively creates a power continuum between expert system, subjectivity and human action.

Their commitment to a narrative of human ontological progression from early to late modernity has made Giddens, Beck and Beck-Gernsheim only marginally cognizant of the interventions of numerous expert systems upon personal relationships. Many authorities — political, economic, legal, theological, medical — have engaged with the pair, aiming to achieve desirable states of

sexual conduct, to instill “erotic civility” in the populace. This erotic civility was geared to extract orderly social production from human beings, through contained sexual reproduction. Thus, one must set out to examine how heterogeneous authorities have problematized the relational aspects of human conduct, thus “forming” erotic subjects. In the following paragraphs I shall outline my methodological choices for an analysis of personal relationships, intimacy and monogamy.

### Bio-Politics and Governance in Personal Relationships

Authoritative governance practices, programs, and techniques created in the 1850s in the West have had important effects on both identity formation and conduct: they have effectively “equipped” subjects with the means of describing, judging and directing their sexual comportment as “erotically civil” subjects. An analysis of sexual governance must address them:

A history of subjectification... requires an investigation of the specific vocabularies, techniques and authorities that govern an individual's relation to himself and herself, that shape the ways in which human beings understand themselves and are understood by others, the kinds of persons they presume themselves to be or are presumed to be in the various practices that govern them. These *produce experience*, they are not *produced by experience*. (Rose 1996a: 305)

Similarly, the analysis of pairing and normative monogamy should study the connections between the expert opinions on the “truth” about relationships and the techniques, instruments and apparatuses that have attempted instill this relational behavior in them. Expertise on human relationships, and the programs

they entail, “call” individuals “into being,” in a particular manner, so that they can become certain kinds of creatures, and act — and be acted upon — in that light (Rose 1996a: 300; 1999: 6).

The analytical lens that Giddens, Beck and Beck-Gernsheim adopted inevitably brought them erroneously to conceive subjectivity formation as negotiated between two distinct social loci — a public rarefied sphere and a private intimate world. This blinded these theorists to the ways in which subjectivity formation and sexual regulation is *brought within* and *exacted upon* subjects through the organization of subject positions and the ordering of behavior in expert discourse (Dean 1994a: 176, 179; Rose 1992: 142).

Giddens, proposing a sophisticated analysis of personal relationships and reflexivity, has partly addressed this issue in his arguments on reflexivity and pairing, contending that pairing has become central to the reflexive project of ontological grounding of the consolidation of the self. But the issue of the self in personal relationships needs to be approached from an analytical engagement with the practices that have “called into being” subjects: as citizens of a socially hygienic society, as husbands and wives of “proper” families, as lovers in need of intimacy, as partners requiring sexual satisfaction, and so on. Specifically, one must investigate the ways in which sexuality and relationships have been problematized in a manner that has predisposed subjects to pairing and monogamy.

### The Genealogical Method

As mentioned earlier, the dissertation starts from an understanding of subjectivity as a project of heterogeneous assemblage (Rose 1996a: 296). The practice of pairing in intimate relationships can be approached as an issue of governance. The aim of my analysis is a critique of knowledges and of discourses as constitutive of subjectivity, according to Foucault's insight:

Foucault's problem concerns how we are governed and govern ourselves and others in relation to the production of truth – here, in relation to the political rationality – then the 'effects in the real' to which he refers are none other than what we have become, what governance by truth has 'made of us'. (Dean 1994a: 186)

Foucault's research focused on the constitution of subjectivities, and his work offers an orientation to theorizing and analyzing practices, their constitution and their effects on subjects. This approach is intrinsically anti-humanistic and is useful in avoiding different problematic issues in social theory, including the debates over objectivism vs. subjectivism, individuality vs. totality, and structure vs. agency. I shall refer to this approach as the genealogical method. I have chosen to adopt it because it is particularly effective in de-centering metaphysical conceptions of agency, in avoiding totalizing accounts of social life and in emphasizing the contingent and historical aspects of everyday life.

Theorists working in the Foucauldian tradition have devoted themselves to each of these lines of inquiry. These studies of governance focus upon the conglomeration of strategies, tactics, calculations and reflections that police the "conduct of conduct" of human beings (Foucault 1988: 21). The genealogical method is particularly useful for what Foucault called "the history of the present"

(1977a: 154), and in performing an “effective history” (Dean 1994a: 18; Rose 1996c: 18) that challenges the perception of an unbroken sequence of historical events. According to Dean, Foucault’s methodology for the analysis of discursive practices does not fall prey to a facile “critique of the past in terms of truth of the present,” rather it performs a history of reason to diagnose practical issues, the necessities and the limits of the present (1994a: 20).

This form of historical investigation is effective because it resists the tendency to “colonize” knowledge according to a transcendental and synthetic philosophy of history. In this manner, it revokes the privilege to impose transcendental perspectives on history, which adheres to progressivist narratives of the emergence of reason, the rise and fall of civilizations, of “the alienation and final reconciliation and emancipation of humanity’s true being” (Dean 1994a: 18). It is “critical” because it has the capacity to engage in an interrogation of what is held to be given, necessary, natural or neutral: “...The genealogist... finds that there is ‘something altogether different’ behind things... the secret that they have no essence or that their essence was fabricated in a piecemeal fashion from alien forms” (Foucault 1986 [1977]: 142). It historicizes all that is assumed to be trans-historical, it singularizes events and brings them down to a level of analysis that is proper to its objects (Dean 1994a: 18, 20; 1994b: 164):

The pertinence of a ‘history of the present’ to a historical sociologist is the capacity of such history to be situated in an illumination of present reality without invoking the themes of memory, tradition and foundations, and making history the haven in which the constitutive subject finds reconciliation. (Dean 1994a: 20)

The genealogical methodology then, allows the researcher to link historical developments into organized and ordered patterns, to analyze heterogeneous trajectories of discourses and practices, and to establish the relationships that organize their functioning without regressing to a grand-theory of meaning (Dean 1994b: 36).

Genealogy thus offers a tactical history of the present because it is able to undertake an analysis of the objects that are the “necessary” components of our reality: “It isolates a form of analysis which suspends contemporary norms of validity and meaning and at the same time it reveals their multiple conditions of formation” (Dean 1994b: 33).

#### Areas of Research and Lines of Inquiry

Foucault has suggested lines of inquiry to undertake a genealogy of various forms of subjectivation, and this analytical schema can be successfully applied to the study of personal relationships and normative monogamy. The first line of inquiry consists of an investigation of the truth through which individuals constitute themselves as subjects of knowledge. Foucault termed this area the study of “mentalities of government,” more commonly known as “governmentality” (1988: 21; Rose 1996c: 152). It is specifically concerned with the concepts and technologies through which various authorities (political, economic, legal, theological, medical) aim at achieving desirable states for their populace, such as peace, affluence, contentedness, and health. It investigates

the ways in which the abilities of humans, as subjects and selves, have become both target and resource for authorities under neo-liberal regimes.

The second avenue of inquiry deals with an analysis of the field of power through which beings become subjects that “act” on others (Foucault 1988: 17; Rose 1996c: 152). It is concerned with institutions, as conceived in a “technological” way. The household, the school, the asylum can be seen as spaces that perform specific practices upon the individuals that inhabit them. Such practices presuppose preconceptions and objectives of these beings. They are technological in the sense that they attempt a calculated staging of the activities of beings through a practical rationality that has specific goals and targets: they push to achieve the greatest capacities and contain other pulses according to expert knowledges (i.e. the medical, the psychological, and the pedagogical) and foster specific outcomes (such as responsibility, discipline, or monogamy).

The final line of inquiry focuses on ethical practices, or “technologies of the self,” which are the ways in which individuals fashion themselves as ethical beings (Foucault 1982: 237; Rose 1996c: 153). Here “technologies of the self” are understood as:

...techniques which permit individuals to effect by their own means or with the help of others a certain number of operations on their own bodies and souls, thoughts, conduct and way of being, so as to transform themselves in order to attain a certain state of happiness, purity, wisdom, perfection, or immortality. (Foucault 1988: 18)

Ethics refers to “...the means by which individuals come to construe, decipher, act upon themselves in relation to the true and the false, the permitted and the

forbidden, the desirable and the undesirable” (Rose 1996c: 153; Dean 1994a: 198-99).

I will now discuss in detail the research areas that the dissertation covers. The first area of research will concern itself with those mentalities of government that have placed sexuality at the center of specific systems of knowledge. Here I investigate specific authorities that have invoked the right to speak the “truth” on personal relationships. I analyze medical science and two distinct systems of knowledge that it has produced: expert medical discourse on sexuality, created by medical science for medical scientists, and popular knowledge on sexuality, produced by doctors, counselors and “pseudo-experts” for a larger, non-expert audience. The literary contributions of expert medical discourse I study will comprise the texts of classic sexology as well as more modern (and specifically North American) works. The popular knowledge on sexuality will analyze two distinct types of texts: the first are statistical works on sexual behavior in the North American population; the second are prescriptive texts for “proper” sexual behavior, marriage manuals and sex manuals.

The analysis of these expert systems of knowledge is essential to understand how sexual governance operates, and how it is deployed by the subtle normalization of subjects and sexual behavior. By focusing my attention on the practices of knowledge formation that have given meaning to the sexual and formed it in specific ways, I can examine the practices have fashioned personal relationships in specifically dyadic and monogamous formats, transforming subjects into exponents of erotic civility.

This analysis then investigates how the “truth” of sexuality, the pair and intimacy, has been mobilized in a manner that has privileged relationships that are monogamous. It also maps out the behaviors that these forms of expertise have attempted to extract from subjects. In other words, it illustrates the ways in which subjects have been problematized by the relational “ethics” invoked, and the effects that these idealizations of intimacy and relational life had on them. I chart the *kind of beings* that individuals *have had to become* in order to be *erotically civil*, and enact monogamous relationships.

The second avenue of inquiry deals with the analysis of fields of power, and studies the ways in which individuals act upon others according to a practical rationality that aims at extracting specific capacities from subjects, while containing unwanted behaviors. In the dissertation I study the state apparatus of the law. Specifically, I investigate all forms of regulation that govern relational life, including marriage law and divorce law, common law and family law. In a genealogical study of the governance of sexual regulation, which usually forsakes an analysis of state-centered practices, in favor of an analysis of more diffuse and capillary practices, this tactical choice might seem misguided. In order to justify this analytical focus, I must prove that a study of state power can be congruent with genealogical enquiry in the sexual regulation of personal relationships. These points will require serious engagement and a detailed discussion, which I will undertake in section 2.5 of this chapter.

The final line of inquiry focuses on ethical practices, or “technologies of the self,” the ways in which individuals fashion themselves as ethical beings. In

the dissertation I will investigate the ways in which expert discourses, of both medical science and the law, foster self-regulation. Within each, I shall analyze the ways in which individuals have been exhorted to act upon themselves in order to transform themselves into “erotically civil subjects.”

Foucault has offered a useful grid for the analysis of ethical practices, which can be applied to the study of erotic civility, or of the “relationship to the self” that expert knowledge on sexuality and law apparatuses call into being. This grid understands ethical practice as being organized along four axes. The first axis is ontological in nature: it is the ethical practice concerned with self-formation (Foucault 1994b: 263; 1990 [1985]: 26-27; Dean 1994a: 197). Here my analytical endeavors reveal how the subject has been made the target for “ethical work.” In the dissertation I will focus upon the ways in which the epistemological systems of medical science and the law have made sexuality an area of concern, the salient “part of the subject” that must be targeted to ensure the emergence of “erotically civil” practice.<sup>15</sup>

The second axis of analysis relates to the positioning of the subject in relation to the moral precepts invoked (Foucault 1994b: 264; 1990 [1985]: 27; Dean 1994a: 197). Here my research will focus on the ways in which the systems of knowledge problematize sexuality in relation to gender identity. In relation to

---

<sup>15</sup> The first operation, according to Foucault, attempts to answer the question: “which is the aspect or the part of myself or my behavior which is concerned with moral conduct?” As such, it attempts to isolate and delimit what in our beings should be the main field of morality, to create a target, which Foucault termed “ethical substance,” the “material” that will later be worked on by ethics. Foucault has argued that throughout history, sexuality has recurrently been made a concern of moral practice, though in many different ways (in the volumes *The History of Sexuality II* and *III* he specifically compared Greek and Christian problematizations of sexuality; 1988 [1986]; 1990 [1985]; Rabinow 1984: 352).

normative monogamy, I will illustrate the way in which “proper manhood” and “womanhood” have been specifically invoked through specific ways to “be” sexual. The “male” and the “female” subjects are tactically constituted according to opposite types of “sexual etiquette,” a casting of “proper” feminine and masculine eroticism that is ontologically founding.

The third axis of analysis refers to the activity that subjects must enact in order to achieve the moral goal of erotic civility. This axis then pertains to asceticism: it addresses the means by which individuals are exhorted to change themselves in order to become ethical subjects, or the practices they must use to “work” on their ethical substance (Foucault 1994b: 265; 1990 [1985]: 27, Dean 1994a: 198; Rabinow 1984: 354).

In the dissertation, I will study the prescriptions given to subjects for the care of paired life and sexual intimacy, charting the changes in their evolution over time. Specifically, I will study the evolution of scripts for erotic civility, especially with regards to normative monogamy. I will investigate the ways in which they have, for example, followed different gender trajectories. The importance of monogamy, within these scripts, has fluctuated. Moreover, I will illustrate that the injunction to be monogamous has been more severe for one gender than for the other at specific historical moments.

The fourth axis for analysis is teleological (Foucault 1994b: 265; 1990 [1985]: 27-28; Dean 1994a: 198-199): it relates to the symbolic projections for proper life that the discourses in the literatures engender. Here I investigate the kind of beings erotically civil subjects must aspire to be, as suggested in

discourse, in order to live a harmonious life. For Foucault, teleologies always entail a monitoring process, so the subject can test, improve and transform her/himself.<sup>16</sup> In erotic civility, this monitoring process revolves around the symbolic casting of the pair. This symbolic casting is not fixed, but like ontological schemas and sexual scripts, it changes and evolves within discourse, problematizing normative monogamy in different ways. For instance, present symbolic castings of the pair imply that both partners must embark on committed and exclusive relationships only after obtaining a certain amount of “sexually formative” experience with other partners. This symbolic casting of the pair is vastly different from earlier ones, where sexual virginity (for the female at least), was deemed essential.

In conclusion, I illustrate a plan for the analysis of the ways in which knowledge systems of truth formation regulate subjects by making human beings intelligible to themselves and others, by transforming them into “docile bearers” of erotic civility, and by inscribing regulation within their ontological make up. Now let us turn to a discussion on how to integrate an analysis of state power with a genealogy of the regulation of personal relationships and normative monogamy.

---

<sup>16</sup> Foucault has suggested there may be differences in the forms of “elaboration of ethical work” that one enacts upon her/himself. One may behave in a specific way, not simply to follow the moral code, but to try to transform him/herself into the “ethical subject” (a moral persona) of one’s behavior. In this sense, a moral action aims beyond itself, towards the establishing of a moral conduct that commits an individual not only to the adherence to the moral code in behavior, but to a specific mode of being. This mode of being is characteristic of the ethical subject (Rabinow 1984: 355).

Further Areas of Research: Integrating the Study of State Apparatuses in the Genealogy of Erotic Civility as Governance of Paired Behavior

In the previous discussion, I positioned myself in the Foucauldian tradition, and illustrated why the genealogical method is particularly fruitful for an analysis of governance in bio-politics, characterized by the exponential extension of regulatory apparatuses to every aspect of everyday life, well beyond state-sponsored government (Dean 1994a: 180; 1994b: 151; Foucault 1982; Rose 1996b: 151; 1996a: 314; 1999: 5). I argued that with the rise of bio-politics, regulation has been embedded within subjectivity. The study of sexual governance therefore, must be carried out through a systematic study of how norms of “erotic civility” are effectively “in-folded” into subjects (Deleuze 1986: 102-105).

I contended that from the 1850s forward, regulation cannot simply be conceived as a force that is exercised by “top-down” apparatuses and inflicted upon subjects, a power that is exerted “from the outside in.” It is not sufficient to think of sexual regulation as a practice that is univocally carried out through a set of laws and rules, enforced upon people under penalty of punishment, sanctions or the threat of ostracism. Why then do I return to focus my analytical efforts to one of the most direct forms of state regulation, the law?

An analysis of sexual governance does not need to do away with an examination of state apparatuses. It is indeed true that the genealogical method is specifically designed not to privilege *any specific regulatory force* in bio-political governance, especially that of the state (this is what Foucault meant

when he exhorted social historians to “cut off the king’s head”; 1980: 121). But the orientation to a de-centered and capillary analytic of power does not necessarily imply a complete abandonment of the study of state efforts in the regulation of sex!

Along these lines, Dean has argued that: “This anti-statism both affirms the central role of the state as it denies that this role is a constitutive or necessary one” (1994a: 180). In a similar vein, Rose has argued that one should not underestimate the use of coercive powers in the enforcement of morality (1999: 227). Thus, it could be useful to resist such a “facile beheading,” and continue to engage in and commit oneself to the scrutiny of regulatory efforts by state apparatuses. Specifically, one must study how they have evolved with the rise of bio-politics, and how they have been enmeshed within the capillary power apparatuses of governmentality itself.

Although sexual regulation is increasingly exercised through norms and “in-folded” into subjectivity, the role of the law remains important. Monogamy is a practice that continues to be enforced through a complex legal system that comprises marriage, divorce and family law. It is important then, not only to address how sexual governance takes place through the “insidious” mechanisms of discourse and normalization, but also to provide an account of how it is exercised through older mechanisms of power. The practice of monogamy remains obliquely embedded in codes that regulate the forms sexual and intimate unions can take, and the fiscal distributive practices through which state apparatuses dole out goods and services.

I argue that the law can be approached both as a form of repressive or “direct” regulation, and as a form of discursively normative regulation. On the one hand, the law perpetrates the policing of “erotically uncivil” abject subjects, by intervening in instances of deviation from normative erotic civility; on the other, it operates as a normative force, which participates in the discursive construction of erotic civility *itself* and, in a related manner, defines the sexually civil subject.

Various authors have adopted a similar stance and argued that two aspects of the law are worthy of investigation: the first is the law’s repressive and regulatory dimension, the second is its normative dimension (Cossman 2007: 16; Stychin 2003: 3). Cossman has discussed extensively the normalizing role of the law. For example, she contended that the law has participated in the constitution of a very narrowly defined gender specific and sexually civil subject, according to heteronormative and family centered agendas (Cossman 2007: 16). Thus, it is important to flesh out not only the law’s punitive efforts, but its participation in the discursive constitution of “sexually civil” subjects as well.

Cossman pointed out that an increasing reliance on self-governance in neo-liberal regimes has not necessarily implied abandonment of the law’s coercive or authoritarian mechanisms, which continue to be utilized in managing those who “fail” to self-govern (2007: 17). Rose, on this point, comments that the state continues to intervene, punish and reform those who “refuse to become responsible and govern themselves ethically” (Rose 2000: 1047).

Thus a certain amount of authoritarianism remains an essential part of a liberal regulatory mentality even if it relies, for the most part, on the self-

governance of subjects. In fact, the law can be seen as exerting force to specifically instill self-governance in the populace, through “a show of power” against those who refuse to adhere to norms of civil behavior. Thus, “the capacity of autonomous conduct can be developed only through compulsion, through the imposition of more or less extended periods of discipline” (Hindness 2001: 98; Cossman 2007: 17). The normalizing role of the law in enforcing erotic self-governance is important for Cossman. She commented that Foucauldian genealogical approaches have favored research away from explicit forms of legal regulation, and an exclusive focus on capillary or non-state centered forms of governance. These kinds of analyses, for Cossman, are important because they leave a broad range of non-state practices “open to scrutiny” for their role in governance. Yet, for Cossman, it is not necessary to completely break from an analysis of state and legal regulation:

Rather, it remains important to consider the role of law in these newer forms of governance. The rise of the neo-liberal state and its increasing reliance on self-governance is shifting the form and content of regulation. In some contexts, law regulates through the promotion of market relations, reconstituting individual subjects into market actors and citizen consumers. Law’s role is both constitutive and regulatory; it seeks to regulate the subjects that it constitutes through market incentives. In other contexts, law regulates through the promotion of responsabilization within the family: it seeks to make individuals responsible for themselves and their family members. While the objective of both these forms of regulation is the promotion of a privatized, self-disciplining individual, both are accomplished through a broad range of regulatory interventions in the market and family. (Cossman 2007: 16-17)

Finally, analysis of the law can be used, counter-intuitively, as a textual “barometer” of social change. The stages of its mutations can be interpreted as the state’s reactions to contain and curtail certain “abject” social acts that

emerged in response to normalization itself. For example, the law's recognition of unions outside marriage, and its provision of services, benefits, and legislative protection in case of dissolution, can be interpreted as a response on the part of legal apparatuses to contain and legitimate social processes, which had already "eluded" state control. These had emerged *specifically in opposition* to the state's attempts to foster one single legitimate form of union, marriage.

#### **1.4 Conclusion**

This chapter discussed how to approach the study of sexual governance in paired relationships. It reviewed recent contributions in the sociology of the pair, in the works of Giddens, Beck and Beck-Gernsheim, offering a critique of them. It offered an alternative methodology for the study of normative monogamy and the pair, for the examination of the ways in which heterogeneous authorities have problematized the relational aspects of human conduct, and formed "erotic subjects." Moreover, I provided a detailed description of the specific areas that the dissertation covers, discussing the thesis' focus on medical discourse and the law.

In the next chapter, I will discuss the ways in which it is possible to theorize human behavior and sexuality. I will argue that the study of monogamy and paired behavior reveals a problematic issue in social theory, the relationship between structure and agency. On the one hand, sexual norms — such as monogamy — are reproduced in an almost automatic way; on the other, sexual

behavior has changed drastically over the past century. How to reconcile these discrepancies?

In the next chapter I contend that in order to resolve this theoretical dilemma it is necessary to adopt a two-pronged approach. On the one hand, using Pierre Bourdieu's theory of the habitus, I will devote my attention to how sexual norms are reproduced in informal ways, through habitual practices. On the other, I will adopt Foucault's and Butler's theories on discourse and normalization, to address the conditions for the emergence of sexual practices, the gender habitus, and the disposition to monogamy. I argue that this theoretical frame is useful because it can illustrate the ways in which the gendered habitus and the disposition to monogamy are constituted, and at the same time explain how "abject" behaviors and subjectivities emerge, and veer away from ingrained sexual habits.

I outline the normative formulations of paired behavior that are at play in the discourses of medical science. I offer a periodization of the rise and consolidation of these norms, from the 1850s to the present, in North America. In this section I provide a preliminary genealogical reconstruction of erotic civility since the rise of bio-politics, which will later be taken up and carried out in much more detail in the forthcoming chapters of this dissertation.

## Chapter 2

### Subjugated by the 'Freedom' of Our Desires: Normalization and Erotic Civility

#### 2.1 Introduction

How to theorize human behavior and sexuality? Are we agents of our own sexual destinies, as Giddens (1992) contended? Do we self-reflectively write the erotic biographies of our lives, entering and exiting "pure" relationships at will? Are we slaves of our own choices, as Beck and Beck-Gernsheim (1995) argued, forced into intimate instability by our "selfish" values and the pressures of carving a relational life out of a market economy? Or, are we subjected to "symbolically violent" persuasions, of which we are not aware, as Bourdieu (1998) maintained, and thus only "act" in the pre-given context of gender norms, living out our erotic lives in the confines of the pair?

The study of monogamy is illuminating, because it uncovers the relationship between structure and agency, an issue that social theory has been grappling with for so long. We can easily see a behavioral departure from traditional sexuality in recent decades beyond monogamy, towards erotic fluidity. The abandonment of conservative and contained forms of sexuality might lead us to think that we are indeed social agents, able to effect change in the normative structures that order our lives.

Moreover, long-term monogamy appears to have become less prevalent: the sexual revolution and the birth control pill have ushered in an age of erotic plasticity, and declining marriage rates and high divorce rates signal that life-long

pairing is increasingly untenable. Adolescents, for example, engage in sex at earlier ages than they did in previous generations. There is a period in which individuals “play the field,” pairing up in a casual manner, with the understanding that the relationships they are engaging in will not be life-long commitments. The norms of teen dating and sex are fluid — strict fidelity is generally not expected. Having multiple partners has become a normal part of one’s relational experience, for both genders.<sup>17</sup>

Yet, why is it that to this day we tend to conceive of intimate and erotic relationships as paired relationships? If indeed we are agents of our own destinies, why have the possibilities of relational engagement not proliferated, such that we have a culturally sanctioned and legitimate way to be intimate and sexually active beyond the pair? It appears that our erotic agency is bound, which indicates that there is a structural dimension to sexuality, which reproduces monogamy, even in its more “fluid” formats, as the “rule” of engagement.

To resolve this issue, I use a two-pronged theoretical approach. First, I explain the ways in which the “structuring structures” of sexuality function,

---

<sup>17</sup> For a detailed discussion of the changes in dating patterns over the past 30 years, see: Robert Michael et al.’s *Sex in America: A Definitive Survey*. Boston: Little, Brown, 1994; John Gillis’ *A World of Their Own Making. Myth, Ritual, and the Quest for Family Values*. Cambridge: Harvard UP, 1997; Edward Laumann et al.’s *The Social Organization of Sexuality. Sexual Practices in the United States*. Chicago: Chicago UP, 1994. For an analysis of the motivations for first sexual encounters among teens and how they follow specific gender lines, see: Beth Bailey’s *From Front Porch to Back Seat: Courtship in Twentieth Century America*. Baltimore: John Hopkins University Press, 1988; Lillian Rubin’s *Erotic Wars: What Happened to the Sexual Revolution?* New York: Farrar, Strauss and Giroux, 1990; *Intimate Strangers: Men and Women Together*. New York: Harper and Row, 1990.

justifying the “stubbornness” of monogamous tendencies. Here my theoretical plan clarifies how the gendering process, heteronormativity and monogamy function in concert, on the one hand stipulating the ontological “borders” of subjectivity and, on the other, directing the scripts of “erotic ethics.” In this regard I detail how “erotic civility” operates as a three-layered normative bundle.

Secondly, the theoretical approach must conceive subjectivity in a manner that allows for some form of “agency,” or, at least, it must account for how subjects “think” of themselves as agents, and “act” as agents, and in this manner change their behavior. The framework must elucidate how social changes in the realm of sexuality have occurred, such as, for example, the move away from strict monogamy towards its present “serial” format. It should also be able to explain the transformation of subjectivities along “abnormal” or “abject” trajectories (as in homosexuality and queerness), and economy (as in polyamory), that are cropping up in society. In this chapter I discuss the work of various theorists who have contributed to this area of study, and illustrate how such theories relate to the study of monogamy. I also critique and expand upon them to address existing lacunae therein.

## **2.2 Sexual Practices as *Habitus* and the Disposition to Monogamy**

Gagnon and Simon proposed that the sexual realm is the domain in which socio-cultural forces completely dominate and shape biological influences (1973: 30). They reject the assumption that individuals are born with sexuality, arguing that the psychosexual make up of individuals is not tied to biological attributes. In

opposition to Freudian tenets, they contended that individuals learn how to behave according to gender and sexual scripts, as they gradually learn the symbolic structures of language and the cultural schemas of their social realities. Simon and Gagnon thus refuted the understanding that sexual capacities and experiences in humans are directly related to universal knowledge (1973: 30):

We see sexual behavior therefore as *scripted* behavior, not the masked expression of a primordial drive. The individual can learn sexual behavior as she or he learns other behavior — through scripts that in this sense give the self, other persons, and situations erotic abilities or content. (Gagnon and Simon 1973: 31)

The authors contend that psychosexual development is grounded in social and cultural norms, which vary cross-culturally and trans-historically. Although it is a process that takes place in all human societies, its forms vary drastically (Gagnon and Simon 1973: 31).<sup>18</sup>

Though they do not discuss monogamy directly, Simon and Gagnon studied how sexual scripts follow different gender trajectories (1973: 32). For the authors, the adoption of sex roles and identities involved many facets that were not directly related to actual sexual experience. They contended that masculine and feminine gender roles, their habits and dispositions, are learned and put into practice well before puberty and sexual relations begin. It can therefore be argued that sexuality not only informs the ways human beings come to grasp their intelligibility, but also the ways in which they ethically interact in society, in pursuit of things unrelated to sexuality, such as social and economic status (Gagnon and Simon 1973: 34).

---

<sup>18</sup> For example, Gagnon and Simon pointed out that people of different cultural backgrounds, ethnicities and classes acquire and follow different scripts (1973: 31).

The theoretical understanding of sexual scripts as ontologically founding and as ethically oriented to subject formation, as well as constitutive of norms (such as monogamy), as formulated by Gagnon and Simon is very similar to Pierre Bourdieu's work, which approaches sexuality as part of the *habitus*. According to Bourdieu (1998), the sexual order, composed of gender formation, erotic direction and economy, is able to reproduce itself and its rules of engagement in a seamless and automatic manner, and thus function "habitually."<sup>19</sup>

In *Masculine Domination* (1998), Bourdieu observed that the oppressive structures of masculine domination that characterize the sexual realm, from gender formation to erotic direction and economy, are seldom resisted or challenged. He was puzzled by this, especially because he saw gender as governed by unfair and uneven patriarchal relations of domination. Bourdieu aimed to understand how the "most intolerable conditions of existence" had become acceptable and understood to be natural (1998: 1).

His work offered a conceptualization of social action in the context of the sexual realm, or a theory of "sexual practice." He sought to understand how the institution of gender functions, how it shapes relations between individuals, and how it manages to reproduce itself effectively, so that it appears natural, global

---

<sup>19</sup> It is important to note that generally Bourdieu emphasizes emergent relations between subjects and institutions, but he does not focus on or offer insight into the conditions of their emergence. I contend that this is a problem that affected Gagnon and Simon's and Bourdieu's work. This shortcoming needs to be addressed. I will later illustrate that Foucault's theoretical framework on discourse and normalization, as well as Butler's theoretical extensions of it, are essential in addressing how the *habitus* and its scripts are constituted: these specifically offer an account of the conditions for the emergence of structures.

and a-historical.<sup>20</sup> However, before I discuss his theory of sexual practice, it is important to outline how the author approached the relational dynamic among structures, subjectivity and agency.

Bourdieu's work focused on practices, understood as complex assemblages of human activity (Schatzki 1996: 89-90). For Bourdieu, practices should be the primary entrance point for social analysis, rather than individuals, classes, structures and systems. His theoretical formulations attempted to move away from metaphysical conceptions of agency, so that essentialist and totalizing accounts of social life can be avoided. His work then emphasized the contingent and historical aspects of human interaction: practices that are viewed as culturally specific social phenomena that reflect a shared understanding between social actors. These enable individuals to understand and grasp the conditions of intelligibility that they share (Schatzki 1996: 12).

Bourdieu's analysis of practice rests upon the *field* and the *habitus*. The *field* can be understood as a system of arbitrary relations that emerged out of the struggles for economic, cultural and symbolic capital (Bourdieu 1990b: 67). It is constituted by the interplay of relations of force that define and direct struggles

---

<sup>20</sup> Bourdieu bases his analysis of the habitus of gender on the Algerian peasant culture of the Kabyle, which he uses as a "kind of laboratory experiment" to draw general conclusions on androcentrism and patriarchy (Chodos and Curtis 2002: 400). Different theorists have argued that this narrow focus brings Bourdieu to draw unexpectedly static conclusions on the structuring properties of the gender habitus, which ignore his own theoretical formulations of the dynamic relationship between the habitus and field (Chodos and Curtis 2002: 406-407; Margolis 1999: 69; McNay 1999: 97; Butler 1999: 117). Bourdieu thus falls prey to a reductive form of essentialism that Margolis terms "physicalism" that makes gender norms appear universal, and which forecloses the possibility of a proper account of the historically contingent and culturally specific conditions of its emergence (1999: 73).

over capital (Bourdieu and Wacquant 1992: 99). As such, the field is patterned, and operates in predictable or “structured” ways, according to specific “rules” of engagement. However, the field and its rules are not “fixed,” rather they manifest themselves in “regularities.” The networks of social relations that define the field interact in a complex setting where power, knowledge, institutions and human action intersect and shape one another. These networks eventually occur in a manner that appears regular, spontaneous, and “natural”; yet they are not necessarily codified in any way (Schatzki 2001: 2).

The habitus can be defined as an informal and shared knowledge that gives individuals a “feel” for the rules of the field and social interaction. It involves a “practical sense,” or an embodied, involuntary understanding of how things “work.” Bourdieu defined it as “... *a way of being, a habitual state (especially of the body) and, in particular, a predisposition, tendency, propensity, or inclination*” (1977: 214, fn. 1, emphasis in original). In other words, the habitus is “a feel for the game,”<sup>21</sup> and intuitive “know-how,” that cannot simply be reduced to a set of rules, or necessarily tied to any codified form of behavior. This common understanding of the “ways of the world” allows individuals to take their social realities for granted.

---

<sup>21</sup> It is necessary to exercise caution when conceiving the field as a “game,” and the habitus as “the rules” of that game. Bourdieu and Wacquant warned that thinking of the field as a game risks giving the impression that the rules are created deliberately. They argued that one must not think of a field as a deliberate creation: even when it manifests itself in “regularities,” such regularities remain unspecified and non-codified. Rather, they are constituted by the activities of the “players” themselves, who have an “investment” in the game “only to the extent that they concur in the belief (doxa) in the game and its stakes; they grant these a recognition that escapes questioning” (Bourdieu and Wacquant 1992: 98).

The habitus equips individuals with dispositions: these are durable and transposable orientations to social life, reflected in the ways in which beings learn to interact with others, through language, bodily behaviors, and personal conduct (Bourdieu 1997: 231). We can think of gender as part of the habitus, and monogamy as a disposition to that habitus, a shared “common sense” of the ways in which individuals can come together in intimate and erotic play, a sexual “*sens pratique*” (Bourdieu 1990b: 66-69) that individuals possess of how relationships “work.”

Bourdieu’s approach is particularly helpful in studying the ways in which sexual norms function. It offers insight into how genders and their dispositions, including monogamy, become entrenched and manage not only to appear essential and natural, but also to reproduce schemas for sexual conduct, and parameters that define personal relationships as well. Thus, even when they are not necessarily traceable to any explicit form of codification, the habitus of gender, the disposition to monogamy, and the field of personal relationships operate in “generative spontaneity” to one another, in processes that re-create and re-shape all the practices of those involved.

The realm of personal relationships, or the complex network of people who come together in intimate and erotic play, can be seen to constitute a “field,” or an “arbitrary system of relations,” that emerges out of the struggles to gain economic, cultural and symbolic capital. Dating and pairing strategies can be understood, Gagnon and Simon contended, as social practices that go well beyond the sexual per se, and are part of complex cultural, symbolic, and power

structures that direct the ways human beings come to grasp their intelligibility, and engage with one another in relationships to pursue ontological, social and economic status (1973: 34).

Here the field of relationships, the habitus of gender, and the disposition to monogamy interact with one another. These relationships work in two ways. First, they act as “relations of conditioning,” where the practice of monogamy is a recognizable element of the “game,” that allows players to “fit in.” Second, they act as “relations of cognitive construction,” where the disposition of monogamy invests the field of relationships and makes it meaningful (Bourdieu and Wacquant 1992: 107).

In this system, the most important and founding element is the habitus of gender, which stipulates two founding ontological positions, articulated in the binary of the “embodied” female and the “embodied” male. Through gender, basic human intelligibility is negotiated. The scripts of masculinity and femininity are its dispositions: they can be understood as “conglomerations” of somatic characteristics and behavioral dispositions, which are specifically ingrained, and “stubborn” forms of habitual sexual subjectivation and erotic action (Bourdieu 1998: 11).<sup>22</sup> All related sexual behavioral norms, including monogamy, can then

---

<sup>22</sup> Bourdieu argued that the arbitrary sexual division into male and female is essentialized and conceived in a way that misleadingly makes the field of human action appear as pre-existing. The dispositions of each sex (its gendered behavior) thus appear to emerge out of the embodied reality of the sex itself. Bourdieu argued that the social world constructs the body as a sexually defined reality and as the depository of sexually defining principles of vision and division. He pointed out that this is an “embodied social program” of cognition that is applied to everything, but first to the body itself, in its biological reality. The biological differences between the sexes, and in particular the morphological differences between the sex organs, are made to appear as the natural

be understood to be further dispositions in the interplay of the field of relationship and the gender habitus: they comprise the “know how,” or the “unspoken rules” for engaging in sexual and intimate relationships.<sup>23</sup>

Here, monogamous tendencies in gender scripts need to be understood as cultural strategies that are necessary to interact within a larger field of human relations. Monogamy, conceived as one of the “rules” of intimate engagement, is learned through socialization, and influences the “volume” of erotic engagements, by setting the “limits” of the relationship to two. It provides individuals with a strategy to “enter the game” of relationships, permits players to gauge each other’s activities and give them meaning and, ultimately, reproduces the game itself, by reiterating both the role of the player and the structure of the game. Individuals, through monogamy (and for that matter, through any other sexual norm), interact with one another to attain much more than sexual

---

justification of the socially constructed difference between the genders, and in particular of the social division of labor (Bourdieu 1998: 11). Butler and Foucault would agree on this point. They argued that one must approach the category of sex, in its morphological embodiment, as a “fictitious unity” and a principle that allows a reversal of causal relations. It is not that human erotic desires originate from sex itself — therefore, the morphological presence of certain traits should not signify automatic attraction and desire towards the opposite morphological sex (Foucault 1990 [1978]: 152; Butler 1993: 96). For Bourdieu each gender exists only relationally to the other. It emerges as the product of a labor of theoretical and practical construction necessary to produce it as a body socially differentiated from the opposite gender, i.e. as male, therefore non-female habitus, or as female, thus non-male habitus (1998:23-24). This formative process, which Bourdieu terms *bildung*, only partially takes the form of explicit pedagogic action. To a large extent, it is an automatic and “agent-less” effect of a physical and a social order, entirely organized in accordance with a “phallographic” principle, inscribed in the routines of the division of labour, and of collective and private rituals (Bourdieu 1998: 24).

<sup>23</sup> The relationships between dispositions within the habitus are important. For example, we will see in the following chapters how monogamy can be articulated as a disposition that is not gender “neutral,” but is attached more heavily to the female gender than the male.

relationships, and compete over ontological, symbolic, social and even economic status (Bourdieu and Wacquant 1992: 99).<sup>24</sup>

What kind of capital do individuals aspire to obtain in the dynamic interplay of the field of intimate and erotic relationships and the habitus of gender, through the disposition to monogamy? A useful way to puzzle through this issue is to dissect the ways in which dispositions operate. We need to think of dispositions as the ways in which individuals behave according to codes of personal conduct, which may comprise specific linguistic expressions and movements of the body. Although these are not natural or intrinsic to the “nature” of the individual, they are nonetheless “cultivated” according to one’s social location and one’s orientation to the means of production (Bourdieu 1977: 86).

This is an important point that will later tie into Foucault’s and Butler’s understanding of how sexual norms are deployed in and shaped by discourse: dispositions are made available to individuals in a *cultural setting*. The social location of subjects is itself revealed through dispositions, which provide other

---

<sup>24</sup> For Bourdieu the field delimited the space in which subjects and groups compete to change, reduce, or increase the distribution of capital (1986: 243). Capital for the author was both a “resource” and a “principle”: it was a resource that can affect strategic possibilities, or a principle that orders the ways in which human dispositions are shaped (1986: 241). Capital then can take the form of embodied, objectified or institutionalized relations (1986: 243). Bourdieu offered many definitions of capital, which can take disparate forms. For example, economic capital represents the struggles over the accumulation of goods. Cultural capital can be thought of as a form of power that is acquired through education, or artistic knowledge, or skill development. Social capital marks a form of power that individuals can gain through the proper management of socially meaningful acts (for example “good manners”) within a network of mutual recognition (1986: 248). Similarly, symbolic capital is based upon a shared recognition of the value of certain dispositions. For example, the symbolic capital provided by “goodness,” finds its basis in the logic of “selflessness” towards one’s community or society (1997: 233).

members of a society with the symbolic means to “grasp” the amount of capital, economic or otherwise, that others possess (Bourdieu and Wacquant 1992: 107).

For example, the strategy of monogamy can be easily linked to the pursuit of economic capital. The most obvious example of this is the practice of engaging in relationships for economic ends. Social capital can also be achieved through the disposition of monogamy: significant amounts of social recognition are awarded to those who choose to pair up in culturally sanctioned manners, for example through marriage (versus other forms of relationships that have “lesser” status, such as common-law). Finally, the disposition to monogamy can allow individuals to gain symbolic capital. Here, monogamy can be conceived as the “ascetic practice” that allows subjects to compare themselves to others, and be recognized by others as “good” or “bad” erotic citizens (Cossman 2005: 35-36; 2007: 110).

As discussed earlier, Bourdieu conceived the field as “patterned,” at once “organized by” and “organizing” the “rules” of engagement. Therefore, the habitus and the field operate in “generative spontaneity” to each other, in processes that re-create and re-shape the practices of those involved (Bourdieu 1990a: 55). The habitus thus reproduces “homogeneity,” which permits players to recognize the “rules” of the game, and makes them understood by others, so they can be shared. It also creates a level of “predictability,” which leads players to take the habitus for granted (Bourdieu 1977: 80). Here monogamy and the field of relationships come to constitute each other and reproduce each other, as individuals actively engage in monogamy in order to gain status *through*

monogamy, and thus reiterate a “contained” realm of erotic intimacy between the pair.

Bourdieu also contended that the habitus might contain a degree of “diversity.” This diversity, which he terms “homology,” can derive from the characteristics and the differences of the players themselves, for example, their social location or class, their ethnicity, or their diverse cultural backgrounds (1977: 86).

The field of personal and intimate relationships, the habitus of gender, and the disposition to monogamy, as we have seen, “structure” one another and “are structured” by one another. Thus Bourdieu explained the stability of the foundational division into two genders, the reproduction of the masculine and feminine gender roles, and the “stubbornness” of monogamy quite effectively.

Yet, the “homology” of the habitus could entail the emergence of “unpredictable” patterns, for example a divergence from traditional monogamy. Here Bourdieu, to a certain extent, theorized a certain level of divergence from sexual norms. Overall though, his explanatory approach tends to be oriented towards the “non-variability” of the interplay between habitus and field, and stresses the “limitations in their diversity,” or the restrictions to the potential for change (Bourdieu 1990a: 55). This is the first problem with Bourdieu’s approach: practices appear to be “crystallized,” or objectified, in relation to each other. Dispositions, while emerging relationally, seem to be “trapped” univocally in a semi-closed system (Burbaker 1985: 770; Chodos and Curtis 2002: 404; Margolis 1999: 67; Butler 1999: 116-117).

This issue poses a problem because alternative configurations of the habitus and the field cannot be adequately accounted for. By overemphasizing the persistence of social relations, Bourdieu is unable to explain how social change occurs, and by overemphasizing the “shared” aspects of the “game,” he overlooks how its “rules” change over time (Isin and Wood 1999: 44; McNay 2000: 72). This first critique, which could be summarized as a propensity to emphasize the “structuring” aspects of dispositions, is particularly applicable to Bourdieu’s treatment of gender.

Bourdieu’s schema is quite effective at explaining the reproduction of the gender binary, and the reiteration of its phallocratic ordinances, such as “normalized” heterosexual attraction and monogamy, as its “economic” directive.<sup>25</sup> Yet, if indeed the gender habitus and its dispositions are so effective

---

<sup>25</sup> Bourdieu argued that the patriarchal system arises from what he terms *symbolic violence* (Bourdieu 1998: 1). He defined symbolic violence as:

...a gentle violence, imperceptible and invisible even to its victims, exerted for the most part through the purely symbolic channels of communication and cognition (more precisely, misrecognition), recognition or even feeling. This extraordinarily ordinary social relation thus offers a privileged opportunity to grasp the logic of the domination exerted in the name of a symbolic principle known and recognized both by the dominant and the dominated — a language (or a pronunciation), a lifestyle (or a way of thinking, speaking and acting) — and, more generally, a distinctive property, whether emblem or stigma... (Bourdieu 1998: 1-2)

Symbolic violence is reproduced by the adherence that the dominated cannot fail to grant to the dominant and to the domination. This occurs because the cognitive instruments available to subjects re-inscribe the relation of domination that is embedded in it which, because it is precisely the embodied form of the relation of domination itself, make that same relation appear as natural (Bourdieu 1998: 35). Bourdieu warned that in order to understand the mechanisms of this form of domination it is necessary to reject a theoretical model that envisions its functioning as a dual model of top-down constraint from the dominant, consented

in reproducing themselves, how have new alternative ontological stipulations managed to emerge and consolidate themselves in the pursuit of capital within personal relationships (gayness, lesbianism, bisexuality, queerness), and how have the dissident erotic dispositions that they entail arisen (for example, political promiscuity or even polyamory)? Not only does Bourdieu's theoretical approach fail to account for the emergence of these, it also cannot adequately explain the change in erotic engagement in heterosexuality, for example, the "slackening" of monogamy from strict and life-long, to serial. Bourdieu's formulation errs on the side of conservatism, and is inadequate for explaining mutations in gender norms.

A second important problem has to do with the genesis of the habitus of gender and its dispositions. Bourdieu emphasized the emergent relations between subjects and institutions, but they do not offer insight into the conditions of their emergence (Butler 1999: 118; Chodos and Curtis 2002: 400; Margolis 1999: 76; McNay 1999: 116). This becomes particularly evident in Bourdieu's discussion of gender in *Masculine Domination*. He discussed the mechanisms of the gender binary, and the masculine and feminine dispositions it entails within the Algerian peasant culture of the Kabyle, offering arguments on how it seamlessly reproduces itself through symbolic violence, yet he *never gave an account of its emergence!*

---

to by the dominated. In other words, it is not simply a relation of power between mechanical coercion and voluntary and deliberate submission. Symbolic domination, according to Bourdieu, is exerted not in the pure logic of knowing consciousness, but through the schemes of perceptions and action that are constitutive of habitus. These schemes operate below the level of the decisions of consciousness and the controls of the will, and therefore form a cognitive relationship that is profoundly obscure to itself (Bourdieu 1998: 37).

This shortcoming needs to be addressed. In order to give an account of the emergence of the orders of gender, their heteronormative directive, and the monogamous disposition inherent within them, I shall utilize Foucault's and Butler's theoretical framework on discourse and normalization. In the following paragraphs I will offer a discussion of these theories and illustrate their use in the study of sexuality and monogamy.

### **2.3 Discourse and Normalization**

At this point it is necessary to extend the theoretical framework so that the conditions for the emergence of sexual norms can be explored, and their mutations can be accounted for, without resorting to essentialist notions of human agency.

Foucault's theories are particularly useful for an analysis of the cultural and historical conditions of the emergence of practices. Specifically, his treatment of discourse and normalization is able to address the conditions for the emergence of sexual practices, the gender habitus and the disposition to monogamy. Foucault sought to explain how subjects, since the eighteenth century in the West, came to be constituted according to a hermeneutic of desire (Dreyfus and Rabinow 1982: 168; Foucault 1990 [1978]: 23; Rose 1996a: 303), that coalesced *around* sexuality and privileged specific dispositions *of* sexuality, in a conglomerate of prescriptions and ethical engagement that I term "erotic civility."

Foucault also provided an account of the shifts and permutations in sexual norms in the past decades, and effectively addressed how erotic civility evolved in some ways (for example, strict life-long monogamy ceased to be insisted upon and “relaxed” into serial monogamy), but remained relatively unchanged in others (for example, how erotic engagement is still fixated in the pair). In fact, the theoretical approach that he proposed has dynamic explanatory potential that can address both the “stubbornness” of sexual norms and the emergence of “abject” behaviors that break away from ingrained sexual habits.

Dreyfus and Rabinow have argued: “The force of bio-power lies in defining reality as well as producing it. This reality takes the world to be composed of subjects and objects and their totalizing normalization” (1982: 203). For Foucault, it was in discourse that norms for ontological recognition and behavioral dispositions are negotiated. Normalization is the process through which discourses fashion the parameters for human ontology and action, by deeming specific identities “permissible” and others “forbidden,” and some sexual behaviors “legitimate” and others “illegitimate” (Foucault 1990 [1978]: 155). Foucault therefore extended Bourdieu’s formulation of practices, arguing that it is in the interplay of discourses that the habitus of gender and its dispositions are articulated, providing both the ontological figurations of sexed identities and the erotic “know-how” for relational engagement.

The norms of gender identity and the dispositions that regulate sexual behavior, rather than being conceived only as mutually constitutive, following Bourdieu, should be thought of more dynamically. This is so for different reasons:

first, discourse itself is dynamic, and norms emerge out of a contested field, where many authorities and positions on sex vie for dominance. They are thus constantly being contested and re-generated; Foucault termed this characteristic the “tactical polyvalence” of discourses (1990 [1978]: 100).

Second, sexual norms entail an *ethical relationship to the self*. This is because sexuality, since the rise of bio-politics, has been produced in discourse as *the* most essential aspect of humanity (Dreyfus and Rabinow 1982: 171). Subjects, accordingly, take their sexuality as a *salient* and *essential* part of themselves (Foucault 1990 [1978]: 56) and engage in a constant practice of interpretation, a kind of erotic hermeneutics, in conflict with the sexual norms that surround them. They scrutinize their sexual identities and their sexual acts, to be “true” to themselves and to understand themselves in relation to norms.

This process occurs because, Foucault argued, sexuality was developed in bio-politics as a technology of governance, specifically organized around “a care of the self as a practice of freedom.” Sexuality has been made the object of a “mode of subjectivation” that requires scrutiny, elaboration and self-awareness, and orients the individual to a practice of “self-formation as an ethical subject” (Foucault 1990 [1985]: 28). Subjects then engage in different practices specifically oriented towards ethical elaboration — self-reflection, self-mastery, and self-examination (Dreyfus and Rabinow 1982: 173; Foucault 1994b: 16) — which require subjects to engage constantly with norms. This constant

positioning in relation to norms, for Foucault, can be inherently revolutionary, because it opens up the norm itself to interpretation and to contestation.<sup>26</sup>

Finally, as Rose argued, discourses are “specific vocabularies” that “shape the ways in which human beings understand themselves and are understood by others, the kinds of persons they presume themselves to be or are presumed to be in the various practices that govern them. These *produce* experience, they are not *produced* by experience” (Rose 1996a: 305).

In order to understand these points, it is necessary to discuss at length Foucault’s treatment of power and knowledge and the mechanisms of normalization in the context of bio-politics. These arguments provide a resolution to Bourdieu’s theoretical impasse of the “structuring” tendencies of habitual sex: they explain both the discreet changes in sexual norms, such as the normative shift from life-long monogamy to serial monogamy, and the emergence of more extreme forms of erotic dissidence, such as queer polyamory.

### Sexuality and Bio-politics

Foucault’s work presents a critical paradigm that allows us to think of subjectivity and social action as bound up in games of truth and power, or, in other words, as related to rationalities of governance that are historically contingent and culturally specific (Bristow 1997: 171). These rationalities direct

---

<sup>26</sup> Governmentality can thus take the form of modes of conduct that are constituted in relation to particular “games of truth” (Foucault 1994a [1988]: 16). These “truth games” mark the area or field where truth is constituted as an object of discourse, and human practices then, come to be ordered as “rules” that are open to interpretation and contestation. For Foucault, then, the art of government always entails an agonistic process, where strategies and tactics suggest possible points of reversal (1982: 221).

the ways in which subjects “grasp” their intelligibility and regulate their actions in “ethical” elaboration to norms of behavior that are produced and circulated in discourse.

Foucault’s revolutionary insight lies in the particular emphasis that he places on sexuality. He exhorts us to think of sexuality in terms of power, as a “linchpin” that concentrates extremely potent transfers of power for social regulation (1990 [1978]: 103). The advent of the era of bio-power during the eighteenth century was marked by the emergence of the sciences of life (Dreyfus and Rabinow 1982: 176; Rose 1996a: 311), disciplines that produced knowledge on subjects, and that were equipped with diverse techniques to achieve the subjugation of bodies and the control of populations. These functioned, in Rose’s terms, as “great machines of morality” (1996a: 313), working both at the abstract level, by producing knowledge in the form of speculative discourses, and at the concrete level, in the form of programs for intervention.<sup>27</sup>

Foucault termed this new rationality of governance “governmentality.” Its discourses have a “moral” orientation, in the sense that they attempt to instill specific behaviors in the subjects they target, by “designat[ing] the ways in which the conduct of individuals or of groups might be directed” (Foucault 1982: 221).

---

<sup>27</sup> Foucault argued that, starting in the seventeenth century, and continuing on into the eighteenth century, power over life developed along two distinct poles: on the one hand, the *anatomo-politics of the human body* and on the other, the *bio-politics of populations*. The first centered on a conception of the body as a machine, and was primarily “oeconomic” in nature. It aimed at maximizing the individual’s usefulness, disciplining it to make it docile, allowing the extraction of all its forces, by integrating it in a system of effective controls for reproductive maximization. The second was concerned with biology, and imbued the body with the mechanics of life. It was primarily concerned with health, birth rates and fertility, life expectancy and longevity, and it was thus aimed at intervening in reproduction (Foucault 1990 [1978]: 139-40).

They also provide subjects with the cognitive and ethical “tools” to recognize themselves as competent members of a group or a community (Foucault 1994a: 7).

Foucault argued that, the moment sex becomes a “linchpin” of power, a dialogic fusion is inaugurated, that binds “ruling” to “being.” Sexuality becomes the object of legal and regulatory discourses, which stipulate the licit and the illicit, and grows to be inextricably entangled within them. These discourses are normalizing not only because they define the basic parameters of sex (the bodily features that mark male and female bodily contours), but also define its “ethical” components as well. They organize and produce the “know-how” (or, as Bourdieu would argue, the *practical sense*) of masculinity and femininity, providing ontological blueprints to a gender identity and an appropriate sexual script for that gender.

As such, the monogamous disposition, together with other sexual and gender dispositions, is produced, debated and contested in discourse. Dispositions and scripts provide a “shared code” that allows subjects to experience a common origin, or a “feeling of solidarity,” which permits them to consolidate a particular identity around shared behaviors (Hall 1996: 2). Thus, shared normative dispositions, such as gender and monogamy, permit individuals to “grasp” a unified sense of identity coherently.

Foucault and Butler argued that sexuality should be approached technologically, and understood as a normative web of pleasures and exchanges, highly regulated and discursively constructed, deriving from

prohibitions and sanctions, articulated with authoritative knowledge. These regulatory structures come to define the object of sex itself, and thus delineate subjectivity itself, by articulating the nature, forms and the direction that pleasure can take (Foucault 1990 [1978]: 145-146; Butler 1990: 12; 1993: 89).<sup>28</sup> Yet these structures have at once durability and a potential for mutation, they are produced and reproduced; but all the while, they contain the potential for transgression (Rose 1996b: 143).

Foucault envisioned sexual practices as related to a “field,” or a “grid of intelligibility,” which encompasses non-discursive and discursive utterances (Dreyfus and Rabinow 1982: 121). Discourses are characterized by the “delimitation of a field of objects, the definition of a legitimate perspective for the agent of knowledge, and the fixing of norms for the elaboration of concepts and theories” (1977b: 191). In other words, discourses are complex webs of mutually referential truth claims that coalesce to produce accounts of social realities by generating knowledge about specific objects or concepts. In discourse, knowledge and power are tied to each other in a circular relation, in the sense that power is the condition of knowledge, and knowledge produces power. Power and knowledge relations are embedded in regimes of truths that actively produce

---

<sup>28</sup> According to Foucault the politics of sex was articulated, during the next two centuries, along four axes of intervention, which fused regulative efforts to disciplinary techniques. The first was the sexualization of children, justified by the invocation of the biological imperative of the health of the race and accomplished through discipline. The second was the hysterization of women, based upon the responsibility for their offspring’s health and morality, and accomplished through the medicalization of their bodies and health. The third and fourth were the regulatory intervention on both birth controls and psychiatrization of perversions, operated through the demand for individual disciplines and constraints (1990 [1978]: 153).

subjects by organizing their ontological contours, and seek to direct behavior by controlling embodied functions (Dean 1994: 159; Foucault 1977a: 28). Thus: “Interpretation and the modern subject imply each other” (Dreyfus and Rabinow 1982: 180).

For Foucault, discourses were heterogeneous and in agonistic and competitive generation to each other: “Indeed, it is in discourse that power and knowledge are joined together. And for this very reason, we must conceive discourse as a series of discontinuous segments whose tactical function is neither uniform nor stable” (Foucault 1990 [1978]: 100). It is thus not useful to think in binary terms, where established and accepted discourses overwhelm less legitimate and ingrained ones. Rather, a “multiplicity of discursive elements” interact in generative impetus to one other:

Discourses are not once and for all subservient to power or raised up against it... We must make allowance for the complex and unstable process whereby discourse can be both an instrument and an effect of power, but also a hindrance, a stumbling-block, a point of resistance and a starting point for an opposing strategy. Discourse transmits and produces power; it reinforces it, but it also undermines and exposes it, renders it fragile and makes it possible to thwart it. (Foucault 1990 [1978]: 100-101)

Moreover, the norms produced in discourse, as mentioned earlier, entail an *ethical relationship to the self* (Rose 1996a: 315). Sexual norms, specifically, have been produced as an essential part of human ontology, and subjects are constantly engaged in interpreting them. This “erotic hermeneutics” puts subjects in agonistic relationship to norms. Individuals scrutinize their sexual identities and their sexual acts, to be “true” to themselves and understand themselves in relation to norms.

Then, the relation to oneself is understood in terms of power-relations and relations to knowledge. It is integrated into the same systems from which it originally derives. During these processes, the subject is coded and re-coded with “moral” knowledge, or “becomes the stake in a power struggle and is diagrammatized” (Deleuze 1986: 103). Deleuze argued that ethical self-formation coagulates in an oscillation between “subjection” and “subjectivation.” The subjectivation of the free citizen is transformed into subjection, as on the one hand:

...it involves being ‘subject to someone else by control and dependence,’ with all the processes of individuation and modulation which power installs, acting on the daily life and the interiority of those it calls subjects; on the other it makes the subject ‘tied to its own identity by conscience or self-knowledge,’ through all the techniques of moral and human sciences that go to make up the knowledge of the subject. (Deleuze 1986: 103)

It is at this junction that sexuality becomes organized around certain focal points of power and becomes integrated into an ephemeral “agency” of power-knowledge, *sex* (Deleuze 1986: 103).

This process of subjectivation, as a nodal interjection of different power relations, does not remain fixed, but continues to create itself, and is constantly evolving. Deleuze explained that the “ethical relation” to oneself is constantly reborn, “elsewhere and otherwise”: he termed its most general form a “folded force,” as subjectivation is created by folding. At each folding, at each occasion, the relation to oneself is destined to encounter sexuality, but will appear in a different form, according to the ways it is problematized and constituted in discourse (Deleuze 1986: 104).

Deleuze argued that in modern times power increasingly informs our daily lives, our interiority and our individuality. The struggle for modern subjectivity is formulated in the resistance to two present forms of subjection. The first form is subjectivation on the basis of constraints of power; the second arises in attracting individuals to “a known and recognized identity, fixed once and for all”: “The struggle of subjectivity presents itself, therefore, as the right to difference, variation and metamorphosis” (Deleuze 1986: 106).

#### The Relationship between Discourse, Norms and the Technology of Sexuality

Foucault argued that one of the consequences of the development of bio-power has been an increased importance of the norm, especially when compared to juridical law: “A normalizing society is the historical outcome of a technology of power centered on life” (1990 [1978]: 144). During the eighteenth century laws began to function more and more as norms, as judicial institutions were increasingly incorporated into a “continuum of apparatuses” (Dreyfus and Rabinow 1982: 198-199; Foucault 1990 [1978]: 144). Norms are constructs that appear to stem from naturally occurring characteristics in humans, but are discursive invocations that produce the object in question. This production works in two ways: first, it makes the behavior in question suitable for regulation; second, it creates a marker for human intelligibility.<sup>29</sup>

---

<sup>29</sup> In their analysis of normative bio-politics, Rose and Valverde argued that the norm appears to emerge “out of the very nature of that which is governed” (1998: 573), by which they mean that “normativity” is invoked and legitimated by its “normality” (i.e. a normal child, a normal family). Governance through norms then complicates the distinction between the licit and the illicit as it introduces an

For Foucault, norms are insidious because they “hide” regulation. In fact, regulatory operations appear to impose a judicial or constraining power on an object, in this case, sex, that is pre-existing, and outside their claim to jurisdiction. But what appears to be a law that imposes itself upon sex-as-a-ready-made object actually produces the fabrication of that very object. This operation of productive power forms “sex” in a way that makes it suitable for control. Then, it effectively disavows this operation of productive power, and claims to discover this “sex” outside power, by discursively labeling it a “natural” phenomenon. This is how power effectively produces sex as an object for control:

To claim that bodies are one sex or the other appears at first to be a purely descriptive claim. For Foucault, however, this claim is itself a legislation and a production of bodies, a discursive demand, as it were, that bodies become produced according to principles of heterosexualising coherence and integrity, unproblematically as either female or male. (Butler 1993: 88)

Pleasures and sensations stemming from sexual activity, as well as biological traits and drives, are then ordered under a fictitious coherence through “impersonal” judgment of each individual in relation to the collectivity of which they form a part:

The norm is ‘individualizing’ – it affirms the equality of individuals in relation to a common standard. But at the same time, that standard makes visible and practicable the differences, discrepancies and disparities amongst individuals. And norms are inescapably plural. Different norms emerge out of different ‘natural’ domains, and norms are inherently open to justifications or contestations in the name of positive knowledges. (Rose & Valverde 1998: 573)

In this manner the normative order, as it governs “for the sake of” society, gains legitimacy simply through its normative quality. In a circular relation of capillary power, normative governance and the social laws produced within it actually institute the realm of the social itself: “The norm is a means of producing social law, a law constituted with reference to the particular society it claims to regulate and not with respect to a set of universal principles...” (Ewald in Rose & Valverde 1998: 573).

the invocation of a sexed identity. Within this logic of sexual identity, sex itself is posited as a biological cause of pleasure; sex determines pleasure's direction, its destiny, and meaning. The production of sex as a category of identity allows for its discursive regulation to take place:

It is through sex — in fact an imaginary point determined by the deployment of sexuality — that each individual has to pass in order to have access to his own intelligibility (seeing that it is both the hidden aspect and the generative principle of meaning), to the whole of his body (since it is a real and threatened part of it, while symbolically constituting the whole), to his identity (since it joins the force of a drive to the singularity of a history). (Foucault 1990 [1978]: 155-156)

If no individual can be understood as human, or recognized as human, unless coherently marked by sex, then the category of sex establishes a principle of intelligibility for humanity (Butler 1993: 89).

But the instant the parameters for ontological recognition and erotic ethics are outlined in discourse, discourse itself takes hold of them and inaugurates the never-ending and cyclical process of their re-figuration. As we shall see in the next section, the insistence on heterosexual femininity and masculinity will automatically engender the abject queer subject of the homosexual; and the invocation of the ethics of erotic civility will inevitably call into question its legitimacy, and begin eroding its borders.

#### **2.4 Fashioning the 'Practical Sense' of Sexuality: Erotic Civility, the Pair, and Monogamy in Discourse**

At this point it is possible to approach the technology of sexuality in historical and discursive terms, and to map out how the norms that regulate the

erotic possibilities available to subjects have emerged and evolved over time. Foucault's theories on discourse and norms allow me to perform a genealogical reconstruction of the modes of subjectivation tied to sex since the rise of bio-politics, and to map out of the erotic dispositions that they have entailed. I term the conglomerate of subject positions and their dispositions "erotic civility." I illustrate that they function in tactical collusion with the symbolic construct of the pair.

In the following chapters I show that normative erotic civility and the symbolic construct of the pair are linked, and it is upon this nexus that the "economic" imperative of monogamy is invoked. Thus, the gendering process, heteronormativity and monogamy function in concert, on the one hand stipulating the ontological "borders" of subjectivity and, on the other, directing the scripts of "erotic ethics." This is how "erotic civility" operates as a three-layered normative bundle.

In this section I offer a schematic recapitulation of the genealogical work that will appear in the next chapters. This work maps out in detail the emergence and solidification of the gender habitus and its dispositions, including monogamy, in discourse. It specifically focuses on the analysis of the discourses of the knowledge of one of the many "machines of morality" of bio-politics (Rose 1996a: 313), medical science, one of the emergent authorities on sex. It provides an account of the phases, or, specifically, a periodization of the emergence and permutations of what I term "erotic civility," a normative conglomerate of possible subject positions and licit erotic behaviors, over the last century.

The dissertation also deconstructs other forms of knowledge, also related to medical knowledge on sex: specifically it studies texts designed for mass consumption. These are popular statistical works on sexual behavior, compiled and published in the 1970s, 1980s and 1990s, as well as prescriptive texts for personal erotic comportment, marriage and sex manuals. These works brought medical discourses on sexuality to the masses, and as such can be approached as further avenues of normalization. I provide a general account of the evolution of sexual norms in their discourses.

During the 1850s, the medical discourses of a new science — sexology — staked a claim on sexuality as their legitimate domain. They circulated definitions of normal sex and proper comportment specifically set against pathological and abnormal behavior, which became the object of extensive study and taxonomic efforts. “Normal” sexuality was articulated at this time in a bundle of normative ordinances that stipulated the form, the orientation and the volume of possible erotic subject positions and acts. These were founded in the division of two discrete sexes, embodied in the concavity of the female sex and the convexity of the male sex.

“Normal” sex then emerged *subsequently to* “deviant” sex (Weeks 1989: 38-41). Pathological forms of sexuality and perverse behavior created the discursive occasion for the emergence of “proper” sexuality (Gilman 1985: 313-314; Nye 1999: 143; Oosterhuis 2000: 28). The two categories came to define each other in a discursive couplet, where proper sex was indeed normal because it was not pathological, and deviant sex was abnormal because it veered away

from socially sanctioned sexuality, which was contained, marital and reproductive (Lacqueur 1992: 200).

The categories and dispositions of proper eroticism were then deployed: there would be two discrete and uniform sexes; additionally, the two sexes would be directionally ordered in mutual attraction to each other, heterosexually. Finally, the potential for erotic engagement would be circumscribed to conjugal and reproductive sexuality, through the ethics of monogamy. Any deviation from these norms, in the form of “sexual incoherence,” would justify intervention in the form of punishment and control, ostracism and reform (Butler 1993: 87).

Erotic civility was constructed as a specific form of “self-styling”: it was ontologically located in two opposite genders, of heterosexual orientation, and ethically disposed towards strict matrimonial monogamy. Subjects were provided with a morphological schema for embodied recognition and supplied with instructions for proper action.

In the discourses on sexuality, the married pair was symbolically cast as the sole and privileged locus for human union. Thus, the sexually civil subject was automatically “equipped” with the coupling strategy of monogamy. Matrimonial monogamy was the sexual ethics that was given “normal,” “proper” and “necessary” status. As such, it was constitutive of the “sexual subject” per se. The monogamous ethics, then, was the ascetic practice that permitted individuals to style their sexual conduct according to the teleological goal of “sexual civility.”

Let us dissect this normative bundle more closely. First and foremost, bodies were ascribed a sex, by a logic of oppositional exclusion: one was female because not male, and vice versa. Also it was deemed that one “acquired” gender through the orientation to desire the opposite sex. Thus, one was “masculine,” because one was heterosexually attracted to females; conversely one was “feminine,” because one was heterosexually attracted to males. Butler argues that normative heterosexuality was the discursive imperative by which only one kind of sexual identification was made possible, while others were foreclosed and disavowed, in an exclusionary matrix (Butler 1993: 94).

Further, Butler’s discussion of heteronormativity suggests that the discursive formations of “normal” sexuality circulated by sexological discourse, rested on the symbolic repudiation of hidden subject positions, which nonetheless made its unfolding possible. Butler argued that “normal” genders, or the heterosexual masculinity and femininity discursively emerging at this time, rested on the repudiation of its “abject” ontological position, homosexuality (1993: 95-96).

The disposition of heterosexuality then, emerged in an implied and occulted opposition to its logical and illicit opposite, the “abject” identity of what Butler cheekily termed the “phallicized dyke” and the “feminized fag” (1993: 96). Heterosexuality was “a sexed position that [was] sexed by virtue of its heterosexual positioning, and that [was] assumed through a move that exclude[d] and abject[ed] gay and lesbian possibilities” (Butler 1993: 96). Thus Butler

showed that a masculine subject was indeed “masculine” because it was not gay, and a feminine subject was “feminine” because it was not lesbian.

A final but no less important layer to this normative bundle was founded in the ethical dispositions to erotic engagement, and specifically in the orientation to the economy of monogamy. This symbolic monogamy, which was specifically matrimonial and life-long, was an extremely important aspect of erotic civility. Together with mandatory heterosexuality, it ordered sexual acts in socially reproductive ways, both literally and symbolically. Its implied aims were the creation of a sexuality that was “economically useful and politically conservative,” and fostered the orderly reproduction of the species as well as the maintenance of the “moral fiber” of the nation (Foucault 1990 [1978]: 37). This early form of erotic civility had clearly delineated bio-political objectives: the reproduction of bodies and the reproduction of erotic civility itself.

It is interesting to note that, during the late 1800s, the discourses on monogamy developed along specific and different gender lines. Sexological discourse, as we will see, at this time specifically insisted on instilling monogamy in males. In fact, it deemed monogamy a “natural” propensity of the female, something that was “innate” to her essence, similar to her maternal “instinct.” Men conversely, were cast as “naturally” promiscuous: therefore, the injunction to become “civil” through monogamy was particularly severe for them.<sup>30</sup>

---

<sup>30</sup> It is important to note that the insistence to make men “continent” would unwittingly provide the justification for the discursive support of the double standard. Casting male sexuality as “in need of control” would at once create the occasion for severe policing but also discursively embed and reproduce the understanding that men had a “natural tendency” to promiscuity.

Men were exhorted to “police” their unbridled sexuality for moral reasons, through the ascetics of marital fidelity, for the good of the soul and the nation (Brissett and Lewis 1970: 42-44; Gordon and Shankweiler 1971: 460). It is important to note this foundational normative difference in gender and the disposition to monogamy, because it will prove to be perniciously resistant in the coming re-elaboration of erotic civility.

As discussed earlier, any form of judicial or regulative discourse, that seeks to confine, limit or prohibit a specific set of subject positions, acts, or practices, automatically opens these same positions and acts to discourse, and provides an occasion for resistance (Butler 1993: 109; Foucault 1990 [1978]: 101). This point is particularly relevant in the evolution of erotic civility regarding two discursive impositions: mandatory heterosexuality, which engendered its “abject” mirror image, homosexuality, and the insistence on contained sexuality and reproduction, which interestingly brought about the eroticization of conjugal love.

The subject position of the homosexual entered discourse at this time, and over the coming years, it would consolidate its ontological contours and its erotic dispositions, although it would not effectively engage in open politicized resistance until the 1950s (Gagnon 2004: 52).<sup>31</sup> In fact medical discourses, at the turn of the twentieth century, had already begun addressing sexuality in much

---

<sup>31</sup> My analysis will not specifically focus on the emergence of homosexual subjectivity and its related dispositions. I will only touch upon it whenever it relates to intimacy and to its relationship to the practice of monogamy. For example, in the following chapters I illustrate how the waning of the importance of reproduction in sexuality, and the increased insistence on conjugal intimacy, had the “unplanned” discursive effect of legitimizing homosexual unions.

more positive ways, veering away from the austere abstention that had characterized the prescriptions of earlier scientific knowledge.

For instance, the way these discourses addressed homosexuality began to shift, adopting the position that not all its forms were pathological or deviant (Oosterhuis 2000: 69). Different sexologists began to entertain the possibility that some homosexual relationships, based on love and intimacy, might be compared to heterosexual ones (Ellis 1948 [1906]; 1913). This particular turn found its impetus in the amelioration of sexuality, a discursive development that gave primacy to relational intimacy over reproduction.

Moreover, sexual intimacy began to be discussed as necessary to marital adjustment: this “healthy” form of conjugal eroticism specifically made husbands responsible for the pleasure of their wives (Gordon and Shankweiler 1971: 460; McLaren 1999: 61; Stopes 1918; Van de Velde 1926). This form of “good” sex, interestingly, was detached from reproduction (Brissett and Lewis 1970: 42). Intimacy effectively usurped procreation in the pursuit to preserve marriage and safeguard the family. Yet, marital monogamy remained the essential backdrop to the process of amelioration of sexuality. Monogamy, marriage and intimacy continued to be symbolically linked in a “socially fruitful” manner.

The valorization of sexuality was enthusiastically embraced by the North American branch of sexual science, beginning in the 1910s. Its discourses emerged in clear opposition to classic sexology’s previous tenets, and focused on sexual “normality,” instead of on pathology and deviance. Characterized by a fervently positive “will to truth,” the emerging discourses of modern sexology

once again set out to configure the ontological contours of sexual identity, and produced new accounts of the “natural” dispositions of human sexuality, inaugurating a new gyration in the normative cycle of erotic civility (Kinsey et al. 1948; 1953).

In this context, the disposition to monogamy continued to be discussed in gender specific ways. Monogamy was deemed a “natural” characteristic of femininity, a discursive casting justified through the exigencies of gestation, the physiological passivity of women, and their “moral” superiority. Masculinity, conversely, continued to be seen as “unruly,” characterized by a “naturally” ebullient and unbound sexuality (Kinsey et al. 1948: 589). The discourse of monogamous responsabilization and the campaign for male sexual continence, that had characterized classic sexology, markedly weakened at this juncture. In the meantime, women were targeted, in a novel way, by advice: for “the good of the marriage,” they were exhorted to heighten their sexual interests, told to make themselves more available to their husbands, and encouraged to react more enthusiastically to intimate erotic play.

Thus the eroticization of the married pair, already emerging in classic sexology, increased dramatically (Kinsey et al. 1953: 358; Van de Velde 1926: 271). Pleasurable sex was heralded in the language of modern sexology as an effective instrument for marital adjustment, a safeguard against familial dissolution, a healthy solution to infertility, and a miraculous prevention for infidelity. Once again, sexual aptness, intimacy and monogamous marriage were fused in a tightly wound normative bundle (Irvine 1999: 212).

During the 1960s a discursive shift began to take place. On the one hand, there was a tactical uncoupling of sexuality from marriage; on the other, the tie between eroticism and intimacy continued to be strengthened. The bridling of sexuality in the service of intimacy had interesting discursive effects: it began undermining the norm of monogamy, especially its more conservative and severe symbolic casting — marital life-long monogamy. The valorization of the erotic transformed sexuality into a tool in the search of love, an instrument to find “the one,” or to attain idyllic relational bliss. Thus, from this point on, sexual activity engaged in for the sake of affection and utilized as a tool to develop intimacy, was intensely valorized, and began being celebrated and encouraged (Giddens 1992: 26).

Discourses on sexuality continued to encourage “pairing up” as the ultimate form of human communion, thus supporting monogamy, but they also began sponsoring a form of erotic openness, that ultimately would come to justify multiple sexual encounters. By casting sexual activity as an instrument for intimacy, sexology fostered a shift in the symbolic casting of the pair, from the husband and wife pair, to the “loving partner” pair. This version of the pair remained the privileged locus for intimacy and love, yet its economic orientation shifted, from a disposition to life-long monogamy, to an ethics of serial monogamy.

Another interesting shift was also taking place at this time. A seminal study on the mechanisms of sexuality, *Human Sexual Response* (1966), by Masters and Johnson, launched a discourse of gender equalization, which would

characterize the language of sexual knowledge beyond the 1960s. The study introduced the revolutionary notion that women, physiologically, had potentially stronger sexual prowess and drives than men, and that it was the male that was indeed the “weaker” sex. Discourses on the “sexual rights” of women proliferated from this point forward, characterized by the insistence on female pleasure, cast as an aspect of sex that had been ignored for far too long. Intimacy, from this moment on, entailed an equal division of sexual labor between the partners and an equitable expectation of pleasure. Any sexual inadequacies were cast as a “crime” against intimacy, and as indicative of a faulty relationship (Masters and Johnson 1970; 1974).

In the mid-1970s and the early 1980s the discourses of sexology remained relatively conservative, insisting on stable, if not conjugal relationships for sexual intimacy. In popular texts on sexuality however, and especially in sex manuals, the insistence on intimacy waned temporarily. The sexual revolution ushered in a decade in which plastic, non-committed and non-monogamous sexuality, as a practice of political “emancipation,” was celebrated (Comfort 1972).

However, the political rejection of monogamy and the discursive dissolution of the pair were short lived. In the 1990s a dramatic shift in attitudes, following the discovery of the HIV virus and the advent of the age of AIDS, would tinge discourses on sexuality. Sexological knowledge took on an extremely conservative agenda, where a return to conjugal, or at least strict relational monogamy, was invoked for the sake of survival. The openness to sexual

experimentation that had begun to infuse the literature on sex advice was summarily axed. The committed monogamous pair, cast as the symbolic locus for ultimate human intimate interaction, returned with a vengeance. It was suffused with an oblique and dark romanticism, as intimacy and trust now carried the burden of potential death, the phantom of AIDS haunting all sexual acts (Kaplan 1987; Masters and Johnson 1988).

## **2.5 Conclusion**

In the previous discussion, I introduced a theoretical approach that, on the one hand, explains the “structuring structures” of sexuality and justifies the “stubbornness” of monogamy, and on the other accounts for the normative mutations that have occurred in the past decades in North American society. I argued that sexual norms and disposition are organized in a discursively constituted prescriptive bundle, which I term erotic civility.

This bundle is comprised of different normative functions, which include the gendering process, an orientation to heterosexuality, and a disposition to monogamy. These operate in concert by stipulating the ontological “borders” of subjectivity and by directing scripts of “erotic ethics.” I also offered a schematic account of the phases of the rise and consolidation of norms pertaining to sex in the discourse of medical science and other forms of popular discourse on sexuality, from the 1850s to the present.

In the next chapter I specifically focus on the expert discourses of medical science, in the texts of classic and modern sexology, and map out the evolution

of erotic civility within them. I will contend that the monogamous norm was simultaneously re-inscribed and challenged therein, in a manner that valorized the symbolic construct of the faithful pair, while discursively making that same monogamy suspect and unrealistic, thus fostering a form of monogamy that was intrinsically serial.

## Chapter 3

### Medical Authorities and the Constitution of Erotic Civility

#### 3.1 Introduction

In this chapter, I begin to trace the evolution of erotic civility in the expert discourses of medical science. In the first section, "Classic Sexology and the Emergence of Erotic Civility," I analyze some emblematic examples of the texts of classic sexology. I argue that sexuality was strongly valorized in sexological discourses. These discourses deemed that the "key" to a person's identity lay in their sexuality, and that sexual habits revealed the "essence" of one's character. The profession also produced a taxonomy of perversions against which the sexually "normal" was measured, and this process fostered the normalization of a specific kind of heterosexuality.

I argue that three important and conflicting trends were at play in this new understanding of the sexual: first, the heterosexually reproductive pair was reinscribed as the true "norm" for human relations, while unbound lust continued to be deemed detrimental to the civilizing process. Second, the double standard was given "scientific" support, as women were depicted as less lustful, and essentially monogamous, and men as naturally promiscuous. And last, reproduction, as the primary driving force for the constitution of the pair began to be questioned and lost its primacy, while love and fulfillment took center stage as its fulcrum. The norm of monogamy was thus diffused with a stronger romanticism and symbolically eroticized.

In the second section of the chapter, “The Production of “Normal” Sexuality: Erotic Civility in American Modern Sexology,” I continue to follow the evolution of normative monogamy in the discourses of sexology. Specifically, I analyze its developments in the modern scholarship of four important figures: Kinsey et al., Masters and Johnson and Kaplan. This discussion focuses primarily on the ways in which conceptualizations of gender, sexual attraction and pairing have problematized normative monogamy. I contend that the discourses of modern sexology simultaneously re-inscribed and challenged the monogamous norm, which both upheld the symbolic construct of the faithful pair and discursively made monogamy suspect and unrealistic. As such, these discourses fostered a form of monogamy that was intrinsically serial.

In the concluding paragraphs of the chapter, I argue that the discursive constructions of normal sexuality circulated by the experts of sexology have re-centered normative monogamy as the ideal form of relationship. However, these constructions have expanded the parameters for emotional couplehood and sexual aptness, thus making each partner’s responsibilities increasingly unattainable.

#### Classic Sexology and the Emergence of Erotic Civility

“Love unbridled is a volcano that burns down and lays waste all around it: it is an abyss that devours all – honor, substance and health.” (Krafft-Ebing 1965: 1)

In order to understand how normative monogamy has been discursively produced and operationalized in the North American context from the 1890s to

the present, it is necessary first to focus our attention on Europe and the period from the 1850s to around 1920. A research concern that is of particular importance is analysis of the emergent authority of medical science's discourses, specifically the budding science of sexology. As such, the following discussion focuses on early sexology's intimations regarding monogamous behavior, the ways in which it stressed its importance in marriage and how it underlined its significance for the maintenance of social hygiene.

According to Nikolas Rose, the discourses produced by the "great authoritative machines" that emerged in the 1800s addressed the conduct of individuals in a manner that went beyond mere representations of subjective reality or cultural beliefs. They constituted a body of critical reflections on the problems of governing persons in accordance with, on the one hand, their nature and truth and, on the other, with the demands of the social order. In this manner, these discourses acted to establish arrays of norms according to which the capacities and conduct of the self were judged. Moreover, they constituted changing regimes of subjectification through which persons came to give meaning to themselves and their lives, which have been in turn manifested in techniques for shaping and reforming selves (Rose 1996c: 20).

By the 1850s, sex in Europe had become the subject of an overwhelming explosion of discourse. Foucault, rejecting the classic Victorian assumption that such discourses aimed at repressing desire, argued that this "verbosity" on sex specifically revolved around the will to speak about its "repressed nature." Thus, Foucault explains, "...rather than a massive censorship, beginning with the

verbal properties imposed by the Age of Reason, what was involved was a regulated and polymorphous incitement to discourse” (Foucault 1990 [1978]: 34).

By proliferating the ways in which to speak about its “unspeakability,” sex was made into an “open secret.” This censorship actually achieved the opposite result of its original “repressive” aims: if censorship condemned sexuality to silence, it also articulated precisely what it subjugated to the rule of law. In this manner sexuality became the site on which contradictory transfers of power occurred whereby the court that held the power of law perversely committed the very crimes it condemned (Bristow 1997: 140).

The study of normalizing discourses in classic and modern sexology has been carried out by a number of authors who have appropriated Foucault’s genealogical approach and theoretical insights. Since the 1980s, many social theorists have undertaken the analysis of the authoritative texts of medical science and sexology, investigating the ways in which they have participated and furthered the sexual normalization of subjects. I will borrow from several of these authors, including Jacques Donzelot, Thomas Lacqueur, Frank Mort, Lawrence Birken, Abram De Swaan, Arnold Davidson, Sander Gilman, Roy Porter, Mikulas Teich, Harry Oosterhuis, Robert Nye, Vern Bullogh, Dwight Dixon, Joan Dixon, and George Chauncey, experts on sexual regulation, and make reference to their analyzes throughout my discussion.

### Nineteenth Century Europe: Social Context and Ideologies

In his seminal text *The Management of Normality*, De Swaan discussed the process of medical professionalization that took place in Europe from the

mid-nineteenth century to the early twentieth century. He argued that sexual problems increasingly came to be “discovered,” “categorized” and “treated” by a specific group of “experts.” Thus members of the medical profession gradually usurped older authorities (such as the church; Donzelot 1979: 172) and claimed the sexual realm for themselves. The professional classifications and conceptions of sexual troubles they created were gradually adopted by increasingly large circles of people, gradually spreading to non-experts, who appropriated them thanks to a process of dissemination in literature and the media:

In this way, the division of labor which ha[d] evolved among the helping professions also served as a guideline in everyday experience of laymen when putting their troubles into words and categorizing them... the very fact that people live[d] in society as potential therapy clients, welfare clients, and patients of one profession or another shape[d] the troubles they experience[d]. (De Swaan 1990: 101-102)

Lacqueur, following De Swaan’s line of argument, has pointed out that sexology ultimately came to constitute, rather than merely reflect, what it sought to define (1992: 200).

According to Gilman, history, sexuality and degeneracy were inextricably linked in late nineteenth century thought. Sexuality, like many other social phenomena, was interpreted according to the Hegelian model of historical unfolding: each age was understood as being more advanced and complex in comparison to earlier ones. Bourgeois sexuality, according to this model, had evolved from lesser forms, and embodied the apex of human potential:

If the most advanced stage of human sexuality following the redemption of Christ is that of the adult, male European, rather than

the child or the Other (woman, black) as child, this is proof that the most primitive sexuality must correspond to the most primitive stage of human history. (Gilman 1985: 213)

In this light, anyone that did not fit masculine middle class sensitivities was potentially suspect and “polluted” by inherent degeneracy. Such processes of sexual “othering,” according to Gilman, were informed by fears of class conflict and usurpation (1985: 214). Frequently the middle classes, propelled by a philanthropic zeal for sexual hygiene, would wage moralizing campaigns to erotically contain the “impulses” of the lower classes, whose unbound sexuality, it was feared, might proliferate its numbers to excess (Donzelot 1979: 30-31; Mort 2000: 29-30; 33-34).

One of the most influential thinkers of the times, Malthus, was especially concerned with disorderly reproduction and its potentially catastrophic effects for the survival of the species. In his writings, he effectively brought sex into the economic realm. If previously human reproduction had been seen in more benign ways, with Malthus propagation took on a more a sinister character: if sexual drives were to be left unchecked, unbound multiplication would bring about famine and eventually result in the extinction of the species (Porter and Hall 1995: 127).

Sexuality increasingly came to play a central role in the biological disciplines and social ideologies that flourished in the last decades of the nineteenth century. Among the most important, social Darwinism and degeneration theory tended to rationalize social and political inequalities as “facts” of nature, ubiquitously justifying both racism and nationalism. Especially

popular at the turn of the century, the tenets of eugenics offered the promise of rational mastery over the natural laws of evolution. They discursively linked genetics, demographics and medicine and made them a most formidable justification for social intervention and governance (Oosterhuis 2000: 32-33; Birken 1988: 95).

From the 1850s on, degeneration theory became ascendant and was entrenched as a biomedical, philosophical, and cultural framework. It was endorsed because of its wide explanatory potential that linked pathology to cultural malaise, and provided explanations in many disciplines, such as psychiatry, criminal anthropology, and cultural theory. These looked far into the origins of mankind, as well as into its recent developments (Gay 1986: 329-30).

Degeneration theory, discussed most famously by Morel in *Traite'* (1857), was conceived as a phenomenon that affected patterns of heredity in societies. It was specifically defined as a deviation from the “normal type” of humanity. Grouping together a colorful and extremely varied array of mental, physical and moral “conditions,” Morel argued that any form of degeneration — be it physical, mental or moral — would inevitably spread to other parts of the affected being, in a process of inexorable propagation and pollution. The essential characteristic of degeneracy was thus its “rhizomatic” transmissibility (Davidson 1990: 317). Pick has argued that this formulation of degeneration made it at once a disease of the body and a disease of society as a whole (1989: 51).

Degeneration theory assumed that lower stages of human development were characterized by widespread sexual deviance, which came to be slowly

eradicated with the civilizing process. A logical relationship between normality and progress was thus established, as well as between abnormality and decay (Birken 1988: 78-79). Yet, degeneration theory also maintained that decay could be caused by the civilizing process itself. The strain that cultural and intellectual progress extolled on the human mind and spirit was the price that illuminated and civil beings had to endure for their "rise to humanity" (Oosterhuis 2000: 53; Carter in Nye 1999: 123).

Degeneration theory spread the alarming notion that civilization was a stage of human development that was precarious, to say the least. Underneath a thin veneer of civility hid a fierce and perverse creature, a primal monster; civilized man, succumbing to the pressures and strains of modernity, might "go ape" (Kershner 1986: 420; Nye 1999: 115; Gilman 1985: 213).

From the end of the 1700s to the beginning of the 1800s the sexual "aberration" that had worried scientists most had been masturbation, believed to corrupt the individual's moral fiber, especially if practiced at an early age. The causal link between this solitary vice, the nervous system and mental diseases would continue to reemerge as a problem over the course of the entire century. Its most pernicious effects were reputed to stem from its fundamentally asocial character, as opposed to healthy, vital and socially reproductive heterosexual intercourse. According to Rosario, hygienists viewed this "solitary passion" not simply as a matter of individual morbidity, but as a symptom of social pathology: youth, "the future wealth of the nation," thus polluted, would cause the demise of society itself (1997: 38).

By the end of the 1800s, medical concerns grew beyond onanism to include many more aspects of human sexuality. Promiscuity and sexual license came to be thought to threaten directly the existence of family life and to degrade public morality (Oosterhuis 2000: 28). The criminalization of prostitution, homosexuality and other “deviant” forms of sexuality was the practical outcomes of a drastic discursive shift, which transformed private acts into public concerns about social hygiene. From this point on, such acts could be legitimately condemned for the preservation of new standards of bourgeois respectability, public health and “erotic civility” (Weeks 1989: 241; Nye 1999: 128; Nead 1988: 101).

It is important to note that in this context, uncontrolled sensuality was once again discursively cast as threatening to the civilizing process. Thus, any form of intervention for the imposition of erotic civility was entirely justifiable, especially when carried out by the new “experts” of sex, psychiatrists, sexologists and doctors, the new paladins of social hygiene. Thus, the mythic struggle between animal lust and moral behavior, which had already belonged to the much older classical and Christian traditions, came to be anchored in sexological and medical thought and in the scientific profession as well.

### The Rise of “Perverse” Sexuality: Krafft-Ebing’s *Psychopathia Sexualis*

In this section I discuss what Foucault termed “the psychiatrization of perverse pleasure” (1990 [1978]: 146-147).<sup>32</sup> This phenomenon is extremely

---

<sup>32</sup> Foucault suggested that four different phenomena for the exercise of power through the technology of sexuality emerged in this period. These were

significant for the discussion of the articulation of normative monogamy in the discourses of sexology. Sexological authorities essentially made any sexual practice that fell outside heterosexual monogamous marriage a “deviant perversion.” This in turn brought about complex technological and discursive shifts. Most importantly, sex was transformed from an “act” to an issue of “character.” The concentration on “character” in sexual discourse permitted the fusion of the “sexual” to the “ontological”: from this point forward, sexual identity and direction were transformed into founding stages for the negotiation of human intelligibility and the development of gender identity.

With the emergence of the science of sexology, a shift in the understanding of sexual deviance took place, from a form of behavior to an ontological condition. The medicalization of sexuality entailed a re-problematization of deviance that began to prioritize the moral essence of the individual, rather than maintain its focus on the singularity of a behavior or of an event. Sexual deviance, then, became a matter of character and of personal identity (Hauser 1994: 211; Oosterhuis 2000: 6; Davidson 1990: 314):

It was the role of modern sexual science to shift attention from practices to psyches, and thereby systematically to pigeonhole such sorts of ‘deviants,’ the invert or homosexual, the narcissist, masochist or exhibitionist. (Porter and Teich 1994: 15)

Increasingly irregular sexual activities were no longer deemed to be “perverse acts,” but manifestations of symptoms of innate characteristics.

---

articulated and operationalized in complex discourses on sex, themselves “manifestations” of bio-power, or techniques “for achieving the subjugation of bodies and the control of populations” (Foucault 1990 [1978]: 140). They were: the hysterization of women’s bodies, the pedagogization of children’s sex, the socialization of procreative behavior, and the psychiatrization of perverse pleasure (Foucault 1990 [1978]: 146-147).

In this manner, the medical and psychiatric sciences neatly demarcated the territory of irregular sexuality as their exclusive domain, challenging the authority of both the church and the judicature:

Perversion... was a disease created by a new (functional) understanding of disease, a conceptual shift, a shift in reasoning, that made it possible to interpret various types of activity in medico-psychiatric terms. There was no natural morbid entity to be discovered until psychiatric practice invented one. (Davidson 1990: 316)

This tactical positioning advanced a paradigm change in the understanding of sexual deviance, especially of same-sex behavior. It effectively transferred it from the realm of "sin," which belonged to the church, and "crime," which belonged to the judiciary, to the domain of health and illness, now the exclusive realm of science (Donzelot 1979: 171-172; Oosterhuis 2000: 43).

Sexology gradually transformed the way in which individuals gained access to their intelligibility, by making sex one of the most important principles for the stipulation of the formation of identity, and creating taxonomies of perversions against which "normal" heterosexuality was measured. Yet, the perversions had no meaning until they were measured against an assumed "norm" of reproductive sexual behavior (Chauncey 1994: 121; Mort 2000: xix):

Discussion of normal reproduction and human sexual potential was generally repressed in favor of the protean image of the diseased. The presentation of reproduction, of sexual anatomy, of sexual activity within the medical textbooks of the period was in terms of what could and evidently often did go wrong, rather than in terms of what was labeled as 'healthy' or 'normal.' The normal was understood simply as that which was not degenerate, and the sexually normal was defined by the most powerful of contrastive models, that of deviant human sexuality. (Gilman 1985: 214)

Thus, the “normal sexual instinct” was implied to be heterosexual and reproductive (Nye 1999: 143). By postulating desire as inevitably reproductive in the healthy individual, sexology was putting forth the claim that the reproductive order was in fact self-regulating and that any form of non-reproductive sex was pathological (Birken 1988: 13; Davidson 1990: 309).

Chauncey has argued that homosexuality and heterosexuality emerged as two facets of the same normative couplet in nineteenth century scientific discourse. Each category depended on the other for its definition and existence:

‘Normal’ men only became ‘heterosexual’ men in the late nineteenth century, when they began to make their ‘normalcy’ contingent on the renunciation of such intimacies with men. They became heterosexual, that is, only when they defined themselves and organized their affective and physical relations to exclude any sentiments and behavior that might be marked as homosexual. (Chauncey 1994: 121)

One of the most influential figures of the period and expert on the perversions was Richard von Krafft-Ebing. In *Textbook of Insanity* (1904), he distinguished between classes of sexual abnormalities according to timing, scope and direction. The first group comprised irregularities that occurred during “abnormal” periods in the life of the affected subject (for example, during childhood or old age); the second group included problems of volume, either the absence or the “pathological” increase of sexual instinct. Finally, the third group comprised of the actual perversions: these were abnormalities either of the purpose of sexual desire (for example, any sexual activity that was not aimed at coitus — sadism or masochism (Krafft-Ebing 1904: 81; Bulloch, Dixon and Dixon 1994: 47), or of the object (of the non-human kind: fetishism or bestiality) of

sexual desire (Krafft-Ebing 1904: 81; Oosterhuis 2000: 43; Birken 1988: 101-102).

Almost a decade later, in the first edition of *Psychopathia Sexualis*, Krafft-Ebing introduced the terms *paradoxia* (sexual problems related to timing — i.e. sexual activity in childhood), *anesthesia* and *hyperesthesia* (sexual problems related to amount — i.e. frigidity or nymphomania), and *paresthesia* (problems related to direction, i.e. homosexuality, or non-human objects, i.e. fetishism) for those categories (Krafft-Ebing 1965: 34). Increasingly, psychiatric attention was dedicated to what Krafft-Ebing had termed paresthesia, the perversions “proper,” associated with a more or less immutable constitution of the character of particular individuals (Hauser 1994: 211). In the following decades, together with his German and French colleagues, he created and defined new categories of perversion by collecting and publishing case histories, in a more or less systematic manner.

The category that received most attention was same-sex behavior.<sup>33</sup> Krafft-Ebing made popular the term homosexuality, which he sharply distinguished from sodomy and pederasty. He defined these as specifically anal

---

<sup>33</sup> Same-sex behavior was characterized by numerous terms: for example, *uranism*, introduced by Karl Einrich Ulrichs in 1864; or *homosexuality*, coined five years later by Karl Maria Kertbeny. It is curious to note that these definitions sometimes did not necessarily emerge from medical literature. Rather, they had a political or “proto-emancipatory” origin, and were derived from the works of political activists (Hirschfeld is an emblematic example) who were engaged in the political struggle for the emancipation of same-sex love (Bullough 1994: 65). The final decades of the nineteenth century saw an explosion of terminology of sexual language that painstakingly described even the most obscure and uncommon sexual practices. This taxonomic zeal was received with mixed feelings by the public: readers were at times titillated, but at times the authors encountered harsh criticism and downright shock (Oosterhuis 2000: 44).

practices. The term heterosexuality,<sup>34</sup> invented by Kertbeny, was published for the first time by Gustav Jager, a professor of zoology and anthropology (Oosterhuis 2000: 44-46).<sup>35</sup>

During the 1890s the scientific interest in sexual perversions grew rapidly, in psychiatry as well as other social disciplines, such as criminal anthropology. One of the most infamous theorists of this movement was the Italian forensic scientist Cesare Lombroso. Lombroso argued that criminality was as an innate trait, which could be discerned in the physical features of subjects. Another emblematic figure was Albert Moll who, in *Libido Sexualis: Studies in the Psychosexual Laws of Love Verified by Clinical Case Histories* (Bullogh 1994: 47), preceded both Sigmund Freud and Havelock Ellis in elaborating a general theory on sexuality.

Some of these researchers chose to study sexuality differently, and rather than focusing on a purely psychiatric or medical approach, they privileged an anthropological and culturally diverse outlook. One of them was Havelock Ellis, who published his findings in the monumental series *Studies in the Psychology of Sex* between 1897 and 1928. Iwan Bloch was another: he favored a historical

---

<sup>34</sup> It is interesting to note that the term heterosexuality, conceptualized as the desire for the other sex, at first did not signify normalcy, and was actually a term that described perversion (Katz 1995: 21). Originally, the normal sexual instinct was associated with a built-in, unconscious procreative aim. Women and men, who enjoyed sex with each other for its plastic pleasures, not for the purposes of reproduction, were termed "heterosexual." Their perversion was the digression from the reproductive norm. From this reproductive standard, heterosexuality seemed to converge with homosexuality. Eventually, Krafft-Ebing, Moll and Ellis began to suggest that heterosexual desire, free from any conscious tie to reproduction, was an essential element of their intimacy (Katz 1995: 21-22).

<sup>35</sup> For a detailed discussion of the vast terminology that sprang into existence during these times see Oosterhuis 2000: 44-46.

approach and collected anthropological material. In *Anthropological Studies of the Strange Sexual Practices of All Races in All Ages* (1933), Bloch prioritized the heterogeneous cultural dimensions of sexuality in a global context (Bullogh 1994: 56-57). Of all the taxonomies of human sexuality created, the one that Krafft-Ebing had drafted in *Psychopatia Sexualis* would eventually become the best known and well-established in medical and other intellectual circles (Oosterhuis 2000: 46).

The analysis of the different formulations of the forms of inversion and the theorizations on its causes are not relevant here. What is essential and needs to be reiterated, however, is that this *discursive fabrication* of the perverse, was instrumental for the definition of the normal. By postulating the sexual instinct as inherently reproductive, all non-reproductive acts could be grouped together as perversions; and, *vice versa*, all perversions, because non reproductive, normalized heterosexual reproduction as human instinct (Davidson 1990: 309). Thus the categories of licit and illicit sexuality emerged *in relation to each other*.

Also, knowing the “perverse,” establishing its causes and formulating treatments to cure it, or, at least minimize its proliferation, became the self-appointed tasks of sexology. These efforts were prophylactic measures specifically aimed as safeguarding socially acceptable forms of sexuality. Finally, it is imperative to understand that, in this fashion, sexuality was transformed into something much more important and serious than a mere “act”: it was effectively transposed into the realm of ethics and changed into an aspect of life that had ontological pertinence. Through “proper” sexuality, individuals could be

transformed into “erotic citizens”: their sexual choices, if licit, would make them into modest women, chaste mothers, proper husbands, moral fathers, and most importantly respectable members of civil society.

### Erotic Civility: Monogamy and the Socialization of Procreative Behavior

In the coming discussion of the works of Krafft-Ebing and Ellis, I demonstrate that the discourses of sexology re-affirmed the heterosexually reproductive pair as the ideal model for human relations, while continuing to deem unbound lust as detrimental to the civilizing process. Also, the double standard was given “scientific” support in sexology’s formulations of gender scripts for “proper” masculinity and “proper” femininity. Yet, by the 1890s, I contend, an important shift was already taking place within classical sexology: reproduction, as the sole driving force for the constitution of the pair began to be questioned and to lose its primal status. In its place love and fulfillment were given more and more importance and claimed to be the “true” forces behind intimate pairing. Monogamy was increasingly diffused with romanticism, and symbolically eroticized.

In this context, uncontrolled sensuality was once again discursively cast in a manner that made it threatening to the civilizing process. All interventions to manage it were entirely justifiable, especially if they were to be carried out by “experts.” Thus, the mythic struggle between animal lust and moral behavior, which had already belonged to the much older classical and Christian traditions,

were anchored in medical thought as well. On the very first page of *Psychopathia Sexualis*, Krafft-Ebing gave the sexual instinct primacy over all human action:

Sexual life no doubt is the one mighty factor in the individual and social relations of man which discloses his powers of activity, of acquiring property, of establishing a home, of awakening altruistic sentiments towards a person of the opposite sex, and towards his own issue as well as towards the whole human race. (Krafft-Ebing 1965: 1)

Krafft-Ebing deemed the act of restraining the sexual instinct difficult yet imperative, as morality had only emerged after a tortuous struggle against the bestial instinct (Krafft-Ebing 1965: 1). Thanks to religion — specifically Christianity — the law, and education, man’s most primordial lusts had been bridled (Gilman 1985: 213; Birken 1988: 77-78; Oosterhuis 2000: 56).

Emphasis upon modesty and shame, a product of the Christian tradition, was a turning point in human development marking the rise of civilization from its more primitive origins. Krafft-Ebing charted the progress of human development from primitive, lawless promiscuity, to matriarchy, patriarchy, and finally to monogamous matrimony: “In comparing the various stages of civilization it becomes evident that, despite relapses, public morality has made steady progress, and that Christianity is the chief factor in this advance” (1965: 3).

Moreover, monogamy was the relational arrangement used to differentiate Christian nations from “primitive” non-monogamous races:

Christianity raised the union of the sexes to a sublime position by making woman socially the equal of man and by elevating the bond of love to a moral and religious institution... From the moment when woman was recognized as the peer of man, when monogamy became a law and was consolidated by legal, material and moral conditions, the Christian nations attained a mental and material

superiority over the polygamic races, and especially over Islam.  
(Krafft-Ebing 1965: 2-3)

Notwithstanding the efforts of these cultural institutions, for Krafft-Ebing individuals still ran the risk of lapsing back and being overcome by an all-encompassing sensuality:

Life is a never-ceasing duel between the animal instinct and morality. Only will power and a strong character can emancipate man from the meanness of his corrupt nature, and teach him how to enjoy the pure pleasures of love and pluck noble the fruits of earthly resistance. (Krafft-Ebing 1965: 3)

Krafft-Ebing contended that the sexual progression towards sexual continence was the proof that human society had reached a "mature" state. His efforts were instrumental in the symbolic construction of monogamous marriage as the most evolved form of human sexual communion, a belief that is still so effectively rooted in the present socio-cultural realm. Krafft-Ebing, moreover, argued that division and specialization of gender roles in the Western nuclear family marked the apex of humanity's evolutionary development, during which sex differences had progressively increased (Krafft-Ebing 1965: 9; Birken 1988: 101-102).

In Krafft-Ebing's theorization, love was a social bond that was inherently sexual: longing for a physical and psychological union was understood as an innate characteristic of human sexuality, geared towards the reproductive imperative. Yet such love was clearly experienced differently by the sexes. While men were promiscuous by nature, women were selective in their choice of sexual partners.

Krafft-Ebing argued that female sexuality had provided the basic foundation of marriage and had the emergence and crystallization of this

institution possible. He also believed that it had warranted the advancement of human sexuality from a “primordial violence” that had characterized sexual behavior before the rise of civilization. Again, he valued the role of Christianity in facilitating the repression of “bestial” sexual impulses. By recognizing woman as the peer of man, Christianity had consolidated monogamy both morally and legally (Birken 1988: 77).

Krafft-Ebing did much to legitimize “scientifically” the already well-established gender double standard. He held interestingly dissonant opinions on the sexual characteristics of women: on the one hand he believed them to be completely ruled by their reproductive organs; on the other, he was convinced that they utterly lacked intense sexual feeling. He argued that, in contrast to their male counterparts, women were inclined to chastity and love: “Women, however, if physically and mentally normal, and properly educated, have but little sensual desire” (Krafft-Ebing 1965: 8), and especially to monogamy: “Woman’s mind certainly inclines more to monogamy than that of man” (1965: 9).

Curiously, she was also awarded a sexual feeling of stronger impetus to that of man that had the power to “sway” all her faculties: “Nevertheless, sexual consciousness is stronger in woman than in man. Her need for love is greater; it is continual not periodical, but her love is more spiritual than sensual” (1965: 9).

For Krafft-Ebing, a woman’s infidelity was much more serious than a man’s, and required a much more severe punishment:

The unfaithfulness of the wife, as compared to that of the husband, is morally of much wider bearing, and should always meet with severer punishment at the hands of the law. The unfaithful wife not

only dishonors herself, but also her husband and her family, not to speak of the possible uncertainty of paternity. (Krafft-Ebing 1965: 9)

The author had lofty aspirations for such a pure yet potentially corrupt creature: “Woman far surpasses man in the natural psychology of love, partly because evolution and training have made love her proper element, and partly because she is animated by more refined feelings” (Krafft-Ebing 1965: 10).

In his comments on marriage, Krafft-Ebing made clear that he did not hold the impulses and moral character of men in high regard. He stated:

Even the best of breeding concedes to man that he looks upon woman mainly as a means by which to satisfy the cravings of his natural instinct, though it confines him only to the woman of his choice. Thus civilization establishes a binding social contract which is called marriage, and grants legal statuses, protection and support to the wife and her issue. (Krafft-Ebing 1965: 10)

Marriage was thus deemed to be the social institution that safeguarded women and their morality, and kept men from doing “harm” to themselves.

Additionally, he depicted male sexuality as completely oriented towards orgasmic release, scientifically buttressing the discursive notion that it was difficult to control:

Man has beyond doubt the stronger sexual appetite of the two. ... His love is sensual, and his choice is strongly prejudiced in favor of physical attraction. A mighty impulse of nature makes him aggressive and impetuous in his courtship... Having won the prize, his love is temporarily eclipsed by other vital and social interests. (Krafft-Ebing 1965: 8)

Perfectly opposed to the monogamous tendencies of women, men’s sexual appetites were essentially polygamous: “Natural instincts and social position are frequent causes of disloyalty in man” (Krafft-Ebing 1965: 9). In discussing the more “economic” sexual tendencies of women, he argued: “If it were otherwise,

the whole world would be a brothel, and marriage and family inconceivable concepts" (Krafft-Ebing 1965: 8); he thus placed the moral burden of fidelity solely and irrefutably on the frail shoulders of the "weaker sex."

Krafft-Ebing was surely not the only sexologist to uphold this double standard. The budding profession did much to perpetuate the view that female infidelity was more serious than male, and should be more severely punished by law. The other side to such arguments was the "naturalization" of prostitution (Oosterhuis 2000: 57). Krafft-Ebing thus outlined the different expectations for men and women on sex in society and their relevance for the upholding of morality:

Sexual intercourse is of different import to the spinster and to the bachelor. Society claims of the latter modesty, but exacts of the former chastity as well. Modern civilization concedes only to the wife that exalted position, in which woman sexually furthers the moral interests of society. (Krafft-Ebing 1965: 10)

More and more it becomes apparent that monogamy was the behavioral standard for women, not men. This discrepancy will emerge again and again in the discursive castings of both classic and modern sexology.

It is important to note another paradigm shift in the discourses of monogamy, which had been primarily focused, at least up to that point, on reproduction. In fact, great concern had been expressed for all sexual forms that were non-reproductive, thus solely pleasure-driven, such as masturbation, any forms of "solitary" sex, and homosexuality.

By the turn of the twentieth century however, it is possible to note a move away from the issue of reproduction. It slowly began to lose its primacy, even

though the heterosexual pair, and therefore marriage, remained the main focus of concern. Instead, the discourses of sexology began to prioritize love, intimacy and pleasure, as long as they took place within the licit context of the monogamous heterosexual pair. Sex more and more became a most important aspect of conjugality, and erotic “civility” became achievable through the “ethics” of monogamy.

Giddens argues that the idealization of the monogamous heterosexual couple and the construction of the lovers as “collaborators,” in a joint emotional partnership, actually gave primacy to the companionate aspects of the pair, even in comparison to mother and fatherhood. This was one of the first discursive shifts that eventually would allow the separation of sexuality from the chronic cycle of reproduction (Giddens 1992: 26).<sup>36</sup>

Krafft-Ebing perpetuated the modern ideal of romantic love by stressing that both love without sexuality, and sexual pleasure without love were incomplete. His appreciation for the companionate and affective aspects of sexuality brought about an interesting shift in his position towards homosexuality, towards the end of his career. Initially the theorist had echoed many of his contemporaries in deeming homosexuality pathological. Yet, towards the end of his life, his view on the topic changed. Echoing the views of Ulrichs and Benkert, Krafft-Ebing began comparing homosexuality and heterosexuality, and eventually

---

<sup>36</sup> It is important to note that during this time a fall in reproduction was already taking place. For the middle classes, an increase in the cost of living was inducing a control in fertility, for the sake of maintained affluence. For the working classes, mandatory education of children had made them no longer an economic asset from a very early age, but had turned them into a financial burden (Caldwell 1980: 227-228; Levine 1987: 176).

came to think of them as similar (Oosterhuis 2000: 69). This was an important shift because it marked the moment in which procreation began to lose its status as an unshakeable norm.

Krafft-Ebing implicitly opened up the possibility that reproduction might not be the only or the most important goal of coitus. Instead, affection was now given primacy as its major purpose. The move from reproduction to affection, as the main purpose of sexuality, may point to how the heterosexual/homosexual dichotomy became the dominant categorization of the discourse of sexual orientation in the twentieth century (Krafft-Ebing 2000: 69). Commenting on “true love,” Krafft-Ebing stated:

Purely sensual love is never true and lasting, for which reason love is, as a rule, but a passing infatuation, a fleeting passion. True love is rooted in the recognition of the moral and mental qualities of the beloved person, and is equally ready to share pleasures and sorrows and even to make sacrifices. True love shrinks from no dangers or obstacles in the struggle for the undisputed possession of the beloved. (Krafft-Ebing 1965: 7)

Yet, he valued pleasure, in the context of love: “Ethical surroundings are necessary in order to elevate love to its true and pure form, but, notwithstanding, sensuality will ever remain its principal basis” (Krafft-Ebing 1965: 7-8).

It is apparent that at the turn of the twentieth century it was becoming more and more difficult clearly to demarcate the differences between compelling perverted appetites and natural instincts. By understanding sexuality not as simple procreation, but as an aspect of relational life and vital physical force, sexology created a new domain of knowledge, one focused upon desiring individuals.

This new outlook would bring theorists such as Moll and Ellis to see all forms of non-procreative sexuality as not necessarily problematic or dangerous, and to take its most politicized forms as a variance of human sexuality (Birken 1988: 110). These theorists began questioning the dangers of masturbation and interpreting infantile sexual manifestations as normal. They also began to consider whether sexual abstinence and dissatisfaction were harmful to one's physical and mental health, regardless of gender.

#### "Natural" Monogamy and Social Hygiene: Havelock Ellis

According to Weeks, Havelock Ellis can be considered the "most influential pioneer" of "sexual frankness" of the late Victorian period (2000: 17). In Ellis' opinion, sexuality was neither a threat to moral character nor a drain on vital energies. Rather, sexuality was a pivotal force in human life, not only because it ensured the propagation of the human race, but also because it provided the foundation to a fulfilling life (Ellis 1948 [1906]: 3).<sup>37</sup> Ellis painstakingly assembled detailed ethnographic accounts of human courtship and attempted to offer explanations of its underlying sexual psychology, be it "normal" or "deviant," in a holistic manner. He argued that sexual "deviations," such as homosexuality, fetishism, urolagnia and coprolagnia<sup>38</sup> could be understood as imitations of both

---

<sup>37</sup> Thus, it is possible to see, earlier with Krafft-Ebing, but more decisively with Ellis, a strong valorization of sexual pleasure, now conceived as "a good thing" for the human race. This is a major and pivotal change in discourses on sexuality, and one that has been enthusiastically taken up in modern sexology.

<sup>38</sup> Also referred to as *Scoptophilia* or *Mixoscopia*, urolagnia refers to the sexual fascination of observing a person urinate, while coprolagnia refers to sexual arousal caused by the sight of a person defecating (Ellis 1906: 105; 1948: 129).

the actions and the emotions of normal heterosexual courtship and intercourse (Robinson 1976: 24-25).

Ellis presented two foundational yet contradicting elements in his work: the first was a political commitment to transforming sexuality into a positive and enriching force in human life (Weeks 2000: 36); the second was a form of essentialism, that sought to reduce all sexual “anomalies” to the biological characteristics that differentiated men from women (2000: 37).

The first theme is important in discussing monogamy because it pertains to the sexual amelioration trend that would eventually come to characterize all sexology, especially its modern and positivist North American branch.<sup>39</sup> Interestingly, Ellis was emblematically nonconformist for his times — especially in his earlier writings. These writings called for the “demise” of the “stifling and restrictive” monogamous marriage of the times, and exhorted its radical reform, into an “open” union, that would entail emotional monogamy and life-long commitment, but sexual permissiveness, for both husband and wife (Ellis 1910: 167-168). Ellis was a romantic, and did much to entrench a companionate and erotic vision for marriage that would inform the dyadic ideology in sexology for the next half century. Here the “socialization of procreative behavior” phenomenon shifts to a more oblique and revolutionary angle than that of more conservative sexologists such as Krafft-Ebing.

The second theme, that of biological essentialism, would appear in Ellis’ writings under the guise of the idealization of motherhood, and consequently his formulations for social hygiene and orderly reproduction, that would take on a

---

<sup>39</sup> Ellis in this sense can be seen as a precursor to Kinsey.

distinctly eugenicist character. Here the phenomena of the “hysterization of the female body” and the “socialization of procreative behavior” are conflated. At this discursive junction Ellis links female sexuality to the womb and ties female sexuality to its strictly reproductive function. He cast the female as the “womb” of the nation, as mother and nurturer of society, and the male as paladin and provider, charged with standing guard over the family, and foraging abroad for its maintenance (Ellis 1936: 2; Weeks 2000: 40).

A medical doctor by training, Ellis dedicated his entire life to the study of sexuality and produced a multitude of volumes, documenting the sexual habits and psychology of humans, and commenting extensively on sex and morality.<sup>40</sup> Generally, his works tend to be tolerant of sexual variation, especially between males and females. Weeks describes him as a theorist who refused to “condone or condemn” (2000: 37). Ellis, however, labeled the individual “abnormal” when his/her actions clashed with what he believed to be “the real aims of sexuality” — the acts by which the race was propagated (Ellis 1936: 536). Thus, for Weeks, Ellis’ work increasingly came to confirm and re-inscribe, rather than overturn, the conventional interpretations of female and male sexual roles (2000: 37).

An emblematic example of Ellis’ characterization of female and male sexuality can be found in his discussion of courtship. For the author, courtship found its causal origins in humanity’s primordial animal past and was specifically articulated in the sexual “conquest” of the female by the male: “The essential element of ‘courtship’ for Ellis was the male wooing the female for the sake of

---

<sup>40</sup> His most famous work was the multi-volume *Studies in the Psychology of Sex*, completed by 1910 (Weeks 2000: 17).

procreation” (Weeks 2000: 38). Here the sexual conservatism of the author is most apparent and is based on two foundational assumptions: the first, that the male is the dominant mate and initiator of sex, and the second, that the causal force behind any form of sex is reproduction.

It is possible to discern a contradiction in Ellis’ understanding of the sexual relationship between the sexes and his political leanings that vacillated between envisioning women as irreconcilably sensual and asexual. On the one hand, Ellis fought throughout his life for women’s equality, not only in marriage but in sexual relations as well. He believed that women had the right to be sexually satisfied, arguing that female satisfaction has a biological basis: sexual excitation was a measure against sterility and a force to ensure reproduction. He also contended that sexual “frigidity” in females was often not their fault at all, but due to their partner’s technical inadequacies (Ellis 1910: 536, 577; 1913: 191-192).

On the other hand, Ellis’ understanding of gender relations continued to cast the female as the passive recipient of male attention. For him, the male was an “aggressor and seducer,” and the female a creature awaiting sexual awakening: “The female responds to the stimulation of the male at the right moment just as the tree responds to the stimulation of the warmest days in spring” (Ellis 1910: 189; Robinson 1976: 17-18).

Ellis held modesty to be the driving cause behind women’s sensuality and the “chief secondary characteristic” of their essence (Robinson 1976: 19). The element of refusal fundamental to women’s modesty both safeguarded them and made them even more appetizing to males. For Ellis this old cliché was essential

to the mechanism of courtship (Ellis 1913: 69). In *Man and Woman*, Ellis expounded this formulation even further. He argued that in the natural order of things there was a form of “cosmic conservatism,” a natural arrangement that had perfected itself throughout human evolution. The two sexes then had specifically evolved to be perfectly complementary to each other, for the exigencies of reproduction. This hard-wiring could only be partially overridden: “Woman breeds and tends; man provides; it remains so even when the spheres tend to overlap” (Ellis 1894: 440).

He called for the separation of gender roles, into an organic organization of family life into public and male, and private and female spheres (Weeks 2000: 40; Robinson 1976: 34). Ellis believed that sexual relations achieved their natural fulfillment in parenthood, and that in the absence of children erotic life itself was apt to suffer (Robinson 1976: 34). Parenthood, if very important for men, was absolutely fundamental for women: “In order to live a humanly complete life, every healthy woman should have, not sexual relationships only, but the exercise at least once in her life of the supreme function of maternity” (Ellis 1912: 65-66).

Ellis also believed that women’s reproductive abilities precluded them from competing equally with men. Throughout his career he insisted on the immense physical and psychological significance of menstruation, which he termed woman’s “sexual invalidism” (Ellis 1894: 347-49). In one of his most unfortunate and infamous statements, Ellis made his position quite clear: “In a certain sense,” he stated, “their brains are in their wombs” (1910: 527).

Ellis' insistence on the reproductive functions of women and his growing concern with the propagation of the race inevitably led him to sympathize with the eugenics movement, which gained momentum over the first decades of the twentieth century (Weeks 2000: 43). Eugenics provided Ellis with a coherent ideological extension to his beliefs on sexuality and gave him a practical orientation for his "social reform" agenda (Weeks 2000: 42-43). Eugenicist ideology was founded on the understanding that civilization would be propelled forward and safeguarded by the orderly reproduction of the human race, through the selective breeding of "superior" specimens. Ellis defined it as "the scientific study of all the agencies by which the human race may be improved, and the effort to give practical effect to those agencies by conscious and deliberate action in favor of better breeding" (1912: 28).

Ellis' early anti-marriage, pro-divorce, pro-open marriage revolutionary fervor, shifted drastically to embrace familial nuclearity, monogamy and heterosexual reproduction at the end of his career. In his earlier writings the theorist had harshly criticized the Victorian family and its restrictive marriage model (Ellis 1910: 167-170).<sup>41</sup> Following Engels, Ellis argued that monogamy was a product of a class-based society and its capitalist system based on private property. He strongly advocated for marriage reform, so that the union could be

---

<sup>41</sup> Ellis went so far as to link Victorian marriage to prostitution, as it subordinated the wife to the authority of the husband and left her exposed to his sexual and often adulterous whims.

transformed into a companionate union, an ethical dyadic structure of two people who shared equal rights and duties (Ellis 1910: 365; 475-76).<sup>42</sup>

Yet later in his career, his opinions had changed drastically and Ellis came to define “proper” monogamy in these terms:

Monogamy is the most natural expression of an impulse which cannot, as a rule, be so adequately realized in full fruition under conditions involving a less prolonged period of mutual communion and liberty... The needs of the emotional life ...demand that such unions based on mutual attraction should be so far as possible permanent. (1910: 167-170)

The issue of monogamy would lead Ellis to his most conservative positions on sexuality and the family. Increasingly his ideas on the family took precedence in his theories, and he eventually dismissed the lovers’ rights in favor of the children’s rights (1912: 102). By the 1930s, Ellis placed the nuclear, heterosexual, monogamous and reproductive family at the heart of his social concerns: through the family the longevity of the human species would be ensured (Weeks 200: 47).

### Mutations In Erotic Civility: From Reproduction to Intimacy

With the emergence of sexology, sexual deviance was no longer regarded as a type of behavior but instead as an ontological condition. However, the medicalization of sexuality from the 1850s to the 1890s did not necessarily entail a change in attitudes towards sex, but rather a re-problematization of deviance. New conceptions of deviance focused upon the moral essence of the individual,

---

<sup>42</sup> His own marriage strived to live up to this model, and both he and his wife Edith, had maintained emotional monogamy but had had sexual relations outside their union (Weeks 2000: 46).

rather than on the specific behavior or event. Deviant sexuality as a “sign of sickness” was indicative of a change in the hermeneutics of sexual disease from behaviour considered sinful, to a way of being, a manifestation of a morbid condition.

Sexual deviance then, became a matter of personal identity. Foucault argued that modern sexuality was specifically constituted by this “ontological bracketing,” or socially created out of disciplinary power and discourses of knowledge. By grouping together behavior, physical characteristics and the emotional make up of individuals, sexology created the identity of the deviant subject. This discourse created a taxonomy of sexual personas, characterized by specific abhorrent tendencies.

Yet, in what way was monogamy tied to this sexuality-based character formation? As discussed earlier, the efforts of authoritative discourses, such as Krafft-Ebing’s and Ellis’, to define normal sexuality as heterosexual and reproductive supported the normalization of monogamy. Monogamy was deemed an essential characteristic of erotic civility, a necessity for the fostering of companionate pairing and the maintenance of familial unity.

However, the sexological tradition squarely attributed a “natural” tendency towards monogamy to women. For Krafft-Ebing, women were responsible for the moral development of the entire human race, as well as for the rise of the institution of marriage, thanks to their inherently caring and loving natures. This portrayal tended to place women in the position of “moral watchdogs,” not only for their partners and families, but for the entire populace.

Yet, the belief that women were easily influenced by their reproductive organs was also deeply rooted in these discourses. They were portrayed as potentially traitorous and philandering creatures in need of constant control and supervision. Women bore the burden of serving as society's moral pillars while simultaneously being demonized as the potential corrupter of humanity. A woman's infidelity would justify abandonment, not necessarily because the paternity of the offspring would be uncertain, but because her "moral leadership" would be compromised.

Women's sexual impulses were described as quiescent and weak, which, on the one hand, made them pure, and on the other made them inadequate in fulfilling their partner's needs. These qualities justified any sexual forays their male partners may be tempted into.

Man's character in sexological discourses mirrored that of woman's: men's unbound lust was pathologized and they were told to learn to control their impulses, to fall in love with a worthy companion, and to be faithful.<sup>43</sup> Yet, sexology put forth a characterization of male sexuality as "naturally" polygynous, with libidinal impulses oriented towards orgasmic release. In this manner, the infamous Victorian double standard was given scientific support, and justified as an inevitable aspect of human sexuality.

---

<sup>43</sup> Though described as more rational than his female counterpart, man's tendency to seek out pleasure against the exigencies of family life and of orderly reproduction placed him in a morally inferior position to women. He was also described as potentially more prone to mental and sexual dysfunction, as the civilizing process had taken a much harsher toll on his psyche than on that of his companion. But the final assumption here was that men were not congenitally oriented to monogamy and, unless "morally policed" (by women), they could not possibly be expected to adhere to it.

The ethical intimations for erotic civility for the pair were then not much different from earlier classical stoic tenets. Men and women were to love one another, marry to keep lust in check and be faithful. Reproduction was still deemed essential to paired life, yet sexuality was increasingly fashioned into a tool to gain intimacy and cement companionship. In this manner, reproduction in the sexual act was slowly stripped of its primacy: the birth of offspring was a fortunate outcome of a more important act, that of "lovemaking." This partial disappearance of the procreative imperative was a very important shift in the discursive casting of the pair. By stating that reproduction was no longer the only logical foundation of the pair, and by giving causal force to intimacy, companionship and love, sexology effectively romanticized marriage. From this point forward, any emotional dysfunction due to a lack of caring on the part of one of the partners would be discursively constructed as pathological, unacceptable and requiring intervention. A lack of intimacy and loss of love at this juncture were acceptable reasons for dissolution.<sup>44</sup>

Finally, the shift away from reproduction towards intimacy and companionship exacerbated the process of moralization of sexual behavior. Within the heterosexual pair, intimacy and love began to be cast as a responsibility for both partners. The specific focus on intimacy caused an

---

<sup>44</sup> A similar argument can be made for sexual intimacy. As sexuality and reproduction become detached from one another, sexual intimacy was discursively fashioned into a tool that partners had to utilize to give physical pleasure to one another. The dyad was effectively eroticized. From this point forward, any sexual dysfunction could be potentially threatening to the survival of marriage, and thus the sexual life of partners was opened up for professional scrutiny and intervention.

interesting discursive shift in the understanding of all forms of intimate “friendship.” By understanding sexuality not only as simple procreation, but as an aspect of relational life and a vital physical force, sexology created a new domain of knowledge, one inhabited by desiring individuals. The intimacies of homosexual partners, seen in this light, began to lose some of their pathological connotations. Increasingly, all forms of sex that were geared towards love and intimacy were legitimized.

In the following discussion, I illustrate how the formulation of the pair as companionate would be claimed by dissident power and knowledge authorities, such as the gay rights movement and the feminist movement, shattering notions of the “normal,” and carving out new ontological subject positions that would extend the boundaries of normative monogamy. In turf wars to limit moral institutions’ authority over the sexual, early sexology created a set of ontological sexual truisms that would be taken up by its North American sister science. In the next section I discuss and analyze the discursive developments in North American sexology from World War II to the present.

### **3. 2 – The Production of “Normal” Sexuality: Erotic Civility in Modern American Sexology**

In the previous section, I argued that early sexology strongly valorized sexuality, stipulating that in sexuality lay the “key” to a person’s identity lay, and that sexual habits revealed the essence of one’s character. The profession also produced a taxonomy of perversions against which the sexually “normal” was

measured, and this process fostered the normalization of a specific kind of sexuality, a heterosexual “erotic civility,” which put monogamy at the center of its relational ethics.

Three important and conflicting trends were at play in this new understanding of sexuality: first, the heterosexually reproductive pair was reinscribed as the true “norm” for human relations, while unbound lust continued to be deemed detrimental to the civilizing process. Second, predisposition to monogamy was gender specific: women were depicted as less lustful, and men as naturally promiscuous. And last, reproduction was no longer thought to be the primary driving force behind the pair; instead love and fulfillment took center stage. The norm of monogamy was thus diffused with a stronger romanticism and symbolically eroticized.

Since the 1970s, a number of social theorists have undertaken the analysis of the authoritative texts of modern sexology, investigating the ways in which they have participated and furthered the sexual normalization of subjects. Some authors have engaged in a critical deconstruction of the political and ideological foundations of modern sexological thought, including Robertson, Bulloch, Gagnon and Simon, Gagnon, and Bejin. Others, such as Tiefer, Ericksen and Steffen, and Irvine, have critiqued the authoritative texts of modern sexology from a feminist perspective. In the following discussion I explore these researchers' works.

I argue that sexology, as an authoritative science, has articulated different kinds of ontological matrices, oriented towards particular kinds of erotic ethics,

and organized according to gender specific sexual scripts. At times these sexological discourses have been aligned with the overt political agendas of their authors, while at other times they have reflected older assumptions from their education and cultural upbringing. My discussion of the knowledge produced by sexology will focus primarily on its discursive nature, and analyze how its conceptualizations of gender, sexual attraction and pairing simultaneously reinscribe and challenge the monogamous norm. Moreover, I approach these knowledges as cultural artifacts, disseminated in the socio-cultural realm and conflicting with one another, interchangeably to gain supremacy as “scientific facts,” and to buttress new popular sexual truisms.

#### The New North American Authorities

Classic sexology, according to Gagnon, held hegemonic status at the turn of the century in North America, as late as the 1940s (2004: 26). The great personalities and experts on sexuality had been the European luminaries Krafft-Ebing, Moll, Hirschfeld and Ellis. By the 1940s and the 1950s, however, new authorities, such as Freud, Kinsey et al., and Masters and Johnson, had usurped the older sexological school of thought and replaced it with a brand new conceptualization of sexuality that quickly took root, gained wide acceptance and cultural cachet (Gagnon 2004: 27). In an article written in the 1970s, Gagnon stated:

The young today grow up in a post-Freudian, post-Kinseyan, and near to post-Masters and Johnson world in which the findings of sex research have been transmuted into popular culture by the alchemy of the mass media magazines, advice columns, volumes

of popularized science, and the textbooks of abnormal psychology, sociology, physiology, and home economics. (Gagnon 2004: 27)

Not all knowledge on sexual issues circulated in the first decades of the twentieth century was of European origin however. A limited number of studies had in fact been carried out on American soil. This research, that took place between the 1920s and the 1950s, diverged in focus from its European precursors and took the form of what Gagnon termed “social bookkeeping” and attempted to map out the sexual behavior of “normal” individuals. At this junction, sexological studies ceased to express interest in the deviant, the criminal and the neurotic (Gagnon 2004: 25; Bulloch 1994: 97).

There were two types of sex research carried out around this time, an overt “scholarship,” which emphasized morality and chastity, and a covert one, which focused on the accumulation of data on the specific sexual activities of various groups (Pivar in Bulloch 1994: 304). During those times the latter was too controversial for publication and did not find its way to print until the 1940s (Bulloch 1994: 107).<sup>45</sup>

In the late 1940s, North American sexology would finally move away from the study of pathological and criminal sexuality, and engage in the study of “normal” human behavior. A zoologist from the University of Indiana, Alfred

---

<sup>45</sup> Robert Dickinson and Laura Beam are two important researchers that deserve mentioning here. Dickinson was a gynecologist who collected his personal patients’ sexual histories, and with the help of his assistant Beam — who analyzed and ordered his data — published two books on the matter in the 1930s. The first was titled *A Thousand Marriages* (1931) and the second *The Single Woman* (1934). These texts discussed marital adjustments and the difficulty experienced by women in feeling desire. The authors warned that often such difficulties were caused by the “inadequate” erotic techniques of “uncaring” husbands, not the inherent sexual propensities of women (Dickinson and Beam 1931: 129-130; Ericksen and Steffen 1999: 40-41).

Kinsey, made his entrance onto the sexological scene. He would eventually revolutionize all sexual knowledge and his work would forever transform the science of sex. Kinsey's work would be instrumental in re-directing the aim of sexology, away from the pathological and the criminal, into a more positivist realm, geared towards the "discovery of truth," placing the science of sex in the humanistic service of society.

The 1940s and 1950s were a tumultuous time for gender relations in North America. It was during this uneasy period that *Sexual Behavior in the Human Male* (1948) and *Sexual Behavior in the Human Female* (1953) were published. Kinsey and his collaborators clearly tapped into the cultural ambivalence and insecurity of the times, producing reports which, under the guise of scientific objectivity, both reassured and shocked the public. By promising to shed light onto the intricacies of gender relations and by offering solutions to conjugal problems, Kinsey at once justified the study of a previously taboo subject and secured the acceptance of sex research as a serious science (Irvine 1990: 33).

Kinsey claimed to have taken an interest in the study of sex because there was a "gross lack" of scientific material available. In the introduction to his first book, he complained that the scientific texts on sex that were available were either based on extremely limited samples, or presented a problematic fusion of scientific fact and moral preaching (Kinsey et al. 1948: 9).<sup>46</sup> It is very important to

---

<sup>46</sup> Kinsey's previous interests before the study of sex had been insects; with devoted taxonomic zeal, he collected 4,000 specimens of gall wasps (Irvine 1990: 36). His great ability as a collector would later inform his methodological choices for the study of human sexuality. Kinsey chose the taxonomic approach, a technique borrowed from systematic zoology, which measured large samples

understand that Kinsey used his research to engage in political battles to change sexual mores. His approach was essentialist in that he claimed to be observing the “natural,” or behaviors that were “normally occurring”; such behaviors, for him, were implicitly “good.” Irvine notes that Kinsey conveniently adapted his explanations, attributing sexual behavior to mammalian ancestry, anatomical or physiological capacity, or to social conditioning, depending on which fit best with his arguments (1990: 45).

Kinsey’s two notorious tomes rebelled against the established Freudian tradition. According to Gagnon, Kinsey and Freud did share a commitment to biology as the root of human behavior. In contrast to Freud, Kinsey believed in re-inscribing a natural “essence” to define the meaning and expressions of sexuality, yet he did not consider the repression of libido a necessity for the civilizing process (Gagnon 2004: 49). His arguments ignored the role of power relations in socio-sexual hierarchies, and stressed that sexuality was rooted in nature. With these arguments Kinsey managed to challenge conventional morality by turning traditional essentialism against itself, thereby undermining the dominant ideology. He successfully affirmed sexual desire and attempted to make all varieties of sexual expression acceptable in a culture where sexual attitudes and norms were intensely repressive (Irvine 1990: 51).

Nevertheless, it was in the areas of sexual mores and legal codification that Kinsey’s studies had their greatest impact. What the statistical data in the reports revealed was the fact that there was a great discrepancy between the law

---

of individuals within a species to establish the level of variation in characteristics and behavior (Kinsey et al., 1948: 17; Ericksen and Steffen 1999: 50).

and sexual conduct. A great majority of individuals, of both genders and from all classes, were engaging in sexual acts that at the time were illegal. The reports revealed that people in North America were not particularly monogamous: high rates of pre-marital sex and extra-marital sex proved that Americans were not very committed to the sexual exclusivity of the institution of marriage. Moreover, studies showed disenchantment with traditional conceptions of married sex as reproductive: high levels of pleasure-driven non-reproductive sexuality, as well as homosexuality, were found to be widespread in the populace. In the following section I offer an analysis of the findings reported in *The Sexual Behavior of the Human Male* and discuss how these problematized the norm of monogamy.

#### Findings in *Sexual Behavior in the Human Male* and the Monogamous Norm

Kinsey chose a taxonomic approach, a technique borrowed from systematic zoology, to measure a very large sample of individuals. His aim was to establish the level of variation in sexual behavior in the American populace. He was convinced that the adoption of standard survey methods would not be possible in gaining data on the subject of sex: in his opinion, randomly selected people would not be willing to discuss their habits openly and honestly. Thus he adopted the method he was most knowledgeable about and comfortable with (Michael et al. 1994: 17). Kinsey ended up collecting a “sample of convenience,” interviewing individuals who were either recruited or who volunteered for the project. This issue clearly posed a problem regarding the reliability and representativeness of his sample: the behavior of those interviewed could never

be considered representative of the population at large, but simply reflected that specific group (Michael et al. 1994: 18; Laumann et al. 1994: 44-45).

A second problem related to the sampling method was the fact that most of the interviewees volunteered. Michael et al. have commented that it is very likely that volunteers had “sexually friendly” attitudes compared to those who refused to participate in the project. Their behavior, presumably, would be quite different from non-surveyed and more conservative cohorts (Michael et al. 1994: 19). Thus Michael et al. concluded:

So, since Kinsey did not select his respondents in a way that permitted generalization, the data he obtained are at best interesting facts about the people he interviewed but are not useful for making statements about the population at large. (1994: 19)

Moreover, the group of researchers Kinsey selected to carry out the interviews was problematic. Kinsey had carefully chosen individuals to represent certain essential characteristics, which, in his mind, would “ease” the process of data extraction from his audience. The team of interviewers was composed of white, middle class, married males, that had medical degrees or doctorates, were born and raised in the U.S., and had “English sounding” names.<sup>47</sup> Predictably, Kinsey’s research presented a white middle class bias.<sup>48</sup>

The aim of his first volume was to map out male sexual responses and outlets. Kinsey set out to specifically measure the orgasm, and this choice was of

---

<sup>47</sup> Irvine argues that these “characteristics” clearly represented the “normal” population in his mind (2005: 25).

<sup>48</sup> Although Kinsey did include black males in his sample, he felt that the collected histories of this community were too limited and therefore decided not to comment on that subgroup (Irvine 2005: 24; Ericksen and Steffen 1999: 51). Similar discrepancies can be found in his report on female sexuality. Overall, the research findings and truisms on sex that would later be circulated represented a white reality.

strategic importance because it provided sexology with a unit for systematic scientific inquiry and fact finding, that would later allow for the strong medicalization of sexual science (Bejin 1985: 183-184). Kinsey studied the avenues through which human males could reach sexual climax, identifying six: masturbation, nocturnal emissions during dreaming, heterosexual petting, heterosexual intercourse, homosexual intercourse and contact with animals of other species (Kinsey et al. et al. 1948: 157).

One of Kinsey's most important theoretical innovations was his conceptualization of sexual orientation, which refused to reduce individuals to the two dichotomous categories of "heterosexual" and "homosexual." He stated:

The world is not divided into sheep and goats... only the human mind invents categories and tries to force fit individuals into separated pigeon holes. The living world is a continuum in each and every one of its aspects. The sooner we learn this concerning human sexual behavior the sooner we will reach a sound understanding of the realities of sex. (Kinsey et al. et al. 1948: 639)

Rather than focusing on the "essence" of a person's orientation, Kinsey chose to place emphasis on action. Kinsey argued that object choice could fluctuate in a person's life, and that this variability was an intrinsic feature of human sexuality's fluidity.<sup>49</sup> This was a strategic and politically revolutionary argument on the part of the scientist, who aimed at legitimizing all forms of human sexuality, especially homosexuality.

---

<sup>49</sup> He devised a continuum, from 0 to 6, to measure the incidence of homosexual acts a person had engaged in his/her lifetime. "0" described a person who had exclusively engaged in heterosexual acts; "1" was a person that was predominantly heterosexual, but had had some homosexual experience; "3" was a person that had engaged in equivalent amounts of heterosexual and homosexual acts; and "6" was a person who exclusively engaged in homosexual acts (Kinsey et al. 1948: 639-640).

By measuring the incidence of homosexuality, Kinsey showed that higher numbers of males had indeed engaged in homosexual acts at some time in their lives than previously believed. He reported that 60 per cent of males had engaged in some form of same-sex experience prior to adulthood (Kinsey et al. 1948: 167); 37 per cent had participated in at least one same-sex experience leading to orgasm, and 4 per cent had proceeded to develop an exclusive same-sex preference (Kinsey et al. 1948: 640-641).

Yet, the Kinsey scale had important implications for heterosexuality, and institutionalized forms of its expression, especially marriage. By placing most subjects at the “0” end of the continuum, Kinsey effectively placed the vast majority of human beings safely within the norm of heterosexuality, reinforcing the “naturalness” of heterosexual attraction and pairing.<sup>50</sup>

Kinsey maintained that the most important factor to affect capacity for outlet was age (Kinsey et al. 1948: 218). He pointed out that social customs and male sexual potential were completely out of synch with each other. He reported that the maximum amount of sexual outlet (3.4 orgasms per week) occurred in the teen years (Kinsey et al. 1948: 219). The highest sexual orgasmic ability in boys, then, fell between 16 to 17 years of age, a period during which most males had no access to any legal or culturally sanctioned sexual outlet. Thus, Kinsey concluded:

---

<sup>50</sup> Throughout his text however, he would often be critical of the many sexual mores of American society, beginning with the sexual restrictions that were imposed on youthful sexuality, from masturbation to intercourse. This, technically, was a form of “moral commentary,” that fell well outside the “scope” of research outlined in his introduction. Kinsey, in fact, had proclaimed earlier that his work would be only be an “objective” and “dispassionate” report of “what was happening” — but he could not help himself.

By law, society provides a source of regular sexual outlet in marriage, in part because it recognizes the sexual need of the older male; but it fails to recognize that the teen-age boys are potentially more capable and often more active than their 35-year old fathers... This means that the majority of the males in the sexually most potential and most active periods of their lives have to accept clandestine or illegal outlets, or become involved in psychological conflicts in attempting to adjust to reduced outlets. (Kinsey et al. 1948: 222-223)

Moreover, the highest incidence in pre-marital intercourse — technically unlawful — also occurred during the teen years: 70.5 per cent of the total U.S. population was thus behaving illegally (Kinsey et al. 249). As age progressed, male sexual capacity drastically and inexorably decreased: the most active of 15 year-olds had up to 25 orgasms per week, which declined to 16 times per week by the age of 30, and to 3.5 by the age of 50 (Kinsey et al. 1948: 251). Kinsey clearly found this state of affairs illogical and illegitimate.

His critiques of the status quo extended to his discussion of sexual relations in marriage. In discussing marital sex, Kinsey argued that English American moral codes and law had taken on an erroneous understanding of sex as strictly matrimonial and reproductive, following the precepts of Hebraic law, Greek and Roman asceticism and Christian dogma. The understanding that sex was a “normal biologic function,” as Kinsey proposed, and acceptable in all its varied forms, had been completely disregarded (Kinsey et al. 1948: 263).

By making only reproductive forms of sex licit, legal codes and cultural mores had actively barred any other form of sexual expression. All behavior had to take place under the blessing of the marital bond, and even then, only to foster reproduction. Therefore, single or widowed males were left with no socio-sexual outlet, as they could not legitimately reproduce. Homosexual and solitary forms of sexual expression were also vilified, due to their reproductive vacuity. (Kinsey et al. 1948: 263)

Very few sexual activities were recognized and sanctioned by the law.<sup>51</sup> If this were allowed to continue, the American male would be left with no choice but to continue to break the law.<sup>52</sup>

Kinsey noted that women were more often and more strictly regulated and punished for extra-marital sex than men. He pointed out that this was tied to property rights and not necessarily to moral issues (Kinsey et al. 1948: 583). Among the lower classes, pre-marital relations were condoned, as was masturbation in the higher classes, while in both extra-marital relations were not condoned. Yet, it was widely understood that this form of sex occurred quite often, and still, society reacted to infidelity with disapproval (Kinsey et al. 1948:

---

<sup>51</sup> Kinsey clearly found that these restrictions were harmful. He explained:

Specifically, English-American legal codes restrict the sexual activity of the unmarried male by characterizing all pre-marital, extra-marital, and post-marital intercourse as rape, statutory rape, fornication, adultery, prostitution, association with a prostitute, incest, delinquency, a contribution to delinquency, assault and battery, or public indecency — all of which are offences with penalties attached... In addition to their restrictions on heterosexual intercourse, statute law and the common law penalize all homosexual activity, and all sexual contacts with animals; and they specifically limit the techniques of marital intercourse. Mouth-genital and anal contacts are punishable as crimes whether they occur in heterosexual or homosexual relations or whether in or outside of marriage. (Kinsey et al. 1948: 264)

<sup>52</sup> Extra-marital sex for example, was reported in 23 to 37 per cent of marriages, depending on the age group. Men engaged in such activities with either lovers or prostitutes (Kinsey et al. 1948: 257). 8.6 per cent of single men between 16 to 20 years in age had sex with prostitutes, 13.3 per cent in the 25-year-old category, 22 per cent in the 30-year-old category, 28.9 per cent in the 35-year-old category, and 38.7 per cent in the 40-year-old category (Kinsey et al. 281). In married males, sex with prostitutes was not significant earlier in life, but increased with age and became as high as 22.3 per cent by the age of 55 (Kinsey et al. 1948: 285). 27 per cent of unmarried adolescent males were found to engage in homosexual activities and this number was found to increase to 38.7 per cent by the age of 36 to 40 (Kinsey et al. 1948: 285).

584). Other interesting findings showed a high male propensity for infidelity, as the majority of those interviewed admitted to desiring an extra-marital affair. Kinsey expressed concern that more research was needed to understand the issue of infidelity accurately, and felt that he might not have been able accurately to measure its incidence (Kinsey et al. 1948: 584-585):

In consequence, it has been particularly difficult, in the present study, to secure anything like adequate data on this aspect of human sexual activity... the incidence and frequency given here must represent the absolute minimum, and it is not at all improbable that the actuality may lie 10 to 20 per cent above figures now given. (Kinsey et al. 1948: 585)

To recapitulate, Kinsey found that depending on age group, 27 to 37 per cent of married males at different times in their lives had had extra-marital intercourse (Table 64, Figure 73, Kinsey et al. 1948: 248). He concluded that it was probably safe to suggest that about half of all married males were engaging in intercourse with women other than their own wives, at some time during their marriage (Kinsey et al. 1948: 585).

There appeared to be a sharp distinction in extra-marital behavior, according to age and along class and education lines. Those belonging to the lower classes, of lower education, engaged in high rates of infidelity in their younger years: the highest incidence occurred between the ages of 16 to 20, for 1.2 times a week. This decreased to 0.6 every two weeks by the age 55. Those belonging to higher classes and that had received higher education showed the opposite trend: they were not very adulterous in their earlier years, and had

affairs only once every two or three weeks between the ages of 16 to 30; but as they reached their 50s, the incidence of affairs climbed to once a week.<sup>53</sup>

In his explanations of extra-marital sexual behavior, Kinsey irremediably showed his preconception and biases, unwittingly supporting the very old and trite double standard. In discussing promiscuity as a specifically male propensity, he stated:

There seems to be no question that the human male would be promiscuous in his choice of sexual partners throughout the whole of his life if there were no social restrictions. This is the history of his anthropoid ancestors, and this is the history of unrestrained human males everywhere. The human male almost inevitably becomes promiscuous as soon as he becomes involved in sexual relations that are outside of the law. This is true to a degree in pre-marital and in extra-marital intercourse, and it is true of those who are most involved in homosexual activities. (Kinsey et al. 1948: 589)

Conversely, Kinsey was convinced that the human female was a completely different animal, and depicted her as “far less interested” in variety, both in her heterosexual escapades as in her homosexual ones. He buttressed his position arguing that this was no simple difference in the moral fiber of the genders, but rather: “These differences must be more dependent upon differences in the sexual responsiveness of males and females, and particularly upon differences in the conditionability of the two sexes” (Kinsey et al. 1948: 589). He also argued that females were not as easily aroused as males and by fewer stimuli, of both

---

<sup>53</sup> Kinsey explained that this was probably due to the fact that lower class individuals showed a higher incidence of pre-marital sex which presumably carried over for some time into their married life. High socio-educational groups were envisioned by Kinsey to gradually lose their restrained cultural upbringing, in a process of moral erosion. He gave no explanation of why this phenomenon would occur (Kinsey et al. 1948, 587).

physical and psychological nature, outside simple tactile stimulation. He supported his position by comparing the female human mammal to other lower species: citing relevant zoological research, he concluded that there were indeed similarities. Kinsey thus equated women's capacities for arousal with those of the similarly "frigid" female rat (1948: 589).

Moreover, Kinsey argued that males appeared to be driven to extra-marital affairs whether their marital situation was a happy one or not. He took on a rather preachy tone in his discussion of the factors that might drive a husband to stray in a marriage. Kinsey believed that if a wife failed to be interested in intercourse with her husband, refused to have intercourse according to his needs, shunned variety in the positions and techniques for coitus, or generally lacked enthusiasm in sex, she was "encouraging him to find extra-marital relations" (Kinsey 1948: 590).

In the concluding remarks on this section, Kinsey again took a very politicized stance and made some revolutionary statements. In order to avoid political outrage, he carefully hid his positions under the guise of queries and avenues for further research. The most poignant questions he posed speculated whether extra-marital intercourse led to problems, or whether the problems arose out of the very social mores and taboos of the surrounding culture (Kinsey et al. 1948: 591). This is a very strong statement for a scientist who supposedly was only interested at providing the "facts," and not mobilizing for social change.

Findings in *Sexual Behavior in the Human Female* and the Monogamous Norm

In 1953, after the great interest that the first volume had generated, both positive and negative, in the media and in the public, Kinsey published the next chapter of his research, dedicated to female sexuality. *Sexual Behavior in the Human Female* set out to describe the sexual responses and outlets for women in North American society. He and his fellow authors were aware that this volume might generate much more controversy than the first so they painstakingly justified the need for and value of their research. In the opening passages, Kinsey underlined the importance of his research and gave it a legitimate and meaningful goal: the salvation of heterosexual monogamous marriage. He stated that his work was designed to shed light on the problem of “sexual adjustment in marriage.” Unsatisfying sex “might” cause instability and acrimony between spouses, eventually bringing about the demise of the union (Kinsey et al. 1953: 11). Although Kinsey was careful in his opening statement, and utilized the conditional tense, he went on to argue: “But sexual factors are among those that may contribute to the happiness or the unhappiness, the maintenance or the dissolution of homes and marriages” (Kinsey et al. 1953: 12). Kinsey claimed that in two thirds of marriages serious disagreements were experienced over sexual matters, and in three-quarters of the cases, sexual factors were cited as factors that led to divorce (Kinsey et al. 1953: 358).

This time the scientist’s research findings turned out to be much more difficult to be made palatable for his audience. Right away Kinsey undermined the primacy of paired sex by showing that the most successful and satisfying

outlet for women was solitary masturbation (Kinsey et al. 1953: 12). Kinsey, unwittingly or not, showed that women were often sexually dissatisfied in their marriages. His scientific efforts had unmasked a difficult “truth,” and exposed the inadequacy of a sanctified institution. Throughout his text Kinsey would argue that knowledge had to come to the “aid” of marriage. A decade later, Kinsey’s successors, Masters and Johnson, would continue the quest to “salvage” the sad erotic fate of marriage, claiming that a couple’s bond could be re-energized through good technique, and once again made into the most holy site of familial love.

Kinsey, during his interviews, found that women often had more difficulty having orgasms than men did. Why was orgasm so elusive? His attempts at explaining this phenomenon were not particularly innovative, and often regressed to a form of patriarchal essentialism. At times he maintained that a repressive cultural upbringing stifled women’s ability to experience pleasure without guilt. At other times he returned to classical arguments of physiological (in)capacity, contending that there was a hormonal basis for difference in drives. By doing so, Kinsey lost his deconstructive edge, and buttressed the double standard.

For Kinsey, the physical developments brought about by puberty in the female body had little correlation to her sexual responsiveness. This varied greatly from the changes in the male body. While in boys Kinsey documented a very marked upsurge in sexual responsiveness and incidence of orgasm during the specific period of puberty, in the female he found only the slightest upsurge. The greatest sexual responsiveness for males was in their teenage years, but for

females it was not experienced until their mid-twenties to late thirties. Kinsey ventured an explanation for these very different phenomena: "These striking differences between female and male psychosexual development may depend upon basic hormonal differences between the sexes" (Kinsey et al. 1953: 125). He failed to consider that such changes might be due to the different socialization the two sexes endured.

As mentioned earlier, Kinsey's research found that masturbation was the most reliable sexual outlet to orgasm for females: among those who masturbated, in 95 per cent of cases orgasm was achieved (Kinsey et al. 1953: 132). This not only debunked the centrality of penetrative sexuality as primary for female pleasure but was also dealt a discursive blow to the Freudian tradition, which had insisted up to that point that a "mature" orgasm had to be vaginal (Ericksen and Steffen 1999: 52-53). Kinsey stated:

The techniques of masturbation and petting are more specifically calculated to effect orgasm than the techniques of coitus itself, and for that reason it is sometimes possible for a female to learn to masturbate to orgasm even though she has difficulty in effecting the same end in coitus. (Kinsey et al. 1953: 391)

Fearing political reprisal, as the American public might not be willing to accept the idea of women masturbating, at times preferring this to sex with their husbands, Kinsey included a long description of its mammalian incidence in his chapter as well as an exhaustive anthropological overview of its presence in many cultures (Kinsey et al. 1953: 134-136). He concluded: "We shall find that a great many of the aspects of human sexual behavior, including many which

various religious and cultural codes have considered the most abnormal, are, in actuality, basic to the whole mammalian stock” (Kinsey et al. 1953: 137).

Kinsey clearly stated that according to his findings, no physical or psychological harm was caused by masturbation (Kinsey et al. 1953: 166-167). He also pointed out that it was not the activity of masturbation that produced neurosis, but the conflict between the practice and the moral and cultural codes in society. This divergence, according to Kinsey, had sapped many men and women of their confidence, of their social aptitude and even undermined their sexual adjustment in marriage (Kinsey et al. 1953: 170). In a move that foreshadowed Masters and Johnson’s enthusiasm for masturbation, Kinsey argued that pre-marital experience with masturbation was found positively to contribute to a woman’s ability to respond during marital intercourse (Kinsey et al. 1953: 172).<sup>54</sup>

Additionally Kinsey reported that, according to his findings, both pre-marital and marital coitus very seldom occurred for the sake of reproduction, but rather to satisfy a psychological need, or to provide a source of pleasure for the partners (Kinsey et al. 1953: 313).<sup>55</sup> When Kinsey discussed the difference in the

---

<sup>54</sup> In discussing pre-marital petting, Kinsey found that 40 per cent of females had experienced this form of sex by the age of 15, and the percentage rose to between 69 to 95 per cent by age 18. Almost 100 per cent of the sample that went on to marry, had had some sort of pre-marital petting (Kinsey et al. 1953: 233), and this had occurred regardless of the women’s socio-educational background (Kinsey et al. 1953: 241-243).

<sup>55</sup> About 64 per cent of the females that went on to marry had experienced orgasm prior to marriage. Moreover, nearly 50 per cent of the females in Kinsey’s sample had had coitus before marriage (Kinsey et al. 1953: 286). Yet, he also reported that only six per cent of pre-marital coitus was “satisfying” to women to the point of orgasm.

regulation of male and female pre-marital behavior in different cultures, he speculated that it had a functional basis. In his opinion, it was due to the “fact” that it had always been impossible to contain males’ stronger sexual responsiveness. Females, on the other hand, because less sexually responsive at early ages, had proven to be more controllable and therefore were expected to adhere more closely to moral codes. He concluded: “This ‘double standard’ is based in part on a recognition of actual differences between the sexes rather than on an absolutist’s determination of what is right and wrong” (Kinsey et al. 1953: 322).

As he had already maintained in *Sexual Behavior in the Human Male*, Kinsey saw the family as an indispensable societal unit, designed for the raising of offspring (Kinsey et al. 1948: 563, Kinsey et al. 1953: 346). In contrast to those critics who saw sex research as undermining the familial unit, Kinsey thought of his work as indispensable in discovering “factors which contribute to the effectiveness of the home” and that knowledge on sex was essential to “training modern youth and adults to be more effective marital partners” (Kinsey et al. 1953: 347; Ericksen and Steffen 1999: 49). He stated:

The female’s failure to respond to orgasm in her sexual relationships is, nonetheless, one of the most frequent sources of dissatisfaction in marriage, and it is not infrequently the source of other types of conflict which may lead to the dissolution of a marriage. (Kinsey et al. 1953: 358)

Kinsey made the issue that many husbands did not care enough for their wives’ pleasure public (Kinsey et al. 1953: 359). Kinsey disapproved of the male

populace for being such indifferent sexual partners (Ericksen and Steffen 1999: 49).

However, Kinsey's normative injunctions on the female gender became apparent in his discussion of extra-marital sex. While he described the perfect "naturalness" of males' desires for sexual variety, he once again posited the female as "naturally" chaste and restrained:<sup>56</sup>

On the other hand, many females find it difficult to understand why any male who is happily married should want to have coitus with any female other than his wife. The fact that there are females who ask such questions seems, to most males, the best sort of evidence that there are basic differences between the two sexes. (Kinsey et al. 1953: 409)

Kinsey also discovered that the younger generations were more prone to extra-marital affairs, which seemed to give credence to the hypothesis of an increased "slackening" of morals in American society (Kinsey et al. 1953: 422-423).

In the section dedicated to female homosexual activity, Kinsey reported that between the ages of 10 to 30, contacts with other females rose steadily to 17 per cent. By age 40, the percentage came to 19 per cent of the total sample. Of the females who had never married, 24 per cent reported homosexual contact by age 40, while only 3 per cent of married females, and 9 per cent of females who had been previously married reported having similar encounters.

*Sexual Behavior in the Human Male* and *Sexual Behavior in the Human Female* are revolutionary texts, true powerhouses of discursive shifts in power-knowledge constructions of the sexual. In these writings Kinsey showed first, that

---

<sup>56</sup> Among married females, Kinsey found that about 26 per cent had had extra-marital sex by age 40. In the late teens, seven per cent of married females were adulterous, and the percentage rose steadily, to reach 26 per cent by age 40 (Kinsey et al. 1953: 416).

humans were sexually active outside licit forms of pairing, thus they did not show a strong commitment to the traditional form of sexual union, marriage. Second, individuals were often unfaithful to their partners, thus not very monogamous. Finally, individuals exhibited a “high” tendency to engage in pleasure-driven and homosexual forms of sex, which proved that the majority of sex did not have any reproductive intentions.

A number of other discursive shifts can be discerned in Kinsey’s works. One was support for sexual activity, which, once and for all, was shown to be an avenue for the amelioration of life. In contrast to Freud, Kinsey upheld the need for sexual liberation as a necessity for the progress of civilization. All sexual activity was deemed positive — even its non-procreative forms or those that did not entail long-lasting relationships — for the health of individuals, and not detrimental to the moral fiber of the nation.

The second discursive shift was the de-centering of the traditional social institution of marriage, to which Kinsey, maybe unwittingly, dealt a grave blow. Regardless of his insistence on the importance of the family as the basis of society, Kinsey repeatedly proved that marriage was an artificial social construct that flew in the face of the human animal’s sexual instincts and needs. According to his findings, marriage was insufficient to the needs of men, who in youth needed more sexual outlets and later in life sought out variety. It was not even particularly satisfying for women, who seldom reached orgasm through penetrative sex. Yet, Kinsey simultaneously upheld relational idealizations of the pair, and began to eroticize the couple in his writings. The importance of sex as a

bonding activity in human relations and as basis for successful marriage was a strong theme in Kinsey's writings and one that clearly reflected the changing mores of the time.

Once more, the double standard was reestablished as a "natural" and inevitable occurrence in the sexual dealings of humanity. If at times Kinsey seemed able to understand sexual inhibition in women as a product of education and cultural upbringing, in the end he perpetuated the image of women as hypo-sexual, frigid and chaste. The male, on the other hand, was once more discursively constructed as perennially hyper-sexually potent, volcanically exuberant in youth and obliquely philanderous in his older years.

In conclusion, Kinsey's works advertised and circulated the "bad" sexual habits of the North American populace, creating what Gagnon described as a "vocabulary of motives," a conglomerate of sexual truisms and constructs that would be taken up and deployed to justify an array of heterogeneous and diverse social behaviors. According to Ericksen and Steffen, the media did much to circulate accurate and inaccurate reports of Kinsey's findings. Therefore, many of Kinsey's points fell prey to unabashed and frenzied forms of sensationalism that did much both to vilify and widely to distribute the new "sexual knowledge" (1999: 60). Ericksen and Steffen note:

The press summaries, especially the finding that pre-marital intercourse was more common among women than previously supposed, filtered into the general consciousness and helped form public knowledge about what Americans did sexually and what was permissible to do. From then on, many of Kinsey's findings became accepted truths even among those who never heard of Kinsey. (Ericksen and Steffen 1999: 60)

Did Kinsey advocate for or oppose monogamy, and did his research findings uphold this norm? Like many of his followers, Kinsey's political engagement in the construction of the sexually "normal" at once undermined yet buttressed normative monogamy. On the one hand he insisted that good sexual relations between partners were an essential requirement for a marriage's survival, on the other he dismissed monogamy as "unnatural" for the fulfillment of human sexual needs.

The next section delves into the works of Masters and Johnson, the sexologists who most strongly and successfully entrenched relational monogamous sexuality as the essence of sexual happiness and the "true" avenue to human fulfillment in the sexological tradition.

#### Sexology to the Aid of Marriage: Masters and Johnson

Once Kinsey's works documenting what people were actually doing in their sex lives had shaken American sensitivities, the proverbial door was opened, public attention was roused, and the time was ripe for further investigations. A complete understanding of the specific functioning behind human sexual intercourse was now not only culturally relevant, it was absolutely necessary. William Masters and Virginia Johnson would seize and continue to carry the torch of sexual positivism, becoming the new paladins of the pair, taking the eroticization of monogamy to new heights.

By the time Masters and Johnson's writings were published, sexology was aptly managing on the one hand, to reflect the dominant values of North

American society, and, on the other, to address public concerns (Irvine 1990: 76). Like Kinsey's earlier claims, sexology continued to maintain that it could solve complex problems putting the social fabric at risk; this allowed the budding profession ingeniously to avoid cultural backlash and resistance by various conservative groups. Irvine aptly argues that the key to both Kinsey's and Masters and Johnson's success, lay in their promise to solve the dilemmas of marriage, heterosexual dissatisfaction and changing gender roles: "The sexology of the 1960s continued the approach established by Kinsey in the 1940s: scientific solutions to social problems" (1990: 77).

In its attacks on marriage manuals for disseminating inaccurate information on sex, sexology fully engaged in turf wars in which it tried to delegitimize any other professional's attempt to speak authoritatively on sex (including religious figures, marriage counselors, psychologists and lawyers). Sexology thus attempted to tighten its grip on sexual knowledge and out-bid competitors in the market, first by portraying itself as the only oracle of sexual knowledge, and second by urging all to seek help (Irvine 1990: 77).

In the next paragraphs I illustrate that, in contrast to Kinsey, Masters and Johnson would advance a conceptualization of male and female sexuality aimed at the equalization of the sexes. They called for a form of erotic civility that gave equal rights and duties to each gender, yet at the same time valorized monogamy extremely, insisting that only in committed and long-term relationships would individuals be able truly to experience sexual bliss. They also discursively fashioned a hyper-sexual version of "normal," creating grandiose

erotic scripts encouraging all to become better lovers, and to seek professional help from a sexologist if unable to do so independently. These narratives unwittingly equated technique to affection, transforming sexual dissatisfaction into a sin of intimacy, and a relational transgression serious enough to warrant dissolution.

In 1966 Masters and Johnson published *Human Sexual Response*, a study which set out to document the physiological reactions in the body during sex, specifically during orgasmic release. The research was based on a systematic study of all reactions to sexual stimulation in both males and females, while masturbating or in heterosexual coition (Irvine 1990: 84; Tiefer 1995: 41). *Human Sexual Response* was a landmark in the profession of sexology because it conclusively aligned the new science with experimental methods and medicine (Irvine 1990: 67).

Masters, a medical doctor, and Johnson, his lab assistant, drew on the legitimacy that medicine already enjoyed. Dressing in white lab coats, working in pristine laboratories, armed with note pads, heart monitors, cameras and vibrators, they presented a façade of impeccable professionalism and methodical scientific method. Their highly scientific personas allowed Masters and Johnson to construct symbolically their research as objective, while their focus on physiology, heart rates and vaso-congestion re-mystified the sexual in a new, yet acceptable, characterization, away from the moral and straight into the more abstract and neutral medical realm.

According to Irvine, most of *Human Sexual Response's* success was due to good timing. In fact, content-wise the report did not present particularly novel findings, but merely replicated the results of research already done by others, including Kinsey (Irvine 1990: 78). Often the phenomena reported had poor scientific foundations or were exaggerated to fit the researchers' ideological agendas. Transposing sexual behavior to the medical tradition was an advantageous maneuver for different reasons. It permitted a diagnostic approach to sexual issues through a problem/cure dichotomy, which linked the curing of disease that occurred in medicine to the curing of sexual dysfunction in sexology (Irvine 1990: 78-79). This was a successful tactic that gave the sexologist a professional advantage against its greatest competitor, the psychiatrist, whose *modus operandi* for sexual dysfunction was characterized by long interpretive analytic sessions and often inconclusive therapies (Bejin 1985: 183-184). Like the physician, the sexologist had now become a "cultural hero" (Irvine 1990: 68).

Asserting a right to knowledge, for the sake of the marital unit and society at large, Masters and Johnson insisted:

If problems in the complex field of human sexual behavior are to be attacked successfully, psychologic theory and sociologic concept must at times find support in physiologic fact. Without adequate support from basic sexual physiology, much of psychologic theory will remain theory and much of sociologic concept will remain concept... Nizer has written that the greatest single cause for family-unit destruction and divorce in this country is a fundamental sexual inadequacy within the marital unit. How can biologists, behaviorists, theologians and educators insist in good conscience upon the continued existence of a massive state of ignorance of human sexual response, to the detriment of the well-being of millions of individuals? (Masters and Johnson, 1966: vi-vii)

And thus Masters and Johnson claimed the right to shed light on humanity's sexual functions.

Volunteers were chosen for their ability to reach orgasm under various conditions and for their aptitude to "perform" under the scrutiny of lab assistants and cameras.<sup>57</sup> A total of 382 women and 312 men were studied for a period of 7 years; a total of 10,000 female sexual cycles and 7,500 male cycles were studied (Masters and Johnson 1966: 12-15). Overall, the group of volunteers comprised mostly white, upper-middle-class and very educated people, generally coming from metropolitan or academic communities (Masters and Johnson 1966: 11-12).<sup>58</sup>

By choosing to study only individuals who could easily achieve orgasm, both through masturbation and intercourse, Masters and Johnson unwittingly selected an exceptional sample. These persons could experience a specific and pre-selected type of sexual response on cue. The researchers justified their choices by insisting that physiology should not be affected by education levels and class (Masters and Johnson 1966: 12). However, Kinsey demonstrated that there were considerable differences in sexual behavior of groups belonging to different economic and educational strata (Tiefer 1995: 45).

Moreover, the participants were actually trained by the scientists and taught various sexual techniques and strategies, to better and more readily

---

<sup>57</sup> Initially, Masters and Johnsons recruited prostitutes, because they believed they would be the only individuals willing to operate under the conditions required by the research. These women and men offered advice on technique and related reactions, and Masters and Johnson duly stated that their input had been instrumental in developing the research project (1966: 10).

<sup>58</sup> Only 11 of the pairs recruited were black.

arouse themselves or their partners. It was inevitable that in this process the researchers taught their trainees to do what they expected of them, and what they reputed to be the “correct” responses. In fact, a sudden “lack of performance” was immediately evaluated and “corrected” in the lab (Tiefer 1995: 47). Tiefer rightly argues that it was impossible to consider this sample universally representative or as an approximate measure of the “normal.” Rather, it reflected Masters and Johnson’s concept of “ideal intercourse,” already preconceived and later discursively described as “normal” in their text. Thus, the “discovery” of the human sexual response cycle could only be a self-fulfilling prophecy, that emerged by choosing a sample that compressed and controlled diversity (Tiefer 1995: 43).

This research led Masters and Johnson to outline what they termed “the sexual response cycle,” the phases of excitation and release during sexual intercourse: “Progressively, the four phases are: (1) the excitement phase; (2) the plateau phase; (3) the orgasmic phase; and (4) the resolution phase” (Masters and Johnson 1966: 4). Here, as in many other areas, they were not innovators. Havelock Ellis had already described the arousal and release stages, which he respectively named the “tumescent” and the “detumescent” (Robinson 1976: 126; Tiefer 1995: 42). The new sex experts simply extended Ellis’ dichotomous model into a four-stage model (Irvine 1990: 86).

Masters and Johnson were politically dedicated to equality, and aimed to highlight the similarities in responses between the sexes, while downplaying the differences between them. Even the authors admitted — though in passing —

that a close scrutiny of the actual phases of the orgasm in men and women were different in many aspects.<sup>59</sup> Ellis' two-phase description was therefore more accurate than the one proposed by Masters and Johnson (Robinson 1976: 130).<sup>60</sup> On this point, Robinson commented: "I suspect, however, that the scheme was originally conceived to describe only the female's sexual cycle, and then later, and for ideological reasons, imposed upon the male" (Robinson 1976: 129).

The authors' political dedication in making the sexes equal, once again was a discursively tactical maneuver. By stressing the similarities and glossing over the differences, Irvine points out, "Masters and Johnson were stretching their data to support their findings" (1990: 86). The researchers, as Kinsey had done before them, were advancing an ideologically informed version of the data, in an attempt to justify a specific political position: the equalization of the sexes (Teifer 1995: 21).

The push for the equalization of the sexes was a convenient strategy for sexology, a profession that would soon create therapeutic strategies to serve

---

<sup>59</sup> In a short paragraph following their description of the four phases of the orgasm, Masters and Johnson stated that at times physiologic reactions could be so "transient in character as to appear in only one phase of the total orgasmic cycle." The orgasm then was a progressive phenomenon in which each phase blurred into the next (Masters and Johnson 1966: 4).

<sup>60</sup> It is important to note that Masters and Johnson's human response cycle did not include a causal component, a drive that would justify the onset of the four-stage cycle. This was a problematic yet tactical choice. By omitting the concept of drive as a foundational trigger, Masters and Johnson's research conveniently disregarded an element of sexuality that is famously inconsistent among cultures and historical periods. In this manner they managed to create a model to understand human sexuality that was universal and invariable. They proposed that the human response cycle was itself an inborn and genetically embedded drive to orgasm, as part of a biological origin, phylogenetically inscribed in the physiological functioning of the body (Teifer 1995: 43).

patients. Moving away from the double standard that had characterized classic European sexology, and even Kinsey's more modern definitions of the make-up of male and female sexuality, Masters and Johnson epitomized a new attitude, one that was much more palatable to its audience, because it was already entrenched in post-World War II North American culture (Irvine 1990: 87).

Masters and Johnson's work seemed to provide the scientific evidence necessary to put an end to the infamous double standard. One of their most important findings was women's high sexual drive, especially their ability to reach multiple climaxes. Their findings should have finally debunked the old beliefs that women were more passive, less responsive and had weaker libidos than men. For example, Masters and Johnson documented women's ability to reach "status orgasmus," a long uninterrupted climax that lasted up to one minute (Masters and Johnson 1966: 131-133). They also dismissed the existence of the infamous Freudian vaginal orgasm, an "ideal" that had vexed many with its elusiveness: "When any woman experiences orgasmic response to effective sexual stimulation, the vagina and clitoris react in consistent physiologic pattern. Thus, clitoral and vaginal orgasmus are not separate entities" (Masters and Johnson 1966: 67).

However, their obsession with measurable physical reactions overemphasized the importance of the orgasm, at the expense of a more holistic understanding of sexual pleasure. Masters and Johnson's sole focus on the physiological aspects of sex allowed them conveniently to sidestep any discussion of the power dynamics between genders, and made the therapeutic

efforts of their work ultimately geared towards male pleasure, a focus that sexology is still unable to shake today (Teifer 1995: 25).

The choice to see human sexual functioning as innate had interesting consequences for the development of Masters and Johnson's treatment methods, which they outlined in their following publication, *Human Sexual Inadequacy* (1970). By conveying the idea of human sexuality as inherent and "natural" they created an image of a sexuality that could be "brought to the surface," under proper supervision, practical training and correction of technique. Masters and Johnson tactically fashioned sexual dysfunction as inherently curable: "To succeed as a business, sexology had to view sex as simple, natural, and responsive to technical intervention, not overgrown with thorny social relations" (Irvine 1990: 90-91).

The aim of treatment was curing sexual dysfunction in heterosexual pairs, and thus saving marriages. They stated:

A basic premise of therapeutic approach originally introduced, and fully supported over the years by laboratory evidence, is the concept that there is no such thing as an uninvolved partner in any marriage in which there is some form of sexual inadequacy... It should be emphasized that the Foundation's basic premise of therapy insists that, although both husband and wife in a sexually dysfunctional marriage are treated, the marital relationship is considered as patient. (Masters and Johnson 1970: 2-3)

Masters and Johnson's commitment to the preservation of the nuclear family and marriage is clear in the terminology they used as well as their treatment methods. Aside from the fact that only couples were accepted for treatment, while single people were rejected, the wording used to refer to patients was "family" or "marital unit" (Irvine 1990: 91).

Masters and Johnson's text traced the treatment of a number of patients. Of 155 marital units treated, nine were already in the process of separating or were already divorced. Upon the treatment's conclusion, eight were reported by Masters and Johnson to have rekindled sexual passion, remained married or re-married, managing to carry on "adequate" sexual lives (1970: 368). Although the researchers often claimed that rates of divorce was due to sexual dysfunction and dissatisfaction in the pair, studies carried out in the 1970s documented the opposite trend, showing that sexual dysfunction was not related to relational dissatisfaction. Therefore, the authors' claim that better sex would repair a marriage problem was inflated to say the least (Tiefer 1995:14; 138). As a discursive turn, however, this position had weight.

Masters and Johnson used their research on the human sexual response cycle to outline a list of sexual dysfunctions: ejaculation, ejaculatory impotence, orgasmic dysfunction (women's), vaginismus, and dyspareunia (men's and women's). These were described to be deviations from the "normal" human sexual response cycle that Masters and Johnson had identified. When discussing premature ejaculation, the researchers stated:

While readily admitting the inadequacies of the definition, the Foundation considers a man a premature ejaculator if he cannot control his ejaculatory process for a sufficient length of time during intravaginal containment to satisfy his partner in at least 50 percent of their coital connections. (Masters and Johnson 1970: 92)

Setting out such high standards for the American male populace automatically left the vast majority of husbands vulnerable to be labeled sexually inadequate.

In *The Pleasure Bond: A New Look at Sexuality and Commitment* (1974), Masters and Johnson clarified their commitment to the monogamous heterosexual couple. This work presented the lived experiences of many individuals treated by the Foundation, alongside advice provided by the researchers. It specifically addressed the issue of loss of sexual interest in the long-term couple. Masters and Johnson would here give monogamy their strongest endorsement. They argued that the belief that with the loss of novelty sex must lose its power to arouse passion was an erroneous assumption, one that had to be changed in the minds of Americans (Masters and Johnson 1974: viii). With deep conviction and feeling, the researchers argued:

But for the sexual swinger and sexual conservative alike, at the heart of the wish for sexual newness or change is a stereotyped concept of sex which omits any idea of sex as a medium for creativity. For sex can be a living medium where the feeling and the needs of two individuals take on the mood of time, place and circumstance and are communicated clearly and without exploitation of either partner by the other. The idea that sex functions naturally when it is "lived" instead of "performed" seems to escape many people. That sex can be "lived" in marriage or in a deep and continuing commitment seems to have escaped almost everyone. (Masters and Johnson 1974: 184)

With this statement Masters and Johnson strongly eroticized the monogamous pair as the privileged site for superlative sex. They deemed that it was specifically through such "divine sex" that people could reach the peak of relational happiness and attain their ultimate human potential. Then, a sexual strategy of monogamy would be the avenue to both maximal sexual aptitude and emotional fulfillment.

There were a number of hidden discursive shifts at play here. The strategy of suggesting that the majority of individuals were sexually dysfunctional, especially the males, was very convenient. It allowed everyone to fear dysfunction and this “re-directed” responsibility: the public would feel pressured to take its sexual abilities to heart, and strive for better “training.” It also raised expectations of one’s partner’s behavior, because it advertised the view that a companion who had poor sexual technique was essentially a partner who did not care for something deeper, the emotional relationship! A “bad” lover then, might be a poor life partner.

In conclusion, I illustrated that Masters and Johnson’s depictions of human sexuality and dysfunction had a strong discursive foundation. Their definitions of aptness and proper function were normative, and might be used by subjects to measure personal adequacy and sexual capacity. These parameters would increasingly be included in the symbolic bundle of the pair, and this in turn would foster an increasingly eroticized understanding of companionship, which would promote a form of serial monogamy.

Masters and Johnson’s works provided a cultural artifact of normality that highly inflated not only the similarities between the sexes, but also discursively constructed a “hyper-sexed” and “overdriven” reality. The lack of reliability and consistency in the data allowed Masters and Johnson to construct a version of “healthy” and “functional” human sexuality that was very difficult to live up to. This specifically hyper-sexual “normality,” difficult for the majority of the public to attain, would permit the same researchers to claim later that the majority of the

North American populace was sexually dysfunctional. They at once discovered and mapped out good sex and engendered its evil counterpart, sexual dysfunction, in a very lucrative and convenient way, which would later provide them with a very robust clientele.

Masters and Johnson's construction of "normality" could be operationalized in interesting ethics of sexual conduct. It could allow individuals to become more assertive with regards to their own pleasure and to begin to think of sexual happiness as a right in their paired life. This was a very important turn, because as the following discussion on sexual behavior statistics from the 1970s to the 1990s demonstrates, sexual unhappiness would become more and more an issue for potential marital dissolution.

#### Sexology in the Age of AIDS: the Erotic Ethics of Mandatory Monogamy

In the late 1980s a new sexual crisis was at hand. The discovery of the AIDS virus sent rippling waves of panic through society, and the sexological community was quick to respond. Older revered luminaries such as Masters and Johnson, and other established sexologists such as Helen Singer Kaplan, were quick to offer statistical research to document its spread in North American communities and to offer advice on how to best protect oneself. Their positions, however, came as a surprise to a public that had previously upheld them as spearheading the sexual liberation movement. The topic of AIDS, brought the unequivocally conservative political inclinations of these experts to the surface (Irvine1990: 172).

For instance, the tone adopted by Masters and Johnson was alarmist: they urged the public to rethink their promiscuous ways and demanded that risk groups be tested, a move that did not win them many supporters in gay and activist communities. A number of sexologists insisted at the time there was no such thing as safe sex and reiterated the need for a return to a contained and traditional form of sexual union, a romanticized yet eroticized strict monogamy. Aside from monogamy, abstinence was considered the only other available option for survival (Irvine 1990: 172). In an editorial written for *The Journal of Sex and Marital Therapy*, Helen Singer Kaplan, a sexologist and psychiatrist, insisted that safe sex was a myth and called for HIV positive individuals to abstain from all sexual activity (Irvine 1990: 172). Predictably, this caused a backlash from within the profession and from AIDS activists (Irvine 1990: 172).

Theresa Crenshaw, another important figure in clinical sexology, followed in Kaplan's footsteps and dismissed the possibility of safe sex, reiterating the need for abstinence or monogamy. At a conference of the American Association of Sex Educators, Counselors and Therapists in 1987, she demanded that sex therapists embrace conservatism, calling for a return to "traditional values."

In 1988, Masters and Johnson published *Crisis: Heterosexual Behavior in the Age of AIDS*. The book presented a survey of statistical findings carried out on 800 sexually active heterosexuals. Although fraught with serious methodological and sampling problems, the authors claimed that the study gave a reliable portrait of the sexual habits of "normal" (i.e. non-homosexual) individuals, and clearly illustrated that the rate of HIV infection among them was

rising at an alarming rate (Masters and Johnson 1988: 1). However, they inflated percentages of heterosexual rates of infection, claiming that by 1988, a total of three million individuals had been infected in the U.S. (Masters and Johnson 1988: 7). Irvine points out that these figures were double the rates circulated by officials at the Centers for Disease Control (1990: 175). In this respect, Masters and Johnson mislead their readers into thinking that AIDS was a heterosexual problem, even though at the time, and by the authors' admission, only 4 per cent of infections had affected heterosexuals (Masters and Johnson 1988: 94).

As such, Masters and Johnson's book was a scientifically unsound, misinformed and alarmist report that clearly illustrated the authors' biases. To contain the crisis, Masters and Johnson called for extremely controversial, often discriminatory and ineffectual, measures. They included mandatory testing for "special populations," such as prisoners, military personnel and recruits, and immigrants.<sup>61</sup> Irvine describes the backlash that this book provoked and the confusion that it caused:

Like their other popular book *The Pleasure Bond*, *Crisis* highlighted the sex researchers' overriding commitment to marriage and monogamy... they dismissed concerns about the civil rights of those who might be infected and instead elevated the rights of the prospective marriage partner (and unborn children). (Irvine 1990: 176)

Another publication followed and bolstered Masters and Johnson's arguments. Helen Singer Kaplan's *The Real Truth about Women and AIDS: How to Eliminate the Risks without Giving Up Love and Sex* (1988), can be

---

<sup>61</sup> Pregnant women, anyone between 15 to 60 years in age who was admitted to a hospital, convicted prostitutes, and anyone applying for a marriage license were also part of these "special" groups (Masters and Johnson 1988: 155-160).

considered an even more conservative and alarmist contribution to the normative discourse of sexology. It was similarly filled with misinformation, alarmist reporting and moral preaching:

It is shocking to me to read and hear the false alarms, false reassurances, half-truths, distortions, misleading information, and outright lies that are being dispersed through the media, by some of the so-called 'sex education' programs, AIDS hotlines, and counseling services. (Kaplan 1988: 15)

According to Kaplan, most sexual behaviors were risky, even with the use of latex prophylactics (1988: 19). The only options left to the public were monogamy, frequent blood screening, and what she termed "dry sex," or sexual activity that did not allow for any fluids to be exchanged between partners (Kaplan 1988: 111). Irvine succinctly remarks: "Like *Crisis, The Real Truth* elevates the remotely and theoretically possible to the imminently dangerous" (1990: 177).

Kaplan argued that "Condoms, along with partners, cannot be trusted... kissing is inadvisable... and "AIDS bugs can 'swim' right into your body" (1988: 110). She went so far as to advise that in case of a "wetness mishap," all involved should immediately cleanse their exposed body parts, disinfecting them with Lysol (Kaplan 1988: 113). Even monogamy had become caustic.

### **3.3 Conclusion**

In this chapter, I traced the evolution of erotic civility in the expert discourses of medical science. In the first section I analyzed the discourses of classic sexology. I illustrated that within these discourses sexuality was deemed

an essential aspect of a person's character and identity. I proceeded to discuss the profession's creation of taxonomies of perversions. The profession's interest in perversion was instrumental in defining "proper" sexual behavior, and fostered the normalization of an erotic civility that was contained, heterosexual and reproductive.

I argued that three important and conflicting trends were at play in classic sexology's conceptualizations of sexuality: first, the heterosexually reproductive pair was re-inscribed as the true "norm" for human relations, while unbound lust continued to be deemed detrimental to the civilizing process. Second, the double standard was given "scientific" support, as women were depicted as less lustful, and essentially monogamous, and men as naturally promiscuous. And last, reproduction, as the primary driving force for the constitution of the pair, began to be questioned and lost its primacy, while love and fulfillment took center stage as its fulcrum. The norm of monogamy was thus suffused with a stronger romanticism and symbolically eroticized.

In the second section of the chapter I discussed the medical discourses of modern North American sexology. I continued to follow the evolution of normative monogamy within its texts, specifically analyzing its definitions in the works of four important figures: Kinsey, Masters and Johnson and Kaplan. I illustrated how conceptualizations of gender, sexual attraction and pairing problematized normative monogamy, at times re-inscribing the importance of the monogamous norm, and at times challenging it. In this manner the discourses of modern

sexology have at once reinforced the symbolic construct of the faithful pair, yet have made that same monogamy suspect and unrealistic.

I contended that the discursive constructions of normal sexuality circulated by the experts of sexology have re-centered normative monogamy as the ideal form of relationship; yet, they extended the parameters for emotional couplehood and sexual aptness, thus making the responsibilities of each partner increasingly unattainable. Also, experts have given individuals a “way out” of committed monogamous relationships by popularizing the view that infidelity is a “natural” aspect of human sexuality. In this manner modern sexology has specifically fostered a form of monogamy that is serial.

## Chapter 4

### **Popular Literature on Sex: The Constitution of Erotic Civility in the Publications on Sexual Statistics, Marriage Manuals and Sex Manuals**

#### **4.1 Introduction**

In this chapter, I continue to trace the evolution of erotic civility as a normative structure. I specifically discuss the problematization of normative monogamy and pairing in popular texts on sexuality, including statistical studies on sexual behavior, marriage and sex manuals, works compiled by doctors, counselors and other “pseudo-experts” for mass consumption. I shall approach these works as cultural artifacts, or discursive machinations through which the authors produced politically informed versions of “sexual truth” and stipulated parameters of sexual normality, attempting to change expectations of sex and dictate sexual behavior.

Once again, I focus my analytical efforts on the ways in which these texts have made sexuality an indispensable aspect of human existence, through which to achieve self-fulfillment and relational happiness. In the following paragraphs I discuss how specific sexual characteristics have been assigned to each gender, producing ontological blueprints for masculinity and femininity. Moreover, I discuss how the gender scripts that the literature has advocated have changed drastically over time. Each gender has been assigned a specific orientation to erotic behavior and equipped with scripts that are politically informed. The erotic division of labor in these texts has reflected the changing historical and cultural environment of the period, and has been informed by the political leanings of

their authors: their ideologies are reflected in the discursive castings of “proper” sexual behavior and the relationship work that they advocate.

Further, I analyze the symbolic construction of the pair, illustrating the teleological shifts it has undergone. I argue that the symbolic casting of the “ideal” relationship has drastically changed in the literature over time, at times supporting normative monogamy and, at others, undermining it. In conclusion, I demonstrate that the symbolic constructs of the pair, and the heterogeneous scripts that they support, effectively orient individuals to engage in the continuous examination of their sexual and relational lives according to rarefied ontological and ethical parameters. This asceticism predisposes them to serial monogamy. I contend that the discursive constructions of normal sexuality circulated by these texts have on the one hand re-centered normative monogamy as the ideal form of relationship; yet, on the other, have extended the parameters for emotional couplehood and sexual aptness, and increased the responsibilities and duties of each partner. Moreover, the aggrandizement of sexuality and a language of self-affirmation through sex or, in other words, a politics of “sexual rights” in normative discourse, have given legitimacy to non-monogamous behavior. As such, subjects continue desiring the “right” relationship, a monogamous one, yet doing so has become more and more difficult.

#### **4.2 Statistics on sex**

The examination of the literature on sexual statistics is particularly illuminating for the analysis of sexual governance through normalization. In the following discussion I study seven emblematic examples of these kinds of works.

Five of the works I examine, Morton Hunt's *Sexual Behavior in the 70s*, Linda Wolfe's *The Cosmo Report*, and Shere Hite's *The Hite Report, A Nationwide Study on Female Sexuality*, *The Hite Report on Male Sexuality*, and *Women and Love*, are based on statistically unsound data. Thus they are not truly representative of actual behavior, though they falsely claim accurately to describe the sexual lives of American people. The last works I examine, Michael et al.'s *Sex in America*, and Laumann et al.'s *The Social Organization of Sexuality*,<sup>62</sup> are based on research that was specifically designed to correct and remedy the reliability and predictability found in the previous works, and use data collected according to scientifically sound methods.<sup>63</sup> Not surprisingly they depict drastically divergent sexual realities than the works by Hunt, Wolfe and Hite. These last texts then, can be used as a general guideline of actual behavior, and thus illustrate to what extent Hunt, Wolfe and Hite's texts are politically informed and ideologically slanted.

In the following paragraphs my analytical efforts are dedicated to fleshing out the discursive and normalizing machinations that inform early texts on sexual statistics. Coming from diametrically opposite political fronts, they produced divergent versions of a sexual reality that are obliquely prescriptive and normalizing. Morton Hunt's and Linda Wolfe's works advertised, widely distributed and enthusiastically endorsed sexual behaviors that were strongly politicized in the liberal sense, and reflected the expectations of the Playboy

---

<sup>62</sup> Both works reported on the same findings as the National Health and Social Life Survey (NHSLs) (Michael et al. 1994: 25; Laumann et al. 1994: 37).

<sup>63</sup> However, these works are not methodologically perfect. I offer a critique to their methodologies and data gathering strategies later on in the chapter.

Foundation and *Cosmopolitan* magazine, the organizations that funded the research projects. Hunt's work painted a picture of adolescence in the process of shedding its sexual hang-ups and moving towards sexual dynamics that favored equality and loving reciprocity. Wolfe's report informed the public of the emergence of a new figure, the "new and improved" American girl, who was sexually emancipated and free. She perfectly personified *Cosmo's* carefully groomed image of the young career woman on the prowl.

These studies circulated a vision of North American society that created and reinforced expectations of liberal sexual choices. In contrast, Hite's texts were radical feminist research projects aimed at portraying the exact opposite reality. She depicted a bleak and depressing gendered world, sexual dynamics poisoned by patriarchy, caustic to women and convenient for men, in which women eventually took power in their own hands and began acting like men.

#### "Shedding" Old Sexual hang-ups: Hunt's *Sexual Behavior in the 70s*

Funded by the Playboy Foundation, Hunt's *Sexual Behavior in the 70s* was based on an independent market survey that took the form of a questionnaire. Though less ambitious in breadth, Hunt's survey was intended as a follow up to Kinsey's research. The survey gathered 2,026 questionnaires in 24 cities, and surveyed the sexual habits of 982 male respondents and 1,044 female respondents; of these 90 per cent were white and 10 per cent were black. Despite the author stating: "...it is our belief that the sample is, in fact, a reasonably good representation of American adult society," he admitted the

sample was mostly white (Hunt 1976: 15-16). Once again, the factual representation of American society was distorted, over-representing a white and highly educated middle class.

Michael et al. and Laumann et al. critique Hunt's data collection method observing that, due to their written format and length, Hunt's questionnaires would likely have intimidated lower-income and less educated groups, and thus failed to represent these groups. Moreover, the distribution of Hunt's questionnaire was carried out through the sale of *Playboy* magazine. Given the magazine's readership, the sample could doubtfully represent the population at large:

The five million readers of *Playboy* are already a heavily selected population — they tend to be young, white men, richer than the average American, and men who are interested in sex... If you asked readers of a different magazine, like *Christian Century* or *Reader's Digest*, to fill out a questionnaire, you'd expect to get very different answers. (Michael et al. 1994: 22)

A final problem with the reliability of the data had to do with the rate of response to the questionnaires themselves. Of the five million readers of *Playboy* who saw the survey questions, only 1.3 per cent took the time and effort to respond (Michael et al. 1994: 23).

Michael et al. and Laumann et al. concluded that Hunt's study, like many of the others that followed, could not be considered representative of the American population. Its faulty and inaccurate methods for data gathering inevitably distorted the findings, and the sexual realities they described, misrepresented Americans as sexually liberated, adventurous, and engaging in a variety of sexual acts (Laumann et al. 1994: 45-46; Michael et al. 1994: 22).

Hunt introduces his findings by proclaiming the need for sexual emancipation, openly taking a highly politicized stance. He states that any form of sexual behavior benefiting some at the expense of others was to be considered “amoral” and “inferior,” and had to be forsaken and replaced by other forms of sexual expression that “maximized the gratification of basic needs, health and longevity for all” (Hunt 1876: 110). Hunt called for the dissolution of all mores that impeded equality, assuming that the trends of “liberation” observed in American society were indicative of a sexual renaissance.

The report showed that pre-marital sex was generally acceptable, as attitudes towards it had become more permissive. Both genders tolerated sex as long as “strong affection was felt by both partners”: 75 per cent of male respondents replied that sex was acceptable, and in 55 per cent for females; female respondents deemed sex to be acceptable for males in 66 per cent of cases, and for females in 41 per cent of cases (Hunt 1976: 116). It is possible to discern a strong valorization of sexuality here: the acceptance of sexual openness was stipulated by Hunt to be a defining characteristic of a “new” ontology for youth, discursively cast and specifically defined against an implied older — and less permissive — generation. It is also possible to perceive a trajectory of conflation. Hunt deemed that boys and girls should be more similar to one another, in both values and behavior. And he indeed concluded that the gender gap was decreasing, a fact that, in his opinion, could be surmised from what he observed to be a “rejection of the double standard” (1976: 116). Thus, the script was one that advocated sexual convergence, a pledge for equality.

Curiously, the findings he would go on to describe in the sexual habits of youth pointed to a well-entrenched double standard.

In his discussion of pre-marital coitus, Hunt called attention to the erroneous assumption that people had become very promiscuous, especially those youth in the “flower-power” and anti-establishment generations. The statistics tabulated from the survey did not support this belief: some pre-marital sex was surely taking place, but it was not as widespread as imagined, nor had it been occurring for a long period of time, especially because the young were marrying younger (Hunt 1976: 143).

Yet Hunt’s work documented a major increase in pre-marital intercourse. By the age of 17, half of the male sample that was to go on to college had had sexual relations, while three-quarters of non-college student males had done so. In comparison by age 17, one-fifth of married females had had intercourse, and one-third of single females in the sample had done so.<sup>64</sup> From Kinsey’s time, Hunt claimed, the percentage of women that had engaged in pre-marital sex had doubled (Hunt 1976: 149). He commented:

It now appears likely that with another 5 years only a tiny minority of females and an even smaller one of males, consisting of the deeply religious, the emotionally disturbed and the personally unreliable, will remain virginal through their teens or will be virginal at the time of marriage. (Hunt 1976: 150)

Here the author makes his personal beliefs on the matter of virginity clear by utterly vilifying lack of sexual experience, confining it to religious zealots, the emotionally unstable and the socially inept. Once again, the discourse of sexual

---

<sup>64</sup> It is interesting to note that Hunt did not use the same parameters for males and females, and this shows a gender bias in the author’s approach.

valorization is underlined, and the implied scripts for “acceptable” behavior clearly encourage pre-marital sex for both sexes, a practice deemed essential to keep ostracism and even mental dysfunction at bay. Of Hunt’s total sample between the ages of 18 to 24, 95 per cent of males could pride themselves on their non-virginity, while 81 per cent of females had achieved its “graced” state (Hunt 1976: 150).

The discourse of sexual equality is evident in Hunt’s discussion of prostitution. The author claimed that first-time intercourse with prostitutes was slowly becoming obsolete: in males of 35 years of age and over, it had occurred in 61 per cent of cases; in males of 35 years or less, it had happened in 30 per cent of cases. But only three per cent of males below the age of 25 had lost their virginity to a prostitute. Hunt concluded that the solicitation of prostitutes for male sexual release was markedly losing popularity and importance (Hunt 1976: 144-145). Hunt subtly preached that the use of women as sex objects was “wrong,” suggesting that prostitution was a thing of the past. He thus exhorted men to abandon their patriarchal ways, which were “stuffy” and “unacceptable,” and to choose sex with “regular” women (Hunt 1976: 145).

In his discussion of the numbers of partners young people had had, Hunt’s figures were once more fairly conservative and he concluded that assumed beliefs of sexual promiscuity greatly exceeded actual conduct. Between the ages of 23 to 34, male respondents had had two partners, and the same number was reported by their female counterparts. Predictably as age increased, so did the number of sexual partners individuals had had (Hunt 1976: 152). Yet, males did

not show a propensity to have casual sexual encounters, and were often found to be in stable long-term loving relationships, that for Hunt were to be considered “trial marriages” and “companionate unions” (1976: 153). Therefore, sex was not at all the “recreational” and “hedonistic” play that it was reputed to be: “The explosive increase in pre-marital intercourse... does not constitute a violent overthrowing of all cultural values concerning sexuality... it is an apprenticeship for marriage” (Hunt 1976: 154). Here the author clearly emphasizes stable, heterosexual and monogamous unions, deeming them the inevitable and logical conclusion to the sexual play he had previously documented. Once again, Hunt idealized monogamy, deeming it the aim of the erotic openness he so positively endorsed — if not in the context of marriage, definitely in the context of its new institutional embodiment, the committed relationship.

Yet, in the next paragraphs of his report Hunt, perhaps conscious of the fact that his sexual study was beginning to look like a conservative and pro-establishment narrative, went on to discuss monogamy in very bleak terms. He stated that in his opinion monogamy was “far from being the natural choice” for the human species, and that neither sex was driven to it. For Hunt, a variety of relational arrangements in human societies was proof that no specific option was actually instinctual or natural, and that monogamy, for its strict economies and lack of variety, was “perhaps the unlikeliest choice of all” (1976: 236). Yet, he did not endorse any form of relational openness either, arguing that the model of what he termed “flexible monogamy” (an arrangement that allowed for “external input,” as he put it), was “neither common nor viable” (1976: 239). His prolix and

circular arguments thus returned to re-assert monogamy as being the only viable option for “proper” relational life.

Hunt continued to endorse equality between the sexes, documenting a heightened tendency towards infidelity in both, especially men and women of younger generations. At the age of 25 or less, 32 per cent of the sample had engaged in extra-marital sex (Hunt 1976: 258). The female populace showed a marked increase in its extra-marital activities: 24 per cent of females below the age of 25 had engaged in it (Hunt 1976: 261). Hunt concluded that the gap between the sexes was distinctly narrowing: if in the previous generation only one-third as many young wives as husbands were going to be adulterous, in the 1970s, three-quarters as many wives would be (Hunt 1976: 263). Again, for Hunt this marked a radical break away from the double standard: “Woman will go outside marriage for sex as often as will man, if she and her society think she has as much right to do so as he” (Hunt 1976: 263). Once again, Hunt was discursively advocating for an ethics of equality between the sexes, by describing women as no longer willing to be “duped” into monogamy, if their partners were unwilling to adhere to it themselves. Infidelity was then cast as a “sexual right,” a practice to achieve emancipation from the patriarchal double standard.

Yet, Hunt was soon to recant his stance on “righteous” female adultery, taking a discursive turn in the reverse direction in his discussion of female experience of extra-marital sex. While he had discussed male adultery only statistically, and in very neutral terms, when he turned his attention to non-monogamous women, he described their illicit activities using very negative

language. Women's affairs were secretive, anxiety-riddled, guilt-inducing encounters, hurriedly carried out under threat of discovery. He stated that for women infidelity was not particularly satisfying. It did not include new or more "inventive" sex acts, some of them were not even fully coital, but rather "hurried sessions of petting."<sup>65</sup> Hunt did admit that some sexual practices with lovers could be definitely more risqué, and went so far as including anal sex among extra-marital activities. Generally though, Hunt portrayed extra-relational sex for women as unsatisfying, asserting marital relations as more satisfying for them (Hunt 1976: 275-276).<sup>66</sup>

Hunt concluded his discussion of extra-marital sex by stating that it was important proof of the "closing of the gap" in behavior between men and women. Here, the author returns to the point that the female trend away from monogamy was indicative of an unwillingness to continue to accept an unfair patriarchal double standard: "The change is not a radical break with the ideal of sexual fidelity, but a radical break with the double standard" (Hunt 1976: 263). Hunt conveniently glosses over the normative injunctions and negative caveats he had discursively cast against unfaithful women, and that overtly contradicted his arguments in favor of sexual equality, in previous paragraphs. Thus Hunt sponsored ontological blueprints of masculinity and femininity that were ideologically informed by a politics of sexual emancipation on the one hand, and gender equality on the other. As such, the narrative advertised and endorsed

---

<sup>65</sup> Sex while standing up was reported to be a common position; the impression given to the reader was one of hurriedness and utter lack of comfort.

<sup>66</sup> The personal bias of the author is evident in these accounts, especially if one considers that he offered no commentary on the levels of satisfaction in extra-marital sex for males.

scripts that vilified sexual prudishness and greatly valorized emancipation. Yet, upon closer scrutiny, such sexual openness continued to be deemed noxious to the female gender, implying that relational diversity and serial monogamy should be a “men only” prerogative.

### “Prowling” and Emancipated Girls: Wolfe’s *Cosmo* Report

A similarly enthusiastic and yet more egalitarian liberalism would be embraced by the author of another influential statistical report on sexual mores, which appeared at the beginning of the following decade. Linda Wolfe’s *The Cosmo Report*, was published in 1981, widely circulated and reached the peaks of popularity that Hunt’s *Sexual Behavior in the 70s* had enjoyed in previous years (Ericksen and Steffen 1999:151). Her book discussed the results of a survey distributed with the magazine *Cosmopolitan*.

The previous section highlighted the problems that this kind of surveying entails. This report, like Hunt’s, was not based on scientifically sound research methods, and therefore it could not reliably or accurately represent the sexual habits of North American women (Laumann et al. 1994: 45-46; Michael et al. 1994: 22), although it claimed to do so (Wolfe 1981: 12). Again, based on the responses to written questionnaires distributed through the magazine itself, the report surveyed a highly specialized sample, which did not represent the population at large. Readers of *Cosmopolitan* were found to be mostly white, in their late twenties to late thirties, married, and more affluent than the average American woman (Michael et al. 1994: 22; Ericksen and Steffen 1999: 152). It is

thus important to realize the potential normalizing effects of Wolfe's "objective" narrative of the "normal habits" of "women."

Wolfe depicted an image of normal female sexuality that was highly discursive. Once again sexuality was extremely valorized and made to be the most salient aspect of "modern" femininity. Her blueprint for ontological femininity was characterized by sexual emancipation, increased orgasmic capacity, and playful eroticism. Wolfe's text, written as an objective reflection of current sexual mores, circulated and promoted an image of the sexually liberated American girl, already foreshadowed in Hunt's writings. It conveniently matched the magazine's carefully marketed image and advertised a sexual lifestyle for the readership's consumption and appropriation (Ericksen and Steffen 1999: 152).

The first important finding reported by Wolfe was that there indeed had been a "sexual revolution" in North America. 21 per cent of women had had sexual intercourse for the first time by the age of 15, 69 per cent had between the ages of 16 to 20, and 9 per cent had between the ages of 21 to 25. In 1953, Kinsey reported that only 3 per cent had had sexual intercourse by the age of 15 (Wolfe 1981: 45). The number of partners with whom women were having sex had also markedly increased. Wolfe reported that 10 per cent of women had had one lover, 28 per cent had had two to five lovers, 25 per cent had had 11 to 25, and 15 per cent had had 25 or more. She commented: "...the sexual revolution can be characterized as today's widespread practice of picking and choosing among lovers" (Wolfe 1981: 199). With this statement the author produced a female ontology that was intrinsically sexually charged, normalizing a script of

active sexual openness and experimentation, geared towards a political ascetic of serial-monogamy, and even, if the girl so chose, non-monogamy.

According to Ericksen and Steffen, Wolfe's reporting style created and reinforced expectations for how true "*Cosmo* Girls" should behave sexually (1999: 153). Wolfe did not vacillate, like Hunt had previously, in her endorsement of infidelity, positing "the affair" as a female sexual right. She reported that 54 per cent of married women in the sample had been adulterous. She went on to comment that women felt "entitled" to have extra-marital affairs (Wolfe 1981: 240). She conveyed that adulterous women were not the stereotypical "bored housewives," who cheated for distraction, as a result of being trapped in dissatisfactory relationships or monotonous lives, as commonly believed. She claimed that working women had more opportunity to have affairs, because they had more stimuli, more movement and opportunity, and therefore found it easier to handle their indiscretions (Wolfe 1981: 247). Once again, the entrepreneurial independence of the *Cosmo* girl was specifically imbued with a sexual charge, a charge that, in a more radically novel way, discursively predisposed her to non-monogamy. Her ability to work and her potential for earning were connected to her power to choose lovers; they also gave her the right to keep more than one partner simultaneously, and even allowed her the freedom to enjoy sex unattached. The emergence of a new relational teleology of "female convenience," where unions lost primacy and were made contingent to female needs.

Wolfe reported that the majority of the sample — 83 per cent — kept its infidelities a secret, with only 17 per cent practicing “open relationships” (Wolfe 1981: 259). Wolfe claimed that general attitudes on fidelity had not fundamentally changed. Even the women who preferred cohabitation to marriage still ascribed to fidelity in 70 per cent of cases (Wolfe 1981: 262).

According to Ericksen and Steffen, Wolfe’s reporting style created and reinforced expectations for how “real” *Cosmo* girls should behave sexually (1999: 153). With Wolfe’s report, we saw the normative emergence of a new kind of woman: characterized by professional independence and sexual openness, she was an active agent of her erotic existence; her sexual scripts veered away from monogamy, predisposing her to an ethics of serial-monogamy, through which she exercises her “right to choose”, and even an ethics of non-monogamy, as an emancipating practice of gender equalization. We also saw the emergence of a new relational teleology of “female convenience,” where unions lost primacy and were made contingent to female needs.

### Sexually Disgruntled Women: *The Hite Reports*

Normalizing discourses in the literature on sexual statistics were not to remain confined to liberal political endeavors. From the mid-1970s to the late 1980s, Shere Hite, a feminist graduate student from Columbia University, published results of qualitative and statistical research on issues of female and male sexuality, which would drastically clash with the sexually emancipating and optimistic reports by both Hunt and Wolfe (Irvine 1990: 154).

Hite's first publication, *The Hite Report: A Nationwide Study of Female Sexuality*, appeared on book shelves in 1976. Hite's data had been collected through four different questionnaires, distributed through the National Organization of Women, abortion rights groups, women's centers and women's magazines (Irvine 1990: 155). Again, the format of research gathering and the targeted recipient groups clearly resulted in grave sampling issues (Laumann et al. 1994: 45). Additionally problematic was the response rates to the questionnaires — a mere 3 per cent of 100,000 surveys distributed were returned (Michael et al. 1992: 23).

The book made no apologies for its radical feminism and was intentionally written against the hegemonic liberal "expertise" of both sexology and the statistical tradition of authors like Kinsey, Hunt and Wolfe. Hite, in the introduction of the text, states:

Women have never been asked how they feel about sex. Researchers, looking for statistical "norms," have asked all the wrong questions for all the wrong reasons — and all too often wound up telling women how they should feel rather than asking them how they do feel. (Hite 1976: xi)

Hite's text claims to document "women's own" explanations of their sexual activities and the attitudes that informed them. It is comprised of a collective patchwork of women's testimonials, woven in coherent narrative by Hite. Like Hunt and Wolfe, Hite interpreted her data very creatively, condensing the habits and opinions of a highly selected and politicized section of the population, passing them off as those of the general public (Michael et al. 1992: 23; Laumann et al. 1994: 45).

According to Irvine, Hite's first book contained very little new information. Its novelty was its bleak message: it delivered "consistent evidence" that women were emotionally brutalized by men and socially pressured to conform to the ideal of vaginal orgasm (1990: 155). Hite discursively wove and normatively spun an alternative feminine ontology, a set of drastically divergent sexual scripts, and a radically dissident erotic ethics for her readership. It was a passionate, ideologically informed challenge to male dominance. It proposed a new blueprint for femininity, a fed-up, cynical and disillusioned radical woman, politically pitted against the free-spirited and entrepreneurial Cosmo girl. The product was different but the normalizing discursive strategy remained the same. Hite's discourse of radical feminism still offered a constructed reflection of sexual "reality" that was in itself obliquely prescriptive.

The first of Hite's reports did not speak directly about pre-marital or extra-marital sexual trends, or about the norm of monogamy. However, her second publication, *The Hite Report on Male Sexuality*, addressed these issues closely. In this publication she took great pains to denounce men and their misogynist sexual ethics, with a fervor that bordered on religious fanaticism. The following discussion will demonstrate that such radicalism unwittingly re-inscribed already well-established norms for male behavior, because it retrenched old ontological modes for masculinity and their related scripts in a way that ultimately upheld the status quo.

In the section "Are Men Monogamous in Marriage?" Hite reported that 72 per cent of the respondents were secretly carrying out affairs (1981: 143). Men

generally began having affairs after several years of marriage. However, 16 per cent of them committed adultery within the first year, and 23 per cent did within two years (Hite 1981: 148). Men did not seem to feel that their adulterous behavior was at all problematic, and expressed no feeling of guilt or regret (Hite 1981: 150). Affairs, according to some men, had had positive effects on their lives, providing ego-booster, sexual experience, variety and leisure (Hite 1981: 151-152). While some men did admit feeling guilty, Hite quickly dismissed these few "good souls" by stating that such "decent" feelings were temporary and short-lived (1981:154).

Hite went on to investigate in detail the effect affairs had had on men's marriages. Most men callously reported that there had been no negative effects. Some went as far as to state that their affairs had been very positive, allowing them to continue to endure an otherwise dissatisfying relationship with their spouses (Hite 1981: 156). Some individuals asserted that affairs had made them more attentive to the needs of their wives (Hite 1981: 158). Others had confessed their indiscretions to their spouses then to manipulate the situation and emotionally blackmail their wives into giving them increased sexual "servicing" (Hite 1981: 159). Few admitted that their adulterous behavior had been hurtful to their partners (Hite 1981: 159), or expressed intentions to change their "devious" ways (Hite 1981: 161).

Here Hite reproduced a very old ontological blueprint for masculinity, one that recalled the Victorian male described by Krafft-Ebing and Ellis. Hite's description of the husband who used the affair as a tool to stay in a frigid

marriage harkens back to the oblique character of the turn-of-the-century middle class male who used prostitutes to keep his wife “pure.” In Hite’s narratives, the male was cast as defined by his patriarchal privilege, and all the sexual advantages that it afforded him, privileges which he clearly was not willing to relinquish, regardless of the emotional damage they might cause to his partner and to his relationship.

Hite’s research showed that men’s reasons for having affairs varied. For some, the impetus was an unsatisfactory sex life at home (Hite 1981: 173); adultery was then justified as a “sexual supplement,” which allowed them to remain married (Hite 1981: 164). Another reason was that men did not feel that monogamy was “natural” for them, yet liked marriage, so infidelity was a practical and reasonable arrangement to have one’s cake and eat it too (Hite 1981: 176). Others justified their behavior by blaming an uncontrollable sex drive, or overwhelming impulses to seek out variety (Hite 1981: 177). Hite also reported that men were under a certain amount of social pressure, which caused them to worry about their masculinity, and this in turn pushed them to have affairs (1981: 177-178).

Here, once more, Hite was discursively using — and thus unwittingly reinscribing — old tropes and stereotypes to define male sexual scripts. Hite’s critique of the notion that males were biologically predisposed to adultery was weakened by her insistence that men were unworthy of women’s love.

Hite’s data revealed that when asked how they felt about their wives potentially having affairs, most men replied negatively, either dismissing the

possibility or expressing anger at the thought it could occur (Hite 1981: 185-186). Men living in open marriages and who were open and reciprocal about infidelity expressed mixed feelings about their relationships (Hite 1981: 187). The majority of men had concluded that affairs put too great a strain on their marriages and they had decided against having them (Hite 1981: 194), yet some felt that affairs had benefited their unions (Hite 1981:195). In conclusion, Hite reported that 33 per cent of men who were actually monogamous were not particularly satisfied by this arrangement, and expressed the wish it were otherwise (Hite 1981: 200-203). Hite leaves the reader with the impression that even men who had not yet committed adultery were only faithful because the opportunity to misbehave had not yet presented itself; thus they were not trustworthy either.

In this bleak and depressing narrative, that discursively fashioned idealized radical heroines struggling sexually with misogynist male nemeses, relationships were inevitably left devoid of value. The underlying relational teleologies of Hite's reports left very little hope for intimacy and trust, and implied that most marriages were actually marred by unfaithfulness. Although Hite never openly called for an end to marriage, the impression that the reader took away from her texts was to "throw the baby out with the bath water."

In conclusion, Hite's reports depicted a sexual reality that completely clashed with Hunt's and Wolfe's analyzes. In Hite's reports the double standard appeared to be alive and well: men were discursively constructed as perfidiously misogynistic creatures, smugly enjoying their sexual power and prowess, refusing to repent of their patriarchal ways. Peculiarly, Hite's writings could be

used to justify the reactionary ethics of female sexual empowerment against patriarchal needs and demands, on the one hand; yet they could also be useful in buttressing an engrained sexist attitude her writings attempted to challenge — the notion that, after all, “men were men.”

Hite's published another report, *Women in Love: A Cultural Revolution in Progress*, which mimicked the earlier male study and surveyed the sexual habits of North American women. It also remedied the first report's lack of data on female adultery. A staggering 70 per cent of women who were married over five years were reported to be having affairs. The majority of them still claimed to believe in monogamy (Hite 1987: 395).

Hite reported that women were having affairs for a number of reasons. The majority of them reported feeling alienated or emotionally excluded by their partners; the affair was thus a way to reassert one's self-worth and be appreciated. 21 per cent of women claimed to be engaging in extra-marital affairs because of a bad sexual relationship with their husbands (Hite 1987: 404). Retaliatory affairs, in response to a marital infraction, were not common and composed only 7 per cent of the sample (Hite 1987: 405). Other women found affairs to be an avenue for sexual experimentation (Hite 1987: 404), while 12 per cent of women reported to be having affairs for “fun” (Hite 1987: 408). For 17 per cent of the women in the sample, the affair was a symptom of a disintegrating relationship, part of an alienation process that would eventually lead to divorce (Hite 1987: 407). Of those who divorced, few offered “new love” as a reason, but explained that dissolution was due to relational issues in the marriage itself (Hite

1987: 407). Of those who fell in love with their lovers, 19 per cent opted to remain married (Hite 1987: 405).

A surprising 6 per cent of women were adulterous even when claiming to be in emotionally satisfying marital relationships (Hite 1987: 401). Hite found that “surprisingly, like men” the majority of women having affairs did not feel guilty about it (1987: 408). In her concluding section, Hite compared the statistical figures of her report to those found by Kinsey and claimed that there had been an enormous increase in adultery — since 1953 rates had tripled (1987: 410).

Hite also reported that both genders believed that their partners were faithful, and that infidelity was occurring on their part only: 82 per cent of women did not believe their partners were unfaithful. They also believed their lovers to be faithful (Hite 1987: 412)! Most reported being hurt and angry at the discovery of their husbands’ affairs, but some accepted these indiscretions quite passively (Hite 1987: 415-417). Lastly, Hite reported that many women engaged in “same-gender boycotting”, openly undermining the relationships of other women: 45 per cent of single women reported to be seeing married men and saw these relationships as “normal” (1987: 424-425).

In this particular text Hite seemed to vacillate between two interpretations of feminine behavior. On the one hand she discursively constituted and cast an active and emancipated blueprint for femininity, in which women were posited as defiantly equal to men. She thus articulated female scripts according to a logic of sexual rights, which women utilized to carve out a satisfactory relationship according to the same strategy — the affair — as men. On the other hand, Hite’s

narrative was tinged with a subtle negativity and, to a certain extent, some disillusionment. Women, in their active struggle to be equal to men, became men. The politics of equalization was therefore cast by Hite as one of “negative hybridization,” in which men had not learned to mimic the “righteous ways” of women; rather, the opposite had taken place, and women had learned the “devious ways” of men.

Hite’s writings, once more obliquely misleading and yet normatively prescriptive, were cast in a rarefied matrix of “gender war.” They ultimately buttressed and justified the very behaviors they critiqued and had attempted to dismantle, an inevitable result of her discursive castings.

#### How Sexually “Boring” and We Really Are: *Sex in America*

Michael, Gagnon, Laumann, and Kolata opened their discussion by addressing the reliability and predictability issues that surveying sex entailed. They argued that the study of sexuality had consistently been a field fraught with difficulties that had, most of the time, produced scientifically invalid and inconsistent results. In their opinion, the documentation of sexual behavior has been a “tragicomedy in its convolutions and raised expectations and dashed hopes” (Michael et al. 1994: 10). The authors called for the abandonment of previous methodologies, which had proven to be unreliable and unscientific, and the adoption of well-established survey methods (Michael et al. 1994: 15; Laumann et al. 1994: 36-37).

The impetus to study the sexual behavior of Americans in the late 1980s was mobilized by the discovery of the HIV virus, and the fear that contagion might spread beyond homosexual and drug-using minorities. The authors made it clear that the project to survey sex began eliciting support and funding only when the larger heterosexual population was seen to be at risk of contagion (Laumann et al. 1994: 38).

The methodology for research utilized in *Sex in America* (1994) and *The Social Organization of Sexuality* (1994) report on the National Health and Social Life Survey (NHSLs) was probability sampling.<sup>67</sup> The researchers contended that it was the most predictable and reliable form of surveying:

Probability sampling, that is, sampling where every member of a clearly specified population has a known probability of selection — what lay commentators often somewhat inaccurately call random sampling — is the sine qua non of modern survey research (Laumann et al. 1994: 43)

The authors offered a detailed description of the method of selection of the individuals that eventually came to make up the sample for their survey. Various geographic areas of the country were randomly selected. Within these areas,

---

<sup>67</sup> As stated earlier, both works reported on the same findings, those of the National Health and Social Life Survey (NHSLs) (Michael et al. 1994: 25; Laumann et al. 1994: 37). *Sex in America* aimed at making the discoveries about “actual” sexual behavior in the U.S. available to the largest possible audience. It used popular discourse and a clear and concise prose, offering an intelligible summary of the general sexual trends documented for youth and adults alike (Laumann et al. 1994: 12). *The Social Organization of Sexuality. Sexual Practices in the United States* was written for professional social scientists, counselors and health professionals, and presented the data in much more detail (Laumann et al. 1994: xxv). Large portions of the text discussed its methodological approaches and its theoretical foundations, and the body of the work provided the minutiae of the statistical discoveries made, and a thorough discussion of the trends in the sexual lives of those studied. In my discussion I make reference to both works.

researchers also chose regions, cities, towns and rural areas at random. Once cities, towns, and rural areas were selected, they randomly selected various neighborhoods, and within these neighborhoods, they randomly chose houses. This research effort produced a total of 9,004 addresses (Laumann et al. 1994: 549-570; Michael et al. 1994: 30).

According to the authors of the study this research method provided them with a “representative sample of Americans who were aged 18 to 59 and who spoke English” (Michael et al. 1994: 31); they contended that because of these “advanced and scientific methods” of social science research, the survey accurately reflected the behavior of the adult American population (Michael et al. 1994: 25; Laumann et al. 1994: 549; Kish 1965: 9-10).

An issue that, in my opinion, affects the reliability and the predictability of this study is its sample size. The research designers themselves calculated that a sample of 14,000 (Laumann et al. 1994: 55, Footnote 12) to 20,000 would be necessary to give a precise account of American sexual behavior (Laumann et al. 1994: 49-50). These numbers were reflected in similar research projects carried out in other Western countries (Michael et al. 1994: 26; Laumann et al. 1994: 571-597).<sup>68</sup>

The funding available,<sup>69</sup> however, could not finance such an ambitious breadth of sampling. Yet the researchers marshaled behind their study, and

---

<sup>68</sup> Comparable surveys were carried out in The UK and France respectively. In the UK the survey sample was 18,876 and in France 20,055 (Laumann et al. 1994: 50).

<sup>69</sup> Carrying out research on 20,000 individuals would have cost an estimated \$20 million US. Not even the ominous threat of an AIDS pandemic would prove serious enough to marshal such resources, nor the research support, for that

argued that the numbers of individuals surveyed were indeed sufficient to reach reliable and predictable conclusions on the sexual habits of Americans:

Funding was sufficient to permit interviewing a sample of 3,432 (of which 3,159 constitute a straightforward cross-sectional sample of English-speaking adults in households and 273 are derived from oversampling blacks and Hispanics). This sample size is much larger than necessary to get precise national estimates on many population parameters of interest and begin examination of basic relations in the data. (Laumann et al. 1994: 51)

They honestly concluded, however, that the sample was “clearly inadequate” for predicting the behavior of minorities and sub-populations (Laumann et al. 1994: 51-52).

The most important and general finding was that the data of the National Health and Social Life Survey (NHSLs) contradicted the majority of the findings reported in previous surveys on sex in the U.S.: “They are counterrevolutionary findings, showing a country with very diverse sexual practices but one that, on the whole, is much less sexually active than we have come to believe” (Michael et al. 1994: 25). Out of the 9,004 randomly selected addresses, interviewers

---

matter. Originally, the project was spearheaded in 1988 by a number of federal agencies, including the Centers for Disease Control (CDC), the National Center for Health Statistics (NCHS), the National Institute of Child Health and Human Development, the National Institute on Aging (NIA) and the National Institute of Mental Health (NIMH) respectively (Laumann et al. 1994: 39; 43). Yet, the controversial “item list” of sexual behaviors to be studied would prove to be unpalatable for Congress: in 1991, Senator Jesse Helms introduced an amendment to a bill on funding, targeting all agencies involved, which specifically prohibited any financial support for research on “the survey of health and AIDS-related practices” (Laumann et al. 1994: 41). The funding for the project would eventually be provided by a cluster of private foundations, including The Robert Wood Johnson Foundation, the Henry J. Kaiser Family Foundation of Menlo Park, the Rockefeller Foundation, the John D. and Catherine T. MacArthur Foundation, the Andrew W. Mellon Foundation, the New York Community Trust, the American Foundation for AIDS Research and for the data analysis, the Ford Foundation (Michael et al. 1994: 28; Laumann et al. 1994: 40-41).

manage to complete 3,432 interviews, reaching four out of five families and a high success rate (Michael et al. 1994: 33). The researchers took measures to ensure that the sample was indeed representative of the population at large, by comparing it to other demographic data, extracted from census findings. They cross-checked their sample according to marital status, age, education level, race, and ethnicity: “We found no evidence suggesting that our sample was not fully representative of the population aged eighteen to fifty-nine” (Michael et al. 1994: 37). Moreover, the researchers made sure to buttress the validity of their findings by utilizing various techniques to establish whether interviewees were telling the truth. In fact, they controlled the reliability of the responses given through various forms of cross-checking.<sup>70</sup>

Then, the researchers chose to focus on some general social trends in sexuality, attempting to establish whether individuals have had more partners over their lifetime in comparison to those who had lived 40 or 50 years ago. The first trend they chose to hone in on was the age of first sexual intercourse; the second was delay in marriage, and the last was the increase in rates of divorce. The researchers speculated that all these factors could contribute to higher levels of sexual partnerships (Laumann et al. 1994: 172; Michael et al. 1994: 100). In the survey, the social scientists chose to examine sexual behavior at two specific

---

<sup>70</sup> Individuals were repeatedly asked to provide the same information, either by repeated questioning or through written questionnaires; answers were later compared to establish if respondents had been truthful — in the overwhelming majority of cases, the answers were found to be consistent (Michael et al. 1994: 34-35). For a detailed discussion of all methodological challenges the researchers faced and the solutions they utilized in the survey to overcome them (See Laumann et al. 1994: 549-570; Appendix A).

periods in the lives of those interviewed, to find out when individuals were beginning to engage in intercourse, and whether they were pairing up or engaging in multiple and overlapping sexual relationships. The first period observed was the previous year in the interviewee's life; the second period was their entire sexual life span.

The study found that teenagers were indeed having sexual intercourse at earlier ages. This indicated that the sexual revolution had, to a certain extent, had an effect on the behavior of younger generations. For example, in the years between 1933 and 1942, the average age for first sex was 18. 30 years later the average age was 17 and a half (Michael et al. 1994: 90):

About half the teenagers of various racial and ethnic groups in the nation have begun having intercourse with a partner in the age range of fifteen to eighteen, and at least four or five have had intercourse by the time their teenage years are over. (Michael et al. 1994: 91-92)

The findings reported that reasons for having intercourse had also drastically changed in the past decades, especially for women. Of the younger generations, 37 per cent claimed that they had engaged in first sex due to peer pressure, while 35 per cent claimed they had due to the affection they felt for their partner. In older generations, only 13 per cent of the women stated to have been pressured into sex, while 54 per cent chose to have intercourse due to feelings of love (Michael et al. 1994: 94). Another surprising finding was that fear of HIV infection did not seem to have impacted the sexual behavior of teenagers much, or pushed them to have sex later (Michael et al. 1994: 95).

In contrast to the popular belief that sexual promiscuity was rampant in the late 1960s and 1970s, the authors found that not much experimentation or frequent sex had taken place at all. Rather, the so-called “sexual revolution” had not been particularly revolutionary, but had indeed marked the advent of a drastic change in the form paired behavior would take over a life span.

The researchers contended that the earlier pattern for sexual union had been one of “dating, love, little sexual experimentation with one partner, sometimes including intercourse, then marriage and children” — basically, a life-long pattern of monogamy. However, as of the mid-1970s, individuals were reported to follow a new pattern: “affection or love and sex with a number of partners, followed by affection, love and cohabitation” (Michael et al. 1994: 96) — a clear shift from life-long monogamy to serial monogamy. Between 1933 and 1942, for example, 93 per cent of women that were married had not lived with their future partner beforehand; also, 90 per cent were virgins upon marriage or only had pre-marital intercourse with the person they would eventually wed.

In the next age cohorts, those born between 1963 and 1974, things were already quite different: only 36 per cent had gotten married without first living with their spouse; yet, among those who had lived with a partner, 60 per cent had had no other sexual contact, or had only had one other partner before they entered cohabitation with their present lover (Michael et al. 1994: 97). Clearly the majority of the populace was not engaging in indiscriminate and multiple acts of sex with numerous partners — rather, they were having committed and serious relationships with one or two partners, with whom they cohabited. The authors

thus concluded that younger cohorts were not necessarily having many more sexual partnerships compared to the earlier cohorts, but were pairing up at similar rates. However, rather than getting married, younger cohorts often cohabitated with a partner (Michael et al. 1994: 99).

Another important factor studied was the incidence of divorce, considered to be extremely important as of the 1960s — the decade in which its occurrence dramatically increased. The patterns documented in the survey were as follows: for those born between 1933 and 1942, the rate of marriage failure was one in five; for the next cohort, that of 1943 to 1952, it was one in three. For the last cohort studied, that of 1953 to 1968, the divorce rate had climbed to 38 per cent. The researchers concluded: “Divorced people as a group have more sexual partners than people who remain married and are more likely, as a group, to have intercourse with a partner and live with a partner before they marry again” (Michael et al. 1994: 100).

To survey the number of sex partners properly, respondents were asked how many people they had had intercourse with at specific times: in the past 12 months, in the past five years, and over their adult lifetimes (Laumann et al. 1994: 175).<sup>71</sup> Surprisingly, their findings revealed a relatively sexually restrained adult population. The researchers summarized the general trends in the survey

---

<sup>71</sup> Over the past twelve months, 11.9 per cent reported having no partners, 71.1 per cent had only one, 13.7 per cent had had two, three or four partners, and 3.2 per cent reported having five or more (Laumann et al. 1994: 176-181). The findings on the number of sexual partners over the entire life span were also surprisingly conservative. Since age 18, 2.9 per cent of the respondents reported having had no sex partners at all, 26.1 per cent had had only one, 29.5 per cent had had two, three or four; 21.7 per cent had had five to ten, 10.6 per cent had had eleven to twenty. Only 9.2 per cent could be considered somewhat promiscuous, reporting having had twenty or more (Laumann et al. 1994: 181)

as follows: over the previous year, an overwhelming majority of individuals — 80 per cent — had had only one sex partner, or none at all, and only about 3 per cent had had multiple partners (Laumann et al 1994: 184). Men consistently showed a tendency to engage in more sexual partnerships and of having more partners overall than women. Over the entire life span the findings showed that these gender differences remained quite large: about 50 per cent of the men reported having had more than five partners but only about 30 per cent of the women did so (Laumann et al. 1994: 184). Laumann et al.'s data revealed an American population that adhered to the norm of monogamy. The authors concluded that individuals with only one sex partner over the past year were overwhelmingly monogamous.

The most salient critique of this study, regardless of its scientifically sound methods, is its sample size (Laumann et al. 1994: 550). The authors of the study themselves admitted that the sample was not sufficient to draw conclusions about the sexual behavior of minorities and sub-populations, which potentially might show non-adherence to the norm of monogamy (Laumann et al. 1994: 51-52).

The fact that only respondents who could speak English were selected automatically eliminated the inclusion of recent immigrants and illegal aliens. The face-to-face interviewing method<sup>72</sup> also poses issues as it has been established

---

<sup>72</sup> Interviewers were selected in a specific manner. Only middle aged white women were selected and trained to perform all interviews, according to the findings in focus groups before the survey. These had shown that people responded more easily to this specific racial and gender group:

that often interviewees tend to be swayed by the interviewer, answering what they believe the interlocutor wants to hear.<sup>73</sup> Another limitation to the research project that was flagged by the researchers themselves was the fact that the survey excluded the institutionalized, the homeless, and those who were not part of the age categories chosen (Michael et al. 1994: 39).

My analysis of popular works on sexual statistics has specifically focused on normalization. I have illustrated how these texts have made sexuality an indispensable aspect of human existence, casting it as essential for emotional fulfillment and relational happiness. I have also demonstrated that specific sexual characteristics have been assigned to each gender; thus, sex experts have produced norms for ontological masculine and feminine recognition, which subjects can take up and follow. In a related manner, the literature has produced behavioral matrices, or scripts, in support of the gender identities it has cast. Each gender has been assigned a specific orientation to erotic behavior and “equipped” with scripts that are politically informed. The “erotic” division of labor in these texts has reflected the changing historical and cultural environment of the period, and the political leanings of the authors: their ideologies are reflected in the discursive castings of “proper” sexual behavior and the relationship work

---

To help us select interviewees whom people would talk to, we used focus groups, asking people from different races and backgrounds whom they would feel most comfortable with. To our surprise, almost everyone, including blacks, Hispanics, and men, preferred middle-aged white women. (Laumann et al. 1994: 561; Michael et al. 1994: 32)

<sup>73</sup> Although it should be mentioned that the researchers went to great lengths to control this problem by using redundant questions, assuring that the answers matched parallel surveys (Michael et al. 1994: 34-35; Laumann et al. 1994: 551-552).

that they invoke. I contended that the discursive constructions of normal sexuality circulated in this literature have re-centered normative monogamy as the ideal form of relationship. However, a politics of “sexual rights” has also given legitimacy to non-monogamous behavior, transforming the affair into a political act of self-affirmation.

#### **4.3 Erotic Civility in Marriage and Sex Manuals**

In the next discussion I analyze the symbolic construction of the pair in the advice literature of marriage and sex manuals. I illustrate the shifts in evolution of this construct and flesh out the discourses that inform them. The symbolic casting of the “ideal relationship” has drastically changed in this literature over time, in a manner that at times has supported normative monogamy and, at others, undermined it.

In a related manner, the gendered scripts that the literature has advocated, in support of these idealized relationships, have also changed drastically over time. The “erotic” division of labor of these texts has reflected the changing historical and cultural environment of the times, and been informed by the political leanings of their authors – it is intrinsically ideological. The political mobilization of the 1960s, the rise of the women’s movement of the 1970s and 1980s, and the conservative backlash engendered by the AIDS epidemic, are reflected in the discursive castings of “proper” sexual behavior and relationship work.

The study of sexual governance in the advice literature genre is not new. Since the late 1960s, a number of social scientists have undertaken the analysis

of these cultural artifacts and investigated to what extent they participate in the sexual normalization of subjects. In the feminist tradition, authors such as Weinberg, Swenson and Hammersmith (1983), Altman (1984), and Brunt (1983), have specifically focused on issues of female emancipation, and investigated to what extent these texts participate in the sexual liberation of women, or whether they advance patriarchal agendas.

Other researchers have chosen to focus instead on the “erotic roles” that are assigned to each gender in the literature. Brisket and Lewis (1970), Gordon and Shankweiler (1971), Lasch (1977), and Simmons (1993), for example, have investigated stereotypes of masculine and feminine sexuality, and how they are reflected in the “sexual ethics” that the manuals advocate. Finally, authors such as Melody and Peterson (1999), Porter and Hall (1995), and McLaren (1999), have written from the Foucauldian governmentality perspective and traced evolving patterns of prohibition and permission, departing from the insight that sexuality is “produced by the production of knowledge about it” (Melody and Peterson 1999: 3). Throughout my discussion, I make reference to these researchers’ analyses, indicating whether I align my opinion with their statements or diverge from their interpretations of the literature.

Generally, the study of marriage and sex manuals is important, first and foremost, because they are widely available, and massively consumed. Thanks to their circulation, these texts have great potential to influence public opinion and to inform sexual scripts (Gordon and Shankweiler 1971: 459; Weinberg,

Swensson and Hammersmith 1983: 313).<sup>74</sup> The impact these texts have on the expectations of the consumer is further exacerbated by the “status” of their authors. The marketing of their personas as “scientists” or “experts,” as well as their training (usually in medicine or family counseling), imbues the information they provide with a scientific status that renders it acceptable and unquestionably legitimate (Gordon and Shankweiler 1971: 459; Weinberg, Swensson and Hammersmith 1983: 313; Altman 1984: 117).<sup>75</sup>

Thus these books participate in sexual normalization by creating sexual and behavioral expectations for their readers (Gordon and Shankweiler 1971: 459). There is a culturally contingent and historical link between the literature's discursive productions, its sexual scripts, the gender identities advertised within it and its idealized models of relationships (Gagnon and Simon 1973: 2; Weinberg, Swensson and Hammersmith 1983: 312-313). Certain behaviors are deemed permissible and even desirable, while others are excluded and discouraged;

---

<sup>74</sup> For example, *Everything You Always Wanted to Know About Sex*, by Reuben, sold 400,000 copies in only three months upon publication in 1969; another extremely successful manual, the *Joy of Sex*, by Comfort, sold over seven million copies over three decades in its very successful publishing run (Brunt 1982: 149, 160).

<sup>75</sup> Often self-proclaimed “experts,” the authors of these manuals can, according to Weinberg et al., exert “formidable power of persuasion,” as their work has sway on the views of therapists and counselors who provide sexual treatment in society (Weinberg, Swensson and Hammersmith 1983: 313). The scientific legitimacy that characterizes sex manuals is particularly evident when this genre is compared to other non-authoritative or “sanctioned” sexual texts, such as pornography. If a person engages in a specific sexual activity in porn — for example, anal sex — the act is not automatically perceived as desirable, or worthy of emulation. Yet, when the same act is described in a marriage or sex manual, it can appear not only acceptable, but even “healthy” and “good” for the relationship. Anal sex can then be elevated to the status of a positive “erotic task,” that can be used to achieve a “desirable” sexual variety (Weinberg, Swensson and Hammersmith 1983: 313).

sexual experiences are thus articulated and “produced” in the discourses of sex advice (Porter and Hall 1995: 8; Foucault 1977a: 23-24).

Melody and Peterson explain that writing, in this sense, evokes *doing* (1999: 3). All manuals, in their opinion, construct an ideology of sex, which becomes enforced as normal. Marriage and sex manuals<sup>76</sup> are an example of how disciplinary power can penetrate the most intimate aspects of our lives. This is a form of power that produces a gender binary and related scripts of sexual behavior which direct conduct according to definitions of normality that are discursive, and are made licit because they appear to be “natural” and healthy:

In marking certain activities as approved, the advice literature makes the intimate visible and subjects private activities to scrutiny and classification. These norms become inscribed in consciousness and largely self-enforcing. Thus, as Foucault notes, the perfection of power makes its actual use unnecessary. (Melody and Peterson 1999: 4)

Rosalind Brunt makes a similar argument, stating that advice literature on sex is ideologically informed and influential in individuals’ “agenda-setting,” and argues that the manuals’ “power to define” can be forceful and authoritative (Brunt 1982: 147).

In the following pages, I trace the evolution of erotic civility in the literature and explore how normative discourses on the pair, the lovers and their relationship “work” have changed over time.

---

<sup>76</sup>According to Melody and Peterson, the marriage manual eventually evolved into the sex manual. With the cultural revolution of the 1960s, an ethics of pleasure divorces the discussion of sexual topics from marriage, and from this point forward, the literature on sexuality focuses on erotic technique without the preoccupation of restricting advice to legally sanctioned unions (Melody and Peterson 1999: 2).

Marriage and Sex Manuals, 1890s-1950s. Daring Princes and Sleeping Beauties:  
“Different and Unequal” Lovers in “Companionate and Erotic” Marriage

The first symbolic casting of the pair that can be identified in the literature can be loosely described as “Companionate Erotic Marriage.” For most of the nineteenth century, marriage manuals had not extensively discussed sex, which was considered “an unfortunate procreative necessity” of secondary importance to the dynamics of the relationship (Gordon and Shankweiler 1971: 460; Weinberg, Swensson and Hammersmith 1983: 313; McLaren 1999: 62-63).<sup>77</sup>

However, in the late nineteenth century, the status of sex in the literature had already changed and was transformed into a positive force, one that could aid in solidifying the emotional bonding between spouses. The marriage manuals of this latest period specifically advocated the “monogamization” of males and the eroticization of females, thus a specific and different sexual ethics to each gender, so that the pair could be strengthened and marital success maximized. The ideal couple was thus cast as “companionately” erotic and strictly confined in heterosexual and monogamous marriage.

McLaren and other researchers have individuated a trend of cultural amelioration of marriage in the advice literature of these times. The marriage bond, which had previously been depicted negatively as one to be “endured” and “suffered,” was discursively re-cast as “blissful,” full of tenderness and joy

---

<sup>77</sup> For an analysis of nineteenth century marriage manuals, their idealization of the pair and the gender scripts they advocated, see: Gordon, M. & Bernstein, C. (1970) Mate Choice and Domestic Life in the Nineteenth-Century Marriage Manual. *Journal of Marriage and the Family*, 32(4) 665-674; and Gordon, M. (1969). “The Ideal Husband as Depicted in the Nineteenth Century Marriage Manual.” *The Family Coordinator*, 18(1), 226-231 .

(McLaren 1999: 47). This new understanding of marriage privileged sexual pleasure and companionship (McLaren 1999: 61; Gordon and Shankweiler 1971: 460).<sup>78</sup>

According to Lasch, this trend was not necessarily indicative of a relaxation in the prescriptions of “proper” marital behavior. Rather, the authors of marriage manuals began to give less importance to parenting and to insist on intimacy to better serve and protect the marital union. By making the chief task of each spouse that of lover, rather than that of father and mother, the experts privileged the emotional functions of the family, at the expense of its reproductive functions. In this manner, Lasch argues, new forms of restraints replaced old ones. Emphasis was placed on happiness and marital adjustment: the old ordinance to abstain from sex was lifted, and a new ordinance, that of mandatory and synchronic orgasm, was introduced. Lasch has cheekily remarked that this new injunction was by far more taxing on couples (1977: 11). Thus, reproduction was not privileged in the advice discourses on sexuality. However, it would remain inextricably linked to the concept of intimacy until the 1960s (Reuben 1969), a link that would prove difficult to sever.

---

<sup>78</sup> It is argued that the term “family” began to increasingly signify the “pair,” rather than a familial unit made of parents and children. This indicates that the reproductive aspect of the family was beginning to lose its primacy, and that “companionship” was gaining ascendancy (Mintz and Kellogg 1988: 108):

As the world became more complex, middle class families in particular were shorn of the instrumental roles — in providing economic, health and education services — that they had in the past. Therefore, by default, sex was increasingly presented as pivotal to the success of marriage. (McLaren 1999: 62)

From this point forward experts cast sexuality as an ascetic discipline, to be used to reach “spiritual ecstasy,” and as “hard work,” that had daunting performance targets (McLaren 1999: 62-63; Gordon 1971: 53-77). Two contemporaneous sets of gender scripts can be identified in the advice literature on marriage and sex manuals between the 1870s and the 1950s: the first could be titled the “Daring Princes and Sleeping Beauties” script, and the second, the “Different and Unequal Lovers” script.

In the first model, women were cast as graced by asexual naïveté and described as blissfully virginal yet erotically “comatose” upon marriage. Once married they were to allow their husbands gently to awaken their sexuality. Instructed to make themselves fully available for their husbands’ ravishing, they were never to refuse their advances, even if ruinously inept. Exhorted to be accommodating and conciliatory, women were never to chide their spouses or be too demanding.

Men, conversely, were cast as potently sexual and as possessing voracious appetites. They were assumed to reach marriage with a certain amount of sexual experience, yet after marriage, they were to reign in all “wandering” tendencies and give up external temptations. Men were awarded the role of absolute sexual leader in the pair. Their most important duty was to introduce their shy mates to the world of eroticism and lovingly to awaken their desires, and to focus all their energy on achieving mutual orgasm (Brissett and Lewis 1970: 42-46; Gordon and Shankweiler 1971: 460-464; Weinberg, Swensson and Hammersmith 1983: 313).

Marie Stopes' *Married Love* is a very good example of this kind of marriage manual. She specifically saw sexual expression and experimentation, within the legitimate confines of marriage as indispensable for marital stability. In her work, sexuality was discursively cast as a "tool" to procure marital happiness and ensure adjustment, and as such, it became a technology of social hygiene.

Stopes held the husband responsible for kindling and sustaining desire and sexual bliss in the relationship, arguing that he should continue to court and woo his wife throughout their life together. She stressed emotional stability, which could be achieved through the committed sexual awakening of the wife by the husband:

It must be realized that a man does not woo and win a woman once and for all when he marries her: he must woo her before every separate act of coitus, for each act corresponds to marriage as other creatures know it... To render a woman ready before uniting with her is not only the merest act of humanity to save her pain, but is of value from the man's point of view for... the man gains an immense increase of sensation from the mutuality thus attained, and the health of both the man and the woman is most beneficially affected. (Stopes 2005 [1918]: 56)

For Stopes, sexual compatibility provided the essential bond for successful and enduring marriage (McLaren 1999: 51), which in turn supported the reproductive family, the basis of stable society:

I maintain, however, that it should be realized that the complete act of union is a triple consummation. It symbolizes, and at the same time actually enhances, the spiritual union; there are a myriad subtleties of soul-structures which are compounded in this alchemy. At the same time the act gives the most intense physical pleasure and benefit which the body can experience, and it is mutual, not a selfish, pleasure and profit, more calculated than anything else to draw out an unspeakable tenderness and understanding in both partakers for this sacrament; while, thirdly, it is the act which gives rise to a new life by rendering possible the fusion of one of the

innumerable male sperms with the female egg-cell. (Stopes 2005: 58)

McLaren aptly describes Stopes as one of the main architects and defenders of modern monogamous heterosexuality and argued that her concern for the couple's 'synchronized orgasm' reflected a new twentieth century conception of female sexuality. It marked an important discursive shift with regard to sexual pleasure: from this point forward, the orgasm would be separated from fertility and put in the service of intimacy (McLaren 1999: 52).

The insistence on female pleasure and the focus on sexual technique was new and it marked the advent of a new type of manual, geared towards technical advice, specifically focused on teaching "inept" husbands and "frigid" wives how properly to pleasure each other, and thus ensure long, fruitful and fulfilling relationships. This discursive redirection is especially evident in the later examples of sex manuals, making its appearance in the literature between the 1950s and the early 1970s (Weinberg, Swensson and Hammersmith 1983: 315).

Here we encounter the second type of sexual script advocated in these texts, the "Different and Unequal Lovers" model mentioned earlier. Females' sexuality continued to be portrayed as fundamentally different from males': females were described as naturally emotional, while males were portrayed as animal-like creatures, and prone to sexual athleticism (Weinberg, Swensson and Hammersmith 1983: 315-316).

While at first glance, these kinds of manuals seem to attack male privilege, they stress male responsibility and condemn the uncaring or ignorant ways of many husbands and their sexual inadequacies. However, according to

Simmons, this was not really the case: males were not ultimately asked to restrain themselves. Rather, they were told to continue making sexual demands on their wives, and instructed to “get their way” through sexual bribery. Thus the stereotypical “sexual prowess” of males was never really undermined nor challenged (Simmons 1993: 24-7). Women, on the other hand, continued to be portrayed as inexperienced, passive, sexually dormant and in need of “education” by men: “The model husband that emerged from these texts was a healthy vigorous animal. The sexually educated man would practice a new form of restraint, pertaining not to the number of his sex acts but their quality” (McLaren 1999: 57).

According to Gordon and Shankweiler, women’s eroticism was defined in direct opposition to that of men’s, and only grudgingly were they granted their sexual desires (1971: 460). Specifically, women’s erotic experiences were deemed more spiritual, and most importantly, more committed. A man, the manuals advised, found monogamy “irksome” and “disagreeable” in contrast, a woman was described as content and “satisfied” with life in the companionship of one mate only. The authors conclude: “Women are presented with a definition of their sexuality that conveniently excludes the possibility of engaging in the kind of non-marital sexual behavior men are granted” (Gordon and Shankweiler 1971: 460).

In contrast to Simmons, Gordon and Shankweiler, and McLaren, Brissett and Lewis argue that the literature did not unconditionally serve male privilege. Rather, it provided a script for behavior that was rather daunting, to the point that

it might provoke anxiety and fear about men's inadequacy. After surveying 15 marriage manuals published between the turn of the century and the 1960s, Brissett and Lewis concluded that the literature imposed a sexual ethos on males that was, to say the least, self-sacrificing and ascetic, and not particularly enviable. Men were the targets of most of the advice, receiving as many as three to four times as many prescriptions for behavior than women (Brissett and Lewis 1970: 42). Generally, this advice focused on two main points, the first being the man's responsibility in sexual conduct and the second being the "restraint" and "control" that he was supposed to muster during sexual intercourse. The responsibility for satisfactory sexual congress fell squarely upon men's shoulders (Brissett and Lewis 1970: 42).<sup>79</sup>

The demand to control male sexual impulses was so severe: "...The male must hold his orgasm. Failure to do so is seen as an 'offence,'" grave to the point of jeopardizing marital adjustment and undermining relational happiness (Brissett and Lewis 1970: 44). The texts then go so far as to strip the man of the right to sexual pleasure, and cast his role as the main provider of female pleasure. Even if this reduced his pleasure, this was his role: he could not jeopardize marital

---

<sup>79</sup> These included the responsibility of "readying" his wife for sexual intercourse and making sure she experienced orgasm. If penetration was unsuccessful in this task, he was urged to use manual or oral stimulation (Brissett and Lewis 1970: 42-43). Moreover, according to the authors he was in charge of the many additional minutiae of sexual congress, such as readying and using "special paraphernalia" (toys and unguents) and for caring for his own penis in a way that would maximize the partner's pleasure — from the application of anesthetics to "numb" the appendage and delay ejaculation, to manual stimulation to increase the volume if the penis was small, or applying a ring at its base to maintain its erection (Brissett and Lewis 1970: 43). The husband was the factotum of the sexual relationship!

happiness with his selfishness (Brissett and Lewis 1970: 45).<sup>80</sup> The scripts for proper male sexual activity in the manuals, Brissett and Lewis conclude, were extremely difficult to live up to (1971: 47).

The sexual scripts for the female, in comparison, were generally quite simple and straightforward. She was given the responsibility of ensuring that her partner could perform his role of “sexual initiator” and “teacher.” Ultimately, she was the relational facilitator, cast in the supporting role of: “...one who passively goes along with her partner’s wishes and supports his activity” (Brissett and Lewis 1970: 45). Her duties were comparatively easy: she was to give her partner basic guidance so he could find her pleasure zones; yet she had to do so without sounding too forceful or demanding, so that his fragile ego could be safeguarded. Ultimately she was to embrace a “heightened sexual consciousness and complement the activities of her husband” (Brissett and Lewis 1970: 46).

Theodore Van de Velde’s *Ideal Marriage: Its Physiology and Technique* was an emblematic example of the “Different and Unequal Lovers” script in sex manual literature. Arriving in North America in 1930, the original edition went through 42 printings and after the Second World War the book sold more than five hundred thousand copies,<sup>81</sup> staying in print for four decades.<sup>82</sup>

---

<sup>80</sup> In *Human Sexual Inadequacy* (1970), Masters and Johnson documented the effects that this discursive process of “heightened responsibility” in sex had on men. Many individuals reported frustration and feelings of inadequacy for not being able to live up to the expectations that had been made their responsibility in bed.

<sup>81</sup> Statistics of sales are not available before the war (Breecher 1969: 96).

<sup>82</sup> The manual was in print from 1926 until 1965. In 1980 Greenwood Press lowered its status by printing *Ideal Marriage* as “an important antiquity” (Breecher

The critical goal of marriage, for the Dutch gynecologist, was to provide sexual pleasure to one's spouse: by reaching sexual satisfaction, the marriage bond would be maintained, and the nuclear family, the integral unit of society, would be guaranteed and given stability. Like Stopes, Van de Velde insisted that husbands had to apply themselves to please their wives. To aid this process, he provided his readers with detailed technical advice so they could achieve the most important and meaningful act of married sex, the simultaneous orgasm (McLaren 1999: 53; Van de Velde 1930: 17). As expressed in the title of one of the chapters of his text, the ultimate ethos of marital sexuality was transforming the husband into the "Permanent Lover to His Wife" (McLaren 1999: 53).

Clearly Van de Velde's message was conservative: the author wanted to make his sexual advice palatable to Catholic theology.<sup>83</sup> Van de Velde attempted to justify the celebration of mutual sexual pleasure between spouses, quite a drastic departure from Catholic sexual ascetics, through mandatory reproduction:

Marriage is sacred to the believing Christian. Indispensable to the Social Order. Absolutely necessary in the interest of children. It offers the only — even though relative — security to the woman's love of love, and of giving of love. And men too, on the whole, find in the permanent recognition and responsibility of marriage, the best background for useful and efficient work. (Van de Velde 1930: 1-2)

The erotic drive, according to Van de Velde, aimed at reproduction. In women this drive manifested itself in maternal drive, and in men by a desire to have

---

1969: 96); still the success of Van de Velde's marriage manual has not been matched even by Alex Comfort's *The Joy of Sex* series (Melody and Peterson 1999: 93).

<sup>83</sup> However, he did not succeed: the Vatican still placed *Ideal Marriage* in the Index Librorum Prohibitorum, the list of forbidden books, in 1931 (Melody and Peterson 1999: 93).

children with a particular woman. For Van de Velde, the conflation of erotic drive and sexual reproduction was inherent to the entire human species. Still, it was up to women to uphold it, since the maternal drive was considered part of their nature (Van de Velde 1930: 12-14).

For Van de Velde, the institution of marriage ethically separated Western man from the “lesser” races and other “less evolved” cultures, and was the ultimate expression of human altruism:

Marriage is a permanent form of monogamous erotic relationship. As such, marriage represents a distinctive advance ethically; it is also evolutionary in so far as it gives the fullest opportunity for the primitive urges, which are initially purely self-regarding and self-centered, to extend themselves in action and consciousness towards altruistic objects, i.e., the preservation of welfare of other persons. (Van de Velde 1930: 17; italics in original)

Pleasure, the supreme apex of mutual sex, was thus firmly fixed in the reproductive matrix, although Van de Velde deemed sex without conception beneficial, because it prepared the pair to conceive: “Its biological purpose is attained in fertilization or impregnation, but impregnation is not necessarily a part of the process of sexual union, nor is sexual union always an indispensable preliminary condition for impregnation” (Van de Velde 1930: 145).

Van de Velde’s scripts for proper sexual behavior were clearly outlined:

The newly married woman is as a rule, more or less completely “cold” or indifferent to and in sexual intercourse. She must be taught to love, in the complete sense in which here we use the term. The husband may perhaps not succeed in imparting this erotic education; generally that is because he takes no trouble about it... But even if the husband proves a good teacher... Her desire for sexual intercourse, in happy married life, will have become at least equal to his. And her quantitative sexual efficiency

and endurance surpass his (Van de Velde 1930: 271; italics in original).

Women were cast by Van de Velde as the “pillars” of society, because they were instrumental in the reproduction of the race (1930: 299-300). He believed that only a “very selfish or stupid” wife would want to waste this life-enhancing liquid as well as to deny her maternal nature and destiny, and reduce her own pleasure. By describing the sperm as essential for female pleasure, Van de Velde strongly entrenched a reproductive aim in sex.

In conclusion, sexual love was not yet an end in itself, but a strategy to keep marriages happy, so they could fulfill their function of social reproduction (Van de Velde 1930: 317).

#### 1950-1965: Lovers as “Equal and Emancipated Heroes in Blissful Relationships.”

##### Or, Are They?

The next symbolic casting of the pair could be described as “Blissful Pairing in Committed Sexual Equality.” This model made its appearance around the 1950s and was informed by new scientific discoveries on human sexuality, especially the groundbreaking work by Masters and Johnson. Women, from this point on, were granted sexual prowess in their own right. All texts of this type acknowledged that each woman had a “right” to sexual pleasure, a right for which her body was designed, and to which her desires could aspire to (Brunt 1982: 149).

The sex manuals began to propose what Weinberg, Swensson and Hammersmith have termed a “humanistic” conceptualization of the pair (1983:

317) that de-centered marriage in favor of the committed relationship. Yet the pair bond was still stressed and deemed essential, and sexual aptness remained cast as a measure of intimacy for relational continuity. I will demonstrate that this construct would begin to imply and unwittingly foster a “serial” form of monogamy.

The gender scripts this model advocated were characterized by sexual parity, and assumed the “coming together” of two equal sexual partners. While sexuality was more assertively taken out of its marital context, it continued to be valorized as a basic human need for bonding. Still, the literature began to avoid the older marital terminology of “husband” and “wife.” A loving relationship was nevertheless assumed to be a proper and necessary basis for sex. Women were encouraged to find in sex emotional and relational bliss, and men were told to rejoice in their partner’s ebullient sexual potential and new-found freedom of expression.

An important discursive departure in these texts was the acceptance and support of non-marital sex for women. Sex manuals began to encourage plasticity, advising women to engage in and enjoy casual sex (Gordon and Shankweiler 1971: 461; Weinberg, Swensson and Hammersmith 1983: 317). In 1962, Helen Gurley Brown published *Sex and the Single Girl*, which succinctly summed up the spirit of the times remarking: “nice, single girls do have affairs, and they do not necessarily die of them! They suffer sometimes, occasionally a great deal. However, quite a few ‘nice’ girls have affairs and do not suffer at all!” (Brown 1962: 225).

It is important to point out, however, that the overall acceptance of pre-marital sex was generally not clearly or explicitly discussed in most of the manuals of this period. Rather it was implied that all sexual relations still occurred in the context of marriage, or, at least, in the context of a loving and committed relationship (Gordon and Shankweiler 1971: 461; Calderone 1960: 13). Extra-marital affairs were generally not condoned in the literature, unless they were utilized as strategies to find a partner. The improvement and the celebration of sexual relations was still strategically couched in a “preservation of marriage” politics, specifically designed to keep both partners happy within the relationship (Gordon and Shankweiler 1971: 462).

This body of literature specifically set out to resocialize women in a sex-positive ideology. It was assumed that women were generally maladjusted in sex, because of the moralization and negativity they had been exposed to in their socialization and acculturation (Weinberg, Swensson and Hammersmith 1983: 317). They were exhorted to take their sexual education into their own hands and show commitment to achieving their own pleasure. This pleasure, however, was characterized in a manner that still presented definite heterosexual and penetrative characteristics:

To be a real woman is to be a sexual woman — and this happens only via a male partner. Any other form of sexual pleasure, where it is considered at all, is either an inferior imitation or substitute for the ‘real thing,’ and celibacy can only be defined as a lack, the worst form of missing out. (Brunt 1982: 149)

Some texts openly made reference to Masters and Johnson’s discovery of the capacity for multiple orgasms in females, and rejected the existence of the

vaginal orgasm, and believed the clitoris to be the center of female pleasure (Reuben 1969: 50). Still, Gordon and Shankweiler found that the marriage and sex manuals of the period between the 1950s and 1960s did not fully explore the implications of these findings and continued to remain committed to an ideology of gender difference: "Even the growing numbers of authors who are advocating an 'equal but different' image of female sexuality still subscribe for the most part, to the belief of the importance of male leadership and initiative" (Gordon and Shankweiler 1971: 464).

*Everything You Always Wanted to Know About Sex (But Were Afraid to Ask)*, published in 1969 by David Reuben, was an emblematic example of this kind of sex manual. It was a sensational success, selling 400,000 copies in the first three months of publication (Brunt 1982: 149). Reuben took a psychiatric approach to the issue of sex education in his text, and promised to give technical information so that his readership could achieve the greatest possible sexual satisfaction. Yet this text showed a renewed commitment and return to penetrative heterosexual reproduction, which supposedly no longer had to be the goal of sexual satisfaction.

Reuben proposed three purposes for intercourse: reproduction, love and fun. Yet, he continued to insist that true sexual satisfaction was based on penetration, which automatically privileged reproductive sex: "The ideal act of sexual intercourse combines reproduction, deep mutual love, and profound physical pleasure" (Reuben 1969: 77). According to Reuben male sexuality could be fragile, similar to female sexuality, and in need of "erotic coddling." An

erection, for Reuben, was an extremely delicate thing that had to be carefully handled by the female partner both psychologically and physically, the former to be achieved by stroking the male ego, and the latter to be achieved by the energetic and enthusiastic fondling of his penis:

More than any other human endeavor, male sexuality is a confidence game. The rule is, 'If you think you can do it, you probably can.' An erection is so perishable that a sudden noise, a critical word, even a rejecting look can demolish it. (Reuben 1969: 103-104)

Frigidity in women was deemed by Reuben to be "contrary to nature" and specifically detrimental to the imperative of human reproduction. The author, in discussing female sexuality, re-inscribed most forcefully the need for penetrative sex (Melody and Peterson 1999: 149). He argued that if orgasm were the only goal of sex, humans would dedicate most of their time to masturbation, not intercourse. Yet, he discussed the sexuality of both genders in similar terms, as fragile and in need of erotic "care": "Thus, instinct demands vaginal penetration for breeding, while this is best done in a secure — no frightening noises — emotional relationship" (Reuben 1969: 158). The author went on to dismiss and pathologize a range of sexual activities, including masturbation, homosexual sex, voyeuristic sex and fetishistic sex, sexual forms that in his opinion were "immature," because they were not penetrative and potentially reproductive (Reuben 1969: 152-171; 190; 235).

In conclusion, Reuben's normative arguments reveal a commitment to relational sex outside the confines of marriage. The author's insistence on female pleasure discursively "opened the door" to pre-marital, and thus potentially serial,

monogamous relationships. His insistence on heterosexual penetration however, continued to cast reproduction as the basis for all sexual intercourse, thus counteracting the revolutionary potential of his previous position on female pleasure.

1975-1980s: Relationship No More! The “Hedonistic Pair” and Lovers as “Free Agents”

The third symbolic casting in sex advice literature discursively topples the previous relational model, which still insisted on commitment if not marriage. Manuals began to celebrate all forms of erotic engagement, beginning with the committed pair, but definitely not ending there: casual, non-committed relationships were recognized and given value as legitimate and desirable sexual forms. The sex advice literature here took a strong hedonistic turn that coincided with the cultural turmoil of the 1960s and 1970s. The pair was not exactly effaced, but definitely demoted.

The gender scripts of this model appear, at first sight, to present men and women as free and equal sexual agents, ready to dismiss stable relational attachments. Males were exhorted to be “heroes” and “studs,” and women were encouraged to be the “erotic agents” of their sexual destinies. Yet, upon closer inspection, many researchers have concluded that in these texts female experiences remained secondary to male ones. Their sexual acts continued to be described in lesser terms, reinforcing female ontology as shy, demure and silent,

regardless of their assumed orgasmic “supremacy” (Melody and Peterson 1999: 163; Altman 1984: 123; Brunt 1983: 163).

Alex Comfort’s *The Joy of Sex* was one of the most popular examples of this type of sex manual. Published in 1972, it exemplified the cultural shift in sexual mores of the “sexual revolution,” and the openness and experimentation of the period. The actual authors were supposedly an anonymous couple, who spoke through Doctor Comfort, who acted as their editor and filtered their narratives (Brunt 1983: 161). This book provided instruction in a “gender balanced,” “hands-on” manner; it was meant further to educate an erotically “initiated” audience.

Comfort espoused an extremely idealistic view of sex: for him, it was an avenue to express oneself “fully”. He carefully chose his language so as never to give love primacy over sex, effectively fusing the two into one new concept, the “love-play.” In the act of love-play, sex and love fused into the “supreme” and “ultimate” form of human experience:

This book is about love and well as sex as the title implies: you don’t get high quality sex on any other basis — either you love each other before you come to want it, or, if you happen to get it, you love each other because of it, or both... Sex is the one place where we today can learn to treat people as people. (Comfort 2002 [1972]: 9)

In Comfort’s love-play concept love and sex are conflated, and were specifically geared at usurping the life-long monogamous relationship — be it a marital bond or not — as the sole and legitimate form of erotic union. Comfort’s position on relationships thus was quite a drastic departure from the previous examples of

sex manuals examined. He was accepting of and even enthusiastic about casual sex. Discussing love between sexual partners, Comfort stated:

In talking about sexual relations, it seems right to apply it to any relationship in which there is mutual tenderness, respect and consideration — from a total interdependence where the death of one maims the other for years, to an agreeable night together. The intergrades are all love, all worthy, all part of human experience. (Comfort 2002 [1972]: 20)

Thus, love could be experienced in a variety of intimate situations, including between a husband and a wife, or a prostitute and her patron (Comfort 2002 [1972]: 21). By making pleasure the basis of sex, Comfort called for an individualizing ethics of sexual conduct that was finally no longer placed in the service of the marital bond (Melody and Peterson 1999: 161).

Comfort broadened the spectrum of “legitimate” and “desirable” sexual activities considerably, going as far as accepting same-sex love, polyamorous sex (from threesomes to orgies<sup>84</sup>), sado-masochism, and role-play (Comfort 2002 [1972]: 22; 146; 154; 181-184), as long as all acts were consensual and safe: “At least you can make sure as may be that you don’t exploit or injure someone” (Comfort 2002 [1972]: 21). He discussed fidelity in similar terms, confining it to a contractual agreement between partners, to be renegotiated according to each and every situation: “What suits a particular couple depends on their needs, situation, anxieties and so on... People who communicate sexually have to find their own fidelities” (Comfort 2002 [1972]: 22).

---

<sup>84</sup> Yet, Comfort did not describe orgies in particularly positive terms because, in his opinion, they did not allow for much communication. Still, he insisted that promiscuity was a simply a matter of personal preference (2002 [1972] 181-182).

According to Melody and Peterson, Comfort did not truly break away from the stereotypical view that men were more sexually active and interested than women. Though he endorsed a more active role for women, including a role reversal in which the female could take on the “top” position, he still did not describe them as fully equal (1999: 163). This return to the classic understanding of gendered sex, where the male sexually “consumed” the female, and the female passively participated in her consumption, was particularly evident in some of the author’s discussion of sexual difference:

Male sexual response... is triggered by things, like putting a quarter in a vending machine. Consequently, at a certain level and for all men, girls and part of girls, are at this stimulus level unpeople. (Comfort 2002 [1972]: 29)

His choice of words to describe female body parts or acts was quite unfortunate and dissonant, and starkly contrasted with the doctor’s “liberated” sexual politics.

For example, in discussing the vulva, he stated:

It looks like a castrating wound and bleeds regularly, it swallows the penis and regurgitates it limp, it can probably bite and so on. Luckily, few of these biologically programmed anxieties survive closer acquaintance, but they are the origins of most male hang-ups including homosexuality. (Comfort 2002 [1972]: 29)

Like Melody and Peterson, Altman and Brunt have argued that women were strangely silent in the book, which overall targeted a male audience, and was basically a guide for men on what to do to their ladies (Altman 1984: 123). Brunt has commented:

The tone is predominantly that of one colonial gentleman addressing another... The man is the main subject of the text. The content is mainly about what ‘he’ can do ‘to her’ or the way in which ‘he’ can be serviced ‘by her’ — described in men-only conversational tone. (Brunt 1983: 163)

*The Joy of Sex* remained tinged, according to Brunt, with a markedly patriarchal essentialism. Regardless of the sexual openness and play it invoked, and the potential for relational permutations it called for,

...underneath, and when it [came] down to it, there [were] only two basic human natures, each biologically ‘programmed’ with two distinct sexual responses, those of the subject and object, of dominant and dominated. And it [was] these natures, fixed and innate, which [were] relentlessly played out in the fantasy games of bondage that the book describe[d]: Burglar and Maiden, Sultan and Concubine, Master and Slave. (Brunt 1983: 166)

I only partially agree with the bleak interpretations of Comfort’s work. Indeed Comfort’s work reflects the patriarchal prejudice and arrogance of the era; however, he also advocated for equal partnership. His discussion of relationships was politically novel. His work drastically veered from the normative language used in older manuals, which continued to insist on committed and stable love, before allowing sexual play desirability and legitimacy.

1975-1980s: Blissful Autonomy — for *Her* Sake — the “Selfishly Righteous” Woman Lover and the Demotion of the Male Lover to “Dildo”

The fourth relational model in the advice literature implicitly invoked, once again, the demise of the pair, and celebrated “blissful autonomy.” A new type of sex manual, a radical feminist one, emerged in response to the so-called “sexual revolution” of the early 1970s and early 1980s. It did not have lasting power, waning in less than two decades, yet some of the ethical sexual principles introduced within — self-affirmation and responsabilization — have persisted and

have become ingrained in modern sex advice literature (Weinberg, Swensson and Hammersmith 1983: 318).

The literature of this period was characterized by sexual autonomy. These texts, most importantly, uncovered the patriarchal leanings of older types of marriage and sex manuals. They were particularly suspicious of the notion that reproduction and penetrative sex were an essential and intrinsic aspect of female sexuality. Written in direct opposition to the misogynist tendencies of the canon, these manuals openly politicized their female audiences, attempting to effect change in sexual power dynamics between the genders. In Brunt's words, sexuality was understood to be primarily a matter of social and cultural construction, constructions that could be changed through a politics of collective sexual self-determination (1983: 168).

Paula Newhorn's *Primal Sexuality* (1973) and Carmen Kerr's *Sex for Women Who Want to Have Fun and Loving Relationships with Equals* (1977), fall into this genre. Feminist and radical, these texts de-emphasized relational "penis-centered" heterosexual sex and condemned it as a hegemonic and oppressive patriarchal act. Because penetrative sex was mostly geared to male pleasure, it could be oppressive to women's sensuality (Kerr 1977: 8; Newhorn 1973: 12).

Discussing the power dynamics between genders, Kerr stated:

Sex power, the need of it, the resistance to it, has governed our intimate sexual affairs. Many have learned to use sex as a weapon to force men to give them what they want. We understand its power from that experience. Others have felt the sexual power that men exert over them. And yet our sexual insecurities have kept us in these relationships that are dead in any other way. (Kerr 1977: 5)

The pair bond, undermined by patriarchy, lost all potential for intimacy and had to be rejected until sexual emancipation was achieved, and balance in erotic power restored.

Kerr and Newhorn's manuals advocated self-love above all else, as praxis for personal enlightenment, urging women to focus on their own pleasure, and motivating them to refuse to "worship the penis." Sexuality was once again extremely valorized here, not merely for its potential for intimacy, but because it could be used as a tool for self-empowerment. Improvement in a woman's sex life would then ripple out to improve many other aspects of her life as well:

Very often sexual problem-solving offers women a first step in the process of feeling good about themselves as women... it provides women with help in becoming more assertive. In order to become orgasmic (i.e. capable of experiencing orgasm), we women must learn to ask for what we want from ourselves and from our lovers... This assertiveness enables women to begin to feel equal with their lovers, particularly if the latter are men. (Kerr 1977: 7)

It is not surprising that this type of manual only focused on female ontologies and female scripts. The blueprint proposed for female individuation presented a "righteously selfish" woman, who placed her erotic needs above all others, and took her erotic enlightenment into her own hands, refusing to be led or educated by her male partner(s). Scripts for feminine sexual behavior were thus articulated according to a self-discovery and self-empowerment praxis, where the principal task was to achieve orgasm by one's self, alone. Newhorn discussed the orgasm as a beneficially selfish experience:

...You can only have an orgasm for yourself. He cannot do it for you. And any effort to have one for *him* is doomed to failure. It involves a learning process, during which your focus must be solely

on *your sensual stimuli* and whatever increases it. (Newhorn 1973: 212; italics in original)

Long gone were the days of the simultaneous orgasm, so celebrated by Stopes and Van de Velde! The orgasm was thus discursively fashioned into a deeply political act, an act to liberate women from patriarchal sexual oppression, a sexual “right,” achieved through one’s “will to know” (Newhorn 1973: 19-21; Kerr 1977 68-71). Pleasure, thus, was discursively stripped of its “communing” and “intimate” qualities, and “atomized.” In achieving orgasm, the presence of the male lover became almost optional:

To awaken your potential you must assume responsibility for *your own* sexual pleasure and the means of achieving *your own* orgasm... He can give you his penis to enjoy, but the extent to which you enjoy it is *your responsibility*... In sexing *you are responsible* for acknowledging and acting on your desire... Fully responsive women can assert their own desires and needs. (Newhorn 1973: 211)

Men were at once objectified and reduced to their penis, and then rejected as superfluous. The male partner, his once glorious phallic presence stripped of status and reduced to a “thing,” a “dildo,” was de-humanized. No longer a god to worship and please, but a sex toy to play with:

Women’s sexual power and woman power as a whole are inseparable and complementary. When we learn to take care of ourselves sexually, we become independent in a part of our lives that has always been traditionally dependent on men. (Kerr 1977: 5)

Having sex then took on a new meaning. The erotic, no longer a selfless act of giving, became a selfish act of taking. To worship one’s body, to place it first, would eventually allow one to take pleasure in the bodies of others; after *that*, women could return to the practice of *giving* pleasure (Kerr 1977: 96-97;

Newhorn 1973: 111). This, in a sense, was a discursive “masculinization” of pleasure: women were urged to objectify the body of the other for their own pleasure and become selfish, just like men, in fulfilling their needs.

#### 1980s-Present: AIDS, the “New” Monogamous and Committed Relationship and the “Resignedly Careful” Lovers

The pair’s last symbolic casting can be described as a return to monogamous “bliss” and a commitment to stable relationships. Reminiscent of the last generation of sex advice, which emerged after the discovery of HIV and the ensuing AIDS scare, these manuals emphasized exclusive, committed relationships even more than those of the 1920s and 1930s. Their gender scripts, in a related manner, value faithfulness and exclusivity, a casting back in sexual ethics to the strictures of the early decades of the twentieth century.

Another specific feature of these manuals was the insistence that both genders “empower” themselves sexually through self-education. An ignorant lover was deemed selfish and maladjusted — a poor companion, unworthy of love. More than ever, it is possible to discern a return to Stopes’ and Van de Velde’s injunctions to become sexually apt for the sake of the relationship: technique, intimacy and love were conflated. This literature emphasizes the feminist call to self-enlightenment through the power of the orgasm, which in this case is also extended to the male lover.

Dr. Ruth is one of the most emblematic figures and authors of these sex advice manuals. She published numerous books during the period that extend

from the still permissive early 1980s, to the discovery of the HIV virus, and the counterrevolution it engendered in the 1990s. It is interesting and valuable to trace the evolution of her political positions on sex and pleasure over the decades of the 1980s and the 1990s, to get a sense of the shift from permissiveness to conservatism that came to characterize sex advice literature.

Dr. Ruth is a certified sex therapist who trained under Helen Singer Kaplan at the Cornell Medical Center (Westheimer 1983: 7). She is a sexual positivist, who gives intercourse a privileged and primary role for emotional bonding between people. In her earlier works, such as *Dr. Ruth's Guide to Good Sex* (1983), Dr. Ruth echoed Comfort's arguments celebrating sex as a playful source of pleasure and, like him, she encouraged sexual play in all its permutations, from one-night-stands to married sex. Her motto was "Do your own thing" (Westheimer 1983: 11). Dr. Ruth gave a simple caveat to her readers: all sexual play had to be consensual and all involved had to ensure that no one got hurt; beyond that, "whatever sex games they come up with are fine" (1983: 140).<sup>85</sup>

Having opened with such positive endorsement of everything sexual, Dr. Ruth recanted on some activities that in her opinion were "superficial": swinging and promiscuity, in her opinion could not be very satisfying, because they could not provide the intimacy and closeness that relational sexuality offered (1983: 129-130). Married love, for Dr. Ruth, was the supreme form of sexual congress,

---

<sup>85</sup> It is important to remember that this first text was written before HIV was discovered. Dr. Ruth did include a section in which she discussed the dangers of anal sex, describing an ailment that had been observed in the gay community, at the time known as Kaposi's sarcoma. She thus cautioned gay men to limit the numbers of partners when engaging in casual anal sex (1983: 177-178).

because of the depth of feeling — of difficulties surmounted, of tenderness shared — the lovers had for each other. A practical realist, she conceded that long term relationships might not always be idyllic, and could become trite and boring. The trick then, was to renew passion through variety, and through complex and mature sex play, activities that had to be cultivated by both partners (Westheimer 1983: 354).

Dr. Ruth endorsed an equitable division of labor between the partners: each sex had the responsibility to initiate and participate in the other's pleasure. Like many other authors in the sex advice genre, she elevated sexual aptness, conflating ability with emotional closeness, and equating technique with a measure of love. In alignment with earlier philosophies of humanistic pairing, she argued that each gender had rights and responsibilities.

Women were exhorted to take an active role in male arousal, and to care for the penis. Understanding that it was an extension of the male psyche, women had to praise it, fondle it, and award its importance (Westheimer 1983: 56). Like Reuben, Dr. Ruth assumed that there was a dangerous fragility in the male ego that, if not properly managed, could spell disaster for the sexual relationship as a whole. She warmly encouraged women to engage in a form of shrewd "coddling," aimed at assuaging a partner's anxiety and making him feel "studly" and "potent": a guaranteed erection!

Echoing Kerr and Newhorn, Dr. Ruth asserted women had the "right to have fulfilling orgasms." She urged women to educate themselves and their partners on what made them "tick" (1983: 110-112). However, she did not

privilege orgasm over relational sex, and warned women not to become too “independent” in their sexual practices. For example, she did not condone an indiscriminate use of vibrators, claiming that women could become addicted to them. She argued that no penis could compete with this mechanical marvel. Melody and Peterson point out that with this statement, Dr. Ruth was unwittingly re-centering penetrative sexuality as an invaluable aspect of female sex, making it a necessity in cementing and fostering heterosexual intimacy (1999: 210-211).

Men, in a similar vein, were urged to become “skilled love technicians,” to take time in getting to know their partner’s body, and figure out what aroused them (Westheimer 1983: 185). Dr. Ruth often spoke in defense of men, stating that because they were more often inclined to initiate sex, they risked rejection more often than women; they deserved recognition and kindness for this (1983: 186). Dr. Ruth cast men as the gender that was more sexually active and interested in sex, and depicted women as relatively passive. Training to acquire sexual skills was thus imperative for males, so that they could entice their female partners into having sex more often (Westheimer 1983: 133).

However, Dr. Ruth’s permissiveness would be short lived. In 1992 *Dr. Ruth’s Guide to Safer Sex* made its appearance on bookshelves. Specifically written in response to the discovery of HIV, it aimed at clarifying the tangle of information circulated in the media on the spread of AIDS, and at providing “sane” and “clear” guidance on how to approach sex. And its strongest and clearest message was that sex, homo- or heterosexual, had become not only dangerous, but potentially lethal and that there were only two “truly safe” forms of

sex: the first was abstinence, the second, as long as both partners were not HIV positive, was mutual monogamy (Westheimer 1992: 5):

The fact remains that there are only two foolproof ways to make sure you don't contract HIV sexually. The first is not to engage in sexual intercourse or oral sex... The second way of avoiding HIV is not to have sex with anyone except a partner who you know, first, is not having sex with anyone *else* and, second, is not infected with HIV. (Westheimer 1992: 33-34; italics in original)

Dr. Ruth was adamant in her restrictions, arguing that any person who had had unprotected sex had in fact exposed her/himself to all of that individual's partners, helping to perpetuate a chain of potential infections (1992: 41). Like the early propaganda against HIV infection, this text deemed all barrier methods for the prevention of infection, including condoms, as potentially dangerous, because their failure rates were unacceptably high (Westheimer 1992: 64-68). She advised that the only safe form of sex with new partners was "outercourse," a form of sexual congress that avoided all forms of fluid exchange (Westheimer 1992: 86).

Dr. Ruth recanted her earlier position on penetrative sex, which she had privileged above all other forms of sex in 1983, as an avenue for partners to bond intimately with one another. "For far too long," she stated, "we have been told, explicitly or implicitly, that some kind of *penetration* is the only goal of sex, as if it were a form of drilling" (1992: 85; italics in original). Now "outercourse" had to replace intercourse. Dr. Ruth provided her readers with a number of options to engage in this new form of sex including "talking dirty," "dirty dancing," to more obscure forms of intimacy, such as "sniffing the body of one's partner" to more classic acts, such as watching pornography together. More intimate forms of love

play included “frottage,” “sensual massage,” and “mutual masturbation” (Westheimer 1992: 87-92).

Dr. Ruth’s advice for ethical behavior included gender scripts that exacerbated responsibility. Women were given a very simple guideline: “No glove, no love,” and told not to be naïvely led into having unprotected sex, regardless of how “nice” and “clean” a partner might look (Westheimer 1992: 120). Men, in a similar vein, were sternly told never to try to pressure a woman into having unprotected sex: “...insisting, beseeching, or even requesting that you and a partner have unprotected sex is putting an unfair burden on her” (Westheimer 1992: 128).

The opening section, “So You Want to Know More About Sex,” of Dr. Ruth’s *Sex for Dummies* (1995) advised inexperienced teenagers that sex, first and foremost, was for “making babies” (2007 [1995]: 12). This was a drastic departure from her earlier writings, in which she claimed that the most important function of sex was one of bonding, and of intimacy creation between partners. She was purposely stressing the biological function of intercourse, because it would allow her to make a number of discursive leaps, and further the conservative agenda of the book. Once she established that sex was for reproduction, Dr. Ruth urged teens to abstain, because this would be the only sure way to avoid pregnancy (2007 [1995]: 13). Sex, in this narrative, was clearly for grown-ups. Dr. Ruth, in unambiguous terms, claimed that a stable and committed relationship was a must for satisfying sex:

Wait until you have established a strong relationship before you have sex with somebody. I don’t say you have to get married, but

you will find the experience of making love much better if you are in love and you integrate sex as an expression of your love rather than as a form of recreation. (Westheimer: 2007 [1995]: 30)

Throughout the text, Dr. Ruth would return to this point (2007 [1995]: 57, 132). She was very critical of any form of non-relational sex, including casual encounters between friends. This arrangement in her opinion would only bring about “heartache, STDs, and unintended pregnancies” (Westheimer 2007: [1995]: 64).

Dr. Ruth claimed that relationships and love required care, and that good sex was an integral part of this care: “...If love doesn't last it is because the two people didn't know about the care that love needs. And part of the glue that holds love together is sex, and so the more you know about sex, the greater success you'll have in love” (2007 [1995]: 20). Yet, she went on to argue that “*Commitment is the glue that holds a marriage together*” (Westheimer 2007 [1995]: 64; italics in original), partly contradicting herself. Overall, the message that good technique would aid any relationship and any marriage, persisted throughout the text:

Even though most people don't state the word orgasm in their marriage vows, being able to derive sexual satisfaction with your spouse is certainly implied. But the sexual union between husband and wife brings more to a marriage than just the easing of sexual tension. It also brings intimacy, which is another important component to the glue that holds the two of you together. (Westheimer 2007 [1995]: 69)

Again, Dr. Ruth conflated sexual aptness with intimacy and love. Any lover who was ignorant of sexual etiquette, and did not bother to better his/her erotic skills, was selfishly inadequate. He/she was failing not only his/her partner, but the

relationship itself, as well as failing to foster intimacy through a disciplined practice of sexual care. Dr. Ruth also exhorted each partner to enlighten her/himself, and take the time to study and learn how to pleasure one another, offering a variety of gender specific tips and techniques (2007 [1995]: 117-162).

Dr. Ruth's *Sex for Dummies* was dismissive of any form of sex beyond the pair. In the book, she dutifully mentioned the existence of "open" forms of sex, such as threesomes, swinging and group sex, which she stated, were utilized by some to "spice up" their sex life. However, she dismissed these forms of sex as being too dangerous in the age of AIDS, and too emotionally messy (2007 [1995]: 225-226; 359). In conclusion, Dr. Ruth's *Sex for Dummies* can be considered one of the most conservative sex advice manuals in circulation today. As an author she has become one of the most committed proponents of normative monogamy and a dedicated advocate of stable and restrained sexual relationships.

#### **4.4 Conclusion**

In this chapter, I traced the evolution of the normative structure of erotic civility. I specifically discussed the problematization of normative monogamy and pairing in popular texts on sexuality, including statistical studies on sexual behavior, marriage and sex manuals, works compiled by doctors, counselors and other "pseudo-experts" for mass consumption. I approached these works as cultural artifacts, or discursive machinations through which the authors have produced politically informed versions of "sexual truth." Moreover, I stipulated

parameters of sexual normality, and attempted to change expectations and dictate behavior.

I argued that these texts have made sexuality an indispensable aspect of human existence, an avenue through which to achieve self-fulfillment and relational happiness. I discussed how specific sexual characteristics have been articulated for each gender, providing ontological blueprints for masculinity and femininity. In a related manner, I illustrated how the gender scripts in the literature have supported idealized gender identities, in a manner that has drastically changed over time. Each gender has been assigned a specific orientation to erotic behavior and “equipped” with politically informed scripts. The “erotic” division of labor in these texts has reflected the changing historical and cultural environment of the period, and have been informed by the political leanings of their authors: their ideologies are reflected in the discursive castings of “proper” sexual behavior and the relationship work that they advocate.

I analyzed the symbolic construction of the pair, illustrating the teleological shifts it has undergone. I argued that the symbolic casting of the “ideal” relationship has drastically changed in these bodies of literature over time, in a manner that at times has supported normative monogamy and, at others, undermined it. I argued that these idealizations of the pair, and the scripts that they support, have effectively oriented individuals to engage in a continuous examination of their sexual and relational lives according to rarefied ontological and ethical parameters. I contended that the discursive constructions of normal sexuality circulated by these texts have, on the one hand, re-centered normative

monogamy as the ideal form of relationship; yet, on the other, they have stretched and inflated the parameters for emotional couplehood and sexual aptness. As such, they have abundantly increased the responsibilities and duties of each partner.

Additionally, utilizing a language of self-affirmation through sex, and advocating a politics of “sexual rights” in normative discourse, they have given legitimacy to forms of sexuality that have not necessarily been monogamous, undermining this normative structure. Subjects have thus continued to strive to attain the “right” relationship, a monogamous one, yet doing so has become more and more difficult. The normative machinations in erotic civility have thus unwittingly predisposed individuals to serial monogamy.

## **Chapter 5**

### **The Regulation of Paired Behavior Through the Governance Mechanisms of the Law**

#### **5.1 Introduction**

In this chapter, I set out to study the function of the law in regulating the pair and monogamy. Although sexual regulation has increasingly taken place through normalization, and has been “in-folded” into subjectivity, the role of the law and its exercise remain important. Monogamy is a practice that continues to be enforced in North America through a complex legal apparatus that comprises marriage, divorce and family law.

It is important then, not only to address how sexual governance takes place through the “insidious” mechanisms of discourse and normalization, but also to provide an account of how it is exercised through older mechanisms of power. The practice of monogamy remains obliquely embedded in codes that regulate the forms sexual and intimate unions can take, and the fiscal distributive practices through which state apparatuses dole out goods and services. In the following discussion, I offer a systematic study of legal texts in Canada, and examine how legal protection for the pair has evolved through the sponsorship of monogamy and serial monogamy.

Canadian marriage, divorce and family law has been the subject of extensive studies. A number of authors have mapped out its evolution, and analyzed its effects on family life and structure, discussing the political and

economic impetus behind the changes in legislation, and the ways in which they have affected gender dynamics within the pair. I make reference to numerous researchers in my narrative, discussing several of their insights. Among them are Le Bourdais, Neil and Vachon, Milan, Nault, Bibby, Nelson, Belanger, Dumas and Peron, Richardson, Steel, Brode, Rosovsky and Rosovsky, Boyd, Ursel, Dranoff, Rogerson, McKie, Prentice and Reed, Laroque, Glendon, Wu, Wu and Balakrishnon, and Merin. The study of the evolution of the law in bio-politics and its participation in governmentality has also been the subject of rigorous research. I am particularly indebted to research by Hunt and Purvis, Rose, Cossman, Cossman and Fudge, Cossman and Ryder, Kapur and Cossman, Stychin and Hindness, and will repeatedly make reference to their insightful arguments in my text.

In the first section I argue that the law can be approached both as a form of repressive or “direct” regulation, and as a form of discursively normative regulation. On the one hand, the law polices erotically uncivil abject subjects, by intervening in instances of deviation from normative erotic civility; on the other, it operates as a normative force, participating in the discursive construction of erotic civility *itself* and, similarly, defines the erotically “civil subject.” In this section I discuss the processes of privatization and re-regulation that have characterized the judicial mechanisms of the law since the turn of the twentieth century.

Subjects who engage in “proper” relationships are rewarded with legal status, benefits and services. Adherence to monogamy then is licit, economically

advantageous and socially appealing to citizens. In the second section of the chapter I offer a brief overview of demographic trends on paired behavior, illustrating that monogamy continues to this day to be the norm for relational pairing in Canada, even though its format has changed, shifting from a life-long commitment to a shorter, serial one.

In the third section, I trace the origins of Canadian marriage, divorce, and family law in English Common Law. The relational arrangement of matrimonial monogamy was codified and entrenched in English Common Law, which the budding nation of Canada, its provinces and territories, adopted at the end of the nineteenth century. These new laws were geared to instill a specific form of sexual economy in the populace, according to the understanding that the heterosexual monogamous nuclear family was the founding unit for economic and social reproduction. Through monogamy, it was implied, lineage could be determined in a straightforward manner and inheritance could be practically allotted.

The fourth and fifth sections of the chapter, which deal with divorce law, go on to document a liberalizing trend in the law, beginning in the 1950s in Canada. State regulation has progressively moved away from strong conservatism — which sponsored strict monogamy by actively resisting marital dissolution through the creation of institutional barriers to divorce — to a discreet progressivism, which has made the dissolution of marriage unions easier. Since 1968, relational dissolution has been increasingly facilitated, yet this process has

been flanked by a renewed sponsorship of the ideal of the nuclear family within the law, normalizing a specific form of relational and familial “civility.”

In the sixth section, the chapter focuses on another social trend in the dynamics of personal relationships, the rise and legalization of common-law unions as parallel structures to marriage. The popularity of marriage has been decreasing since the 1960s, and many have chosen to enter common-law relationships. These relationships were originally not sanctioned by the state. After the 1960s, it is possible to trace a gradual emergence of legal protective apparatuses for the non-traditional family, which were created not because of the *emergence* of these unions per se, but because of their *dissolution*. The law was specifically designed to safeguard the financial well-being of the members of these unions in case of dissolution, to keep them from becoming dependent on welfare aid if the relationship ended.

I conclude by arguing that legal developments regarding paired behavior, upon closer inspection, are forms of privatization through re-regulation, not deregulation. They have intrinsically altered and extended the function of the law, transforming legislative mechanisms into normative apparatuses. In this manner they have come to participate in larger normative projects for the creation of “responsible” intimate sexuality, by attempting to instill sexual self-governance in individuals, while at the same time re-centering a specific form of familial structure, the nuclear, heterosexual and reproductive family in the law as the goal for erotic civility. They have also unwittingly fostered serial monogamy. On the one hand, they have eased the exit from failing relationships; on the other they

have safeguarded the nuclear familial way of life, by specifically allowing its members to “free themselves up” and enter new state-sponsored unions.

I will also argue that developments in the law can be approached as “reactive responses,” in the sense that changes in marriage law, common-law and divorce law have come about in light of sexual and relational behavior that the state had not anticipated. From this perspective, the juridical system can be approached as a textual barometer of social change. The stages of its mutations can be interpreted as the state’s reactions to contain and curtail certain “abject” social acts that emerged in response to normalization itself.

For example, the law’s legalization of unions beyond marriage, and the extension to common-law partners of services, benefits, and legislative protections in case of dissolution, can be seen as a remedial legal response to contain and legitimate social processes which had already “escaped” the controls of the state. Similarly, the extension of services and benefits to same-sex partners can be seen as an unwitting legal response on the part of the state, which could no longer deny recognition and inclusion to homosexuals in the face of the human rights movements that had gained undeniable legitimacy over the previous decades. Such undesirable social behaviors had emerged *specifically in opposition* to the state’s attempts to foster one single legitimate form of union, heterosexual marriage.

## **5.2 The Evolution of the Law: Normalization, Privatization and Re-Regulation**

Hunt and Purvis have argued that in the new political and social order, governments are no longer responsible for the social welfare of their citizens but only for helping those citizens to help themselves: “Neo-liberal rule is better conceived as a new alliance between the state, autonomous experts, and self-governing individuals” (1999: 470). States have discursively excused themselves from providing social welfare for their populaces, through a language that incites citizenship membership in the values of self-governance and responsibility. A new model of governance has thus emerged, a de-centered and highly privatized one, in which the state creates the conditions under which citizens govern themselves (Purvis and Hunt 1999: 470). Rose has commented: “[I]t has become possible to govern without governing *society* – to govern through the ‘responsibilized’ and ‘educated’ anxieties and aspirations of individuals and their families” (1994: 389).

The state’s legal apparatus is extremely important for the creation of these new conditions of governance. Legal discourse has been articulated through a language that stresses responsibility and self-reliance, rather than social rights and dependency (Cossman and Fudge 2002: 16). The law perpetuates the normative claim that individuals should be more self-reliant and take responsibility for the risks of their own well-being (Cossman and Fudge 2002: 21).

Legal apparatuses have changed with the advent of governmentality in bio-politics. The role of the law has changed to become, in the words of Cossman and Fudge, “constitutive” and “coercive” (Cossman and Fudge 2002:

30). It is constitutive in the sense that it discursively fabricates or fashions “legal personas” and “legal institutions,” for example, the spouse or common-law partner, the dependent, and the family (Cossman and Fudge 2002: 16). Legal discourse then is:

...a site of discursive struggle... a terrain on which competing visions of the world are fought out; on which contesting normative visions struggle for the power to define legal and political concepts that give meaning to our world. (Kapur and Cossman 1996: 41)

It is coercive in the sense that it enforces specific kinds of relational and familial comportment, in, for example, “monogamous” and “heterosexual” marriage and common-law unions, and in the nuclear family. It has normalized these same relational and familial behaviors, and institutionalized them according to its constitutive powers (Purvis and Hunt 1993: 477). By selecting among competing discourses, and then calling upon the state to enforce one over another, legal discourses become institutionalized and have institutional effects (Purvis and Hunt 1993: 478).

The institutional effects in the governance of paired behavior in the law in recent years have coalesced around three trajectories: the normalization of the civil subject as self-governing; the privatization of familial costs, that has shifted responsibility for social welfare from the state to the private citizen; and the expansion and intensification of the state’s regulatory efforts and reach in the realm of the pair and the family.

According to Stychin, the law does not simply operate in repressive ways, but also normatively, in a manner that regulates and manages individual

behaviors and identities, by encouraging subjects to manage themselves, and to live their lives in particular ways.

[M]y premise is that the law can operate both in an explicitly juridical way through repression and social control (the enforcement of anti-gay sex laws exemplifies this), but also that legal discourse can operate in more subtle, disciplinary mode, by encouraging, in an infinite variety of ways, individuals to conform to how the law constructs proper — even civilized — behavior. (Stychin 2003: 3)

He concludes that the law normalizes by sponsoring self-governance as an ethics of “civility.”

Cossman has written extensively on the normalizing role of the law. For example, she has contended that the law has participated in the constitution of a very narrowly defined gender specific and sexually civil subject, according to heteronormative and family centered agendas (Cossman 2007: 16). According to Cossman the normalizing role of the law is:

... both constitutive and regulatory; it seeks to regulate the subjects that it constitutes through market incentives. In other contexts, law regulates through the promotion of responsabilization within the family: it seeks to make individuals responsible for themselves and their family members. While the objective of both these forms of regulation is the promotion of a privatized, self-disciplining individual, both are accomplished through a broad range of regulatory interventions in the market and family. (Cossman 2007: 16-17)

Privatization involves a shift in power relations that requires the state to intervene in social reproduction in new ways (Cossman and Fudge 2002: 30). In the following analysis, I demonstrate that language in the law has specifically changed to reflect a new discourse that stresses responsibility and self governance in the subject, in a manner that reduces — and at times fully

exonerates — extending governmental services and financial support to the populace.

The “civility” of the legal subject then is specifically articulated in his or her ability to self-regulate and self-administer. In the management of dissolutions, for example, the state has gone from a strong judicial and administrative role to a new laissez-faire model in which subjects are forced to regulate themselves, privately administering their break-ups and absorbing the financial burden of those left behind:

An important part of the state’s current privatization project involves the effort to fashion a viable new gender order... The new functional understanding of the family allows systemic gender inequalities to disappear from view, emphasizing instead a gender neutral model of familial responsibility. Within this model, women and men are equally responsible for their families’ wellbeing, and any division of labor within the family can be seen as a matter of individual choice, effectively a private matter. If and when a relationship breaks down — also a matter of individual and private choice — this model is only concerned that families continue to take care of their own in the new post-divorce family. Family law within this model is intended to reflect and respect the private choices of individual families while protecting the public purse. (Cossman 2002: 212-213)

In neo-liberal societies this process of legal privatization, according to Cossman and Fudge, has been accompanied by a process of re-regulation. The state, on the one hand, has drastically increased the rules according to which subjects must self-govern. On the other hand, it has continued to enforce civility coercively, intervening in cases in which subjects refuse to self-govern, or misbehave, failing to follow the strict rules imposed by the state (Rose 2000: 1047).

Privatization is not a simple process of shifting goods and services from the public to the private sphere, of hollowing out the public and enlarging the private... it involves a reconfiguration of the form of state regulation rather than deregulation. (Brodie in Cossman and Fudge 2002: 19)

The law then has proliferated exponentially to impose self-governance and financial sufficiency in subjects. Family law has increasingly become more complex, detailing with much more specificity what rights and duties spouses and parents share, and in what ways they are responsible to each other and their children:

Re-regulation is a highly selective process of shifting some public responsibilities to the private sphere while diligently protecting and intensifying the role of the state to regulate other areas. Re-regulation also highlights the continued role of legal regulation in the project of building a neo-liberal state with a disciplined self-regulated market citizenry. (Cossman and Fudge 2002: 19-20)

Cossman has pointed out that an increasing reliance on self-governance in neo-liberal regimes has not necessarily implied the abandonment on the law's part of its coercive or authoritarian mechanisms, which continue to be utilized in the management of those who "fail" to self-govern (2007: 17). Rose, on this point, has commented that the state continues to intervene, punish and reform those who "refuse to become responsible and govern themselves ethically" (Rose 2000: 1047). Purvis and Hunt have argued that the policing of abject subjects is specifically justified by stressing the distinction between good self-governing citizens and bad ones:

One of its central modes of operation is by the means of policing the dividing practices that have hardened the gap between the 'responsible' and the 'irresponsible', the former committed to self-governance, the latter subject to intensified coercive governance. (1999: 470)

Thus a certain amount of authoritarianism remains an essential part of liberal regulation even if it relies, for the most part, on the self-governance of subjects. In fact, the law can be understood as exerting its punitive abilities specifically to instill self-governance in the populace, through “a show of power” against those who refuse to adhere to norms of civil behavior. Thus, “the capacity of autonomous conduct can be developed only through compulsion, through the imposition of more or less extended periods of discipline” (Hindness 2001: 98; Cossman 2007: 17).

The strongest effect of re-regulation can be felt in those family codes that legislate the state’s ability to intervene when subjects refuse to govern themselves. On one hand, the law perpetrates the policing of “erotically uncivil” abject subjects, by intervening in instances of deviation from normative erotic civility; on the other, it operates as a normative force, which participates in the discursive construction of erotic civility *itself* and, in a related manner, defines the sexually civil subject. It also creates its abject subjects, in the personas of the “deadbeat dad,” a father who refuses to live up his bread-winning responsibilities, and the single mom “welfare queen,” who refuses to control her sexuality according to the proper relational ethics and winds up with an illicit child. Both figures are “unbecoming citizens,” at once confirming the “righteousness” of the law and legitimating the state’s interventions, and, by default, defining the “civil relational subject,” which can alternatively take the form of the “spouse” or “common-law partner” in the monogamous pair or, though less legitimate, the “self-administering divorcee” (Cossman 2007:19).

In the next discussion, I engage in the analysis of legal texts to trace the definition of the “relationally civil subject” from the late 1800s forward, and examine its evolution over the past century. I also trace the law’s neo-liberal privatization trajectory, illustrating how it has effectively normalized sexual and relational self-governance in individuals, and extended its regulatory reach to include all aspects of pairing and familial life, their constitution and their dissolution.

### **5.3 Hegemonic Serial Monogamy: Demographic Trends on Personal Relationships in Canada**

An overwhelming majority of individuals in Canada and in the United States live a substantial portion of their adult life in legal marriages or state sponsored unions. In Canada almost 95 per cent of the population born between the 1850s and the 1950s married at least once before the age of 50 (Le Bourdais et al., 2000: 86). At the turn of the twenty-first century, about two-thirds of Canadians — 63 per cent of males and 70 per cent of females — were or had been involved in a state sanctioned marriage. In the United States, about 90 to 95 per cent of the adult American population will eventually marry (Norton and Miller 1992: 4).

In recent years, there have been drastic changes in the ways individuals live their relational lives, and yet couplehood remains the norm. The popularity of marriage has fluctuated over the past decades and is now in an inexorable trajectory of descent. In 1972 the marriage rate in Canada per 1,000 population

was 9.2 (Milan 2000: 6), a level that had been reached only once before, immediately after World War II (Nault 1996: 39).<sup>86</sup> Although demographers had foreseen that the baby-boom generation would continue to support the institution of marriage, such expectations turned out to be grossly inaccurate. Demographic trends have gone in the opposite direction, with decreases in both annual marriage rates and the number of marriages performed (with a slight exception in the late 1980s; Nault 1996: 39).

The number of marriages rose slightly between 1993 and 1995, held steady at 5.1 in the late 1990s, then declined sharply in 2001, sinking to a rate of 4.7 per 1,000, “its lowest level ever” (Statistics Canada 2003).<sup>87</sup> Of all individuals aged 15 and older in 2001 in Canada, 36.5 per cent of the males and 30.3 per cent of the females, had never been married. Almost half — 51 per cent of males and 48 per cent of females — were currently married. About 3 per cent — 2.8 per cent of males and 3.3 per cent of females — had been married at least once but were currently separated. Roughly 8 per cent— 6.9 per cent of males and 8.4 per cent of females — were divorced; and just over 6 — 2.4 per cent of males and 10 per cent of females — were widowed (Statistics Canada, 2004a).

The 2006 Canadian Census counted 6,105,910 married-couple families, an increase of only 3.5 per cent from 2001. Common-law-couple families climbed

---

<sup>86</sup> The actual number of marriages performed that year had exceeded 200,000.

<sup>87</sup> From a strictly demographic perspective, one reason for the decline in marriage rates is that the marriageable population (especially in the younger cohort typically marrying for the first time) was smaller in the 1990s. Other reasons include changing values that made divorce and non-marital childbearing more acceptable, use of contraception, women’s participation in higher education and the workforce and their resulting financial independence; an unpredictable job market, and a generation pursuing self-fulfillment and avoiding long-term commitments (Nault 1996: 40).

18.9 per cent to 1,376,865. Married-couple families accounted for 68.6 per cent of the total sample, down from 70.5% five years earlier, while the proportion of common-law-couple families rose from 13.8 per cent to 15.5 per cent. The increase in common-law families is staggering, considering that two decades ago they accounted for only 7.2 per cent of all families (The Daily 2007).

Age at first marriage has continued to climb for both genders, indicating that individuals, if they marry, do so later in life. In 1972, the average age reached an all-time low, brides being an average of 22.2 years old, and grooms being an average of 24.7 years old (Nault 1996: 39). By 2001, the new spouses were decidedly more mature, with the age of brides having risen to 28.2 and that of grooms to 30.2 years old (Statistics Canada 2003).

It appears however, that the values in support of monogamy and pairing have not changed drastically in the younger generations. When asked about their relational futures, 88 per cent of Canadian teens replied that they intended to marry or foresaw being in a life-long partnership (Bibby 2001: 143). Yet, statistical projections suggest that only 63 per cent of men and 67 per cent of women born in Canada in the last decades of the twentieth century will manage to succeed in marrying before the age of 50. Compared to the early 1900s, times in which marriage was the destiny of 85 to 95 per cent of individuals, the rates of marital success have sharply declined (Oderkirk 1994: 5).<sup>88</sup>

---

<sup>88</sup> Projected marriage rates for males and females respectively are 44 per cent and 48 per cent in Quebec, 70 per cent and 74 per cent in the rest of Canada (Le Bourdais and Marcil-Gratton 1996: 422). The lower projections for Quebec reflect the greater acceptability of cohabitation in that province than in any other parts of Canada (Belanger 1999: 33-34), with possible exception of the territories.

The incidence of divorce has increased dramatically, a demographic trend that points to the fact that life-long monogamy is no longer a norm. In Canada the crude divorce rate, calculated by counting the number of divorces out of 100,000, rose from 36 in 1961 to 271 in 1981. It reached a peak of 362.3 in 1987, to decline to 282 by 1991, and by 2002, to 223.7 (Ambert 2002: 5; Statistics Canada 2004b). The decline in divorce rates since the late 1980s has been directly linked to declining marriage rates: obviously, the fewer couples marry, the fewer of them are at risk of divorce. Demographic projections estimate that if recent patterns remain constant, 33 to 40 per cent of marriages performed recently in Canada will end in divorce (Dumas and Peron 1992: 62; Ambert 2002: 2). This is a striking number, especially when considering that 88 per cent of Canadian adolescents anticipate they will stay with the same marital partner for life (Bibby 2001: 144).

Nevertheless, many are not discouraged by the end of their first marriages and subsequently embark on new relationships. This trend would indicate that many continue to value relational life: remarriage after divorce, in fact, remains the most frequent outcome everywhere in Canada, except Quebec (Kelley 2003/2004). In 1971, approximately 10 per cent of Canadian marriages involved at least one previously married partner (Richardson 1996: 243). Only a decade later, this figure had drastically risen to 23.6 per cent, and in 2001, to 32.6 per cent. In almost one-third of cases, individuals were entering a second marriage (Statistics Canada 2003). In 2000, the numbers climbed again:

...More than one half [55.1 per cent] of previously divorced brides or grooms were getting married to a partner for whom this was a

first marriage... Both partners were previously divorced in 37.5% of these marriages in 2000. (Statistics Canada 2003)

Yet, marriage rates for all marital statuses have been declining. For Canadians 15 years of age and over, the marriage rate per 1,000 population declined from 148 in 1975 to 40.5 in 1995 for the previously divorced, and from 13.5 to 6 for the previously widowed (Statistics Canada 1997).

In the early 1970s, about 85 per cent of divorced men and 79 per cent of divorced women chose to remarry. These numbers decreased to 76 per cent for men and 64 per cent for women by the mid-1980s (Adams and Nagnur 1990, in Richardson 1996: 243), and continued to decline into the 1990s. Ambert has reported that the incidence of remarriage for divorced men and women has reached 45 per cent and 35 per cent respectively.<sup>89</sup>

#### **5.4 The Origins of Family, Marriage and Divorce Law in Canada**

In Canada, the legal system is dichotomous: English Canada utilizes a system that derives from English Common Law, while Quebec uses a form of civil law that has its origins in French and Roman Codification (Nelson 2006: 318).<sup>90</sup> In both these systems, the regulation of familial relationships has always given marriage a central and privileged position. Both legal traditions have

---

<sup>89</sup> It is important to keep in mind that this decline may be due in part to the fact that some divorced people chose to cohabit rather than re-marry (Wu 2000: 49; Wu and Balakrishnon 1994: 723).

<sup>90</sup> Common law is a system of dispute resolution that evolved out of decisions arrived at by the English courts of justice from the times of the Norman Conquest of 1066. This body of law is derived from custom and judicial precedent. In contrast, the legal system in Quebec is based on Roman Codification. Additionally, family law in Quebec has been heavily influenced by the Catholic Church (Nelson 2006: 318).

historically upheld a vision of the family in which the husband/father was central, and the wife was subordinated and auxiliary to him: her labor and services legally belonged to her husband (Nelson 2006: 318).

Having been fashioned upon the English Common Law model, English Canada's regulation has privileged marriage over any other form of adult relationship, through which it awards status and rights, as well as imposes duties and responsibilities. Quebec's legal codes, although of different origins, have done the same (Cossman and Ryder 2000: 6). The patriarchal similarities of the two systems of codification are discussed in detail below.

The legal structures that the majority of Canadian provinces would inherit took shape during the eighteenth century in Britain, a period during which the Church of England claimed jurisdiction over all matrimonial matters. It increasingly enforced the regulation of unions and separations, starting in 1753 with the *Lord Hardwicke's Act*, which banned clandestine marriages and strictly regulated the validity of marriage according to specific requirements regarding age, registration and the presence of witnesses. The Church of England would maintain jurisdiction over marriage and divorce until the nineteenth century (Cossman and Ryder 2000: 8).

A number of important features, already specified in these codes, would be inherited by Canadian system of familial law. First of all, the law specifically safeguarded the integrity of the marital relationship, with regards to social status and economic relations. Common Law strictly regulated the ways in which individuals could enter and exit marriage. In Common Law, the spouses were

“fused” into a sole legal and social entity. Specifically, the wife was effaced and engulfed by the legal authority of the husband. For her, marriage meant that all social, economic and legal actions would fall under the authority of her male spouse (Glendon 1989: 94; Cossman and Ryder 2000: 8):

The marital relationship was a highly integrated, economic relationship, in which the wife was legally and financially dependent on her husband. Issues of status and filiation were crucially important. The status of marriage conveyed not only social and legal status on spouses, but conveyed social and legal status on children, controlling property and inheritance. (Cossman and Ryder 2000: 8)

Therefore, under the common law, wives did not exist as independent beings (Nelson 2006: 321). Blackstone, a jurist and an influential commentator on common law of the times, succinctly explained this process:

By marriage, the husband and wife are one person in law; the very being and legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated in that of the husband, under whose being, protection and cover, she performs everything. (Blackstone 1832: 442)

With marriage the male spouse automatically became the head of the household, a right and a duty that carried a number of privileges and obligations. He was to provide protection and financial security for his wife and children. The wife had responsibilities as well, but fewer rights: she was to assume domestic responsibility for the home, care for the children, and make herself sexually available to her husband. Matrimonial law decreed that a husband assumed control and ownership of all his spouse’s personal property, while a wife was not entitled to any compensation for her domestic labor (Nelson 2006: 321).

The legal “inferiority” of the wife, or, rather, right of ownership the husband enjoyed over his wife, was evident in the legal provisions regarding “consortium,” or access to companionship and sexual servicing. Steel has commented that in this manner the wife was granted a specifically servile status, “since wifely services could easily be equated with those of any servant”; and therefore “legal liabilities for interference with the master-servant relationship was easily extended to cases of injury to the husband-wife relationship” (Steel 1987: 159).

Under English Common Law, husbands had the right to receive compensation if a wife withheld services. Not only did the husband have the right to his wife's company and sexual congress, he could even sue the person who had interfered in the husband-wife relationship, usurping the husband's right to “access” his spouse, for “heartbalm tort” (Brodie 2002: 156). The husband thus could take his spouse's lover to civil court, to claim financial compensation “for injury to his feelings, the blow to his marital honor, and his loss of honor, and the hurt to his matrimonial and family life” (Rozovsky and Rozovsky 1998: 62). A husband's right to sue “the other man” was not nullified by the wife having consented to the philanderous act, nor was he required to prove that it had resulted in the breakdown of the marriage.

In cases of infidelity on the part of the wife, her husband was entitled to compensation commensurate with her presumed value as a wife or mother, as demonstrated by her conduct and social character. These legal characteristics of the relationships between husbands and wives were appropriated by a number of Canadian provinces. The law stipulated that the husband did not even have to

prove the loss of his wife's company and services. A partial or temporary loss of one aspect of the marital relationship was sufficient to petition for compensation.

Rozovsky and Rozovsky have argued that while a wife's offence was legally assumed to be a violation of the husband's honor and status, as well as a strike against his property and estate, "an attack on the man... did not interfere with any right the woman had, unless the man could no longer provide her support and protection" (1998: 62). Wives would not be awarded compensation in Britain for their husband's infidelity until 1952 when the House of Lords finally extended these privileges to them.

From a normative perspective, the law fashioned two separate and distinct "marital civil subjects," along a well defined gender demarcation. The female marital subject was defined according to a cluster of unbreakable injunctions: monogamy and faithfulness; sexual servitude to her husband; maternity and childcare and, finally, homecare. The most abject behavior on her part was infidelity, which was both an infringement of the husband's exclusive right to her sexual servicing and a blow to his status as head of the family. Moreover, it constituted a potential infringement against the purity of the family's lineage. The risk that the husband might raise a "bastard" as one of his own children had direct implications upon the distribution of his inheritance, a right that no child out of wedlock could demand. The consequences of the wife's infidelity were thus codified at length and in detail.

The male marital subject, first and foremost, was defined by the economic duties he owed to his spouse and family. His sexual comportment, and especially

his faithfulness, were not critical for the definition of his legal persona. As such, the law unwittingly exonerated him from monogamy, turning a blind eye to his indiscretions, *as long as* he continued to provide economic support to his wife and children. Curiously, his indiscretions were assumed not to impact a wife's status, and neither did they pose a paternity problem: any illegitimate offspring from illicit unions were not legally his responsibility, and thus enjoyed no legal recognition. He was also not responsible for his wife's sexual needs, as according to the law she lacked such base "urges."

The legal status of women in Britain, regarding both property and marital equality, did not improve until the latter part of the nineteenth century. Civil marriage was introduced quite late in the United Kingdom and was not codified until 1836, under the *Marriage Act* (1836 [U.K.], 6 & 7 Will. 4, c. 85; in Witte 1997: 204-205). Similarly, it was impossible to obtain a secular divorce until 1857, the year in which it was codified under the *Matrimonial Causes Act* (1857 [U.K.] 20 & 21 Vict. C. 85, in Witte 1997: 204-205); it was at this time that the concept of spousal fault was introduced in the law.<sup>91</sup> It was not until two decades later that women obtained independent legal status from their husbands, with the *Women's Property Acts*, of 1882 ([U.K.] 45 & 46 Vict., c. 75; Stone 1977: 668-669). Similar acts were passed in Canada, once this law was introduced in

---

<sup>91</sup> The act transferred marriage and divorce jurisdiction from the common law courts, and reversed the traditional presumption that child custody was a paternal right, allowing the wife to claim custody (Witte 1997: 204-205).

England. Hence forward, wives were permitted to possess separate property from their husbands.<sup>92</sup>

Generally speaking then, the legal system that the Canadian provinces inherited from Britain entrenched a system of familial patriarchal authority and power, for wifely subjugation. It imposed monogamy for wives, but not husbands, whose sole true responsibility was never to abandon their families. At the turn of the twentieth century, family law and marriage law defined the civil subject and the family according to a procreative ideal, with gender specific roles for its economic maintenance and its child-rearing functions. The law shaped the family into a nuclear unit, and governed sexual relations monogamously, with specific severity for the wife. The aims of its erotic austerity were social and economic: on the one hand they were geared towards the orderly reproduction of beings, and on the other they organized inheritance in a straightforward manner:

Procreation and child-rearing were assumed to be the major purposes of marriage, and sexual relations within marriage were supposed to be exclusive, at least for the wife. Marriage, procreation, and divorce were supposed to take place within legal categories. Illegitimate children had hardly any legal existence at all. (Glendon 1989: 59)

---

<sup>92</sup> A trend of equalization in the law can be discerned from this point forward, culminating in the 1970s. Eventually common law came to ensure equal opportunity for both genders. According to Steel, Canadian legal rules have been made gender neutral, to the point that the word “spouse” has replaced the words “husband” and “wife” in family law (1987: 160). Similarly, Quebec has revised its Civil Code in 1980, to enforce absolute gender equality, according to which both husbands and wives have identical rights and obligations. According to Nelson the married couple is “bound to live together... [and] together take in hand the moral and material direction of the family, exercise parental authority and assume the tasks resulting there from” (2006: 322).

## 5.5 Divorce Law in Canada, 1867 to 1969

According to Hahlo, the majority of Western legal apparatuses in so far as the family was concerned shared heterocentric and patriarchal characteristics. Within the law, the family was understood as an institution that was basically indissoluble, and separation was allowed only in extremely serious cases. The family nucleus was always privileged over its single members. It was specifically the bond of commonality that conferred status to the spouses and the children; the familial unit also stipulated the economic role of its members, the responsibilities of each, as well as rights to inheritance (Hahlo 1975:60).

The principle of spousal fault, introduced in England with the Matrimonial Causes Act of 1857, was incorporated in various ways in Canadian Law. Yet, demonstrating fault would eventually become a juridical encumbrance and a logistical nightmare, and most countries would alter their legislative mechanisms to no-fault regulation (Hahlo 1975: 61).<sup>93</sup>

Some provinces had already established judicial divorce before 1867, some did not. Generally, these laws were strict and fault oriented. They were strict in the sense that they were designed to protect the family and make dissolution as difficult as possible, safeguarding its members from abandonment:

The clear choice of Canadian legislation has been to create a time-consuming and overly-scrupulous system. Built into this system is the hope that the wish to divorce can be deterred and that the contesting couple can somehow work out its differences through counseling. (McKie, Prentice and Reed 1983: 13)

---

<sup>93</sup> Hahlo surveyed many European and Scandinavian countries, including those nations that followed the British tradition, and concluded that the causal principle for divorce in all gradually changed from a "fault" format to a "no-fault" format (1975: 61).

They were fault oriented because they assumed that one of the spouses was responsible for relational failure. The concept of fault had originated in Protestant thought and presupposed that in all dissolutions one spouse was negligent or guilty, while the other was innocent.<sup>94</sup>

At the turn of the twentieth century, Canada had a divided jurisdiction. Under the 1867 *Constitution Act*, the provinces had jurisdiction over the solemnization of marriage, while the federal government had jurisdiction over marriage and marriage-like relationships; divorce fell under federal jurisdiction, while the provinces governed the institution of marriage and other matters pertaining to family life.<sup>95</sup> After Confederation, Canadian provinces and territories were precluded from enacting any new divorce legislation. The federal government however, was very reluctant to legislate on divorce and establish divorce courts, because of the strong opposition of the church in those times, specifically that of the Roman Catholic Church in Quebec.

In the absence of such laws and enforcement bodies, the federal government was eventually forced to pass province-specific divorce acts. Yet, not all provinces obtained them; inevitably, divorce became possible in some provinces, but not others. In Quebec, for example, provincial courts were not allowed to grant divorce and Quebecois residents seeking matrimonial

---

<sup>94</sup> Originally designed to “save” a marriage by making dissolution difficult, these kinds of laws would eventually prove to be a poor strategy for lengthening the life of a union. Ultimately, spouses would simply haggle more bitterly, receive no added benefit, and eventually, at the end of a long litigation, would still divorce (Hahlo 1975: 61; McKie, Prentice and Reed 1983: 8).

<sup>95</sup> These matters included marriage licensing, adoption, guardianship, and matrimonial property disputes.

dissolution had to apply directly to Parliament. This was an extremely difficult and convoluted process, requiring a private member's bill. Boyd has described this cumbersome legal procedure explaining: "a private member's bill had to pass first reading in both the Commons and the Senate; after second reading in the House of Commons, it could be heard by a separate divorce committee" (1998: 229).

Thus divorce law, until the 1960s in Canada, was inconsistently administered from province to province. Procedures altered depending on whether or not a province had entered confederation with or without divorce and annulment laws; this remained the case even though Parliament technically had jurisdiction over divorce (McKie, Prentice and Reed 1983: 10).

In provinces that did allow divorce the law remained primarily based on the 1867 *British Divorce and Matrimonial Causes Act*. As mentioned earlier, this act contained a sex-linked double standard, which resurfaced in a number of provincial pieces of legislation. Again, it is possible to discern a strong normative commitment in the law specifically oriented towards the strict sexual governance of women, and women only:

...each of the Atlantic Provinces included clauses in their legislation which released the husband from obligation if the wife engaged in unconditioned adultery. To the last, the state engaged in protective legislation which attempted to impose fidelity on the wife. (McKie, Prentice and Reed 1983: 51-52)

Thus, if the wife was adulterous, and "stepped out" of her demure and contained sexual role, she forfeited all governmental protective measures that had been created for financial care and that of her children! Yet, a husband's adultery was

not even sufficient grounds to obtain divorce, unless it was coupled with much more serious offences.

Whereas a husband was entitled to petition for divorce on the grounds that his wife had committed adultery, a wife could only petition for divorce if she could prove that her husband's infidelity was particularly "cruel" or "perverse." Adultery had to be aggravated by incest, bigamy, rape, sodomy, bestiality, cruelty or desertion for at least two years. Encoded in the law, then, was the notion that her adultery constituted a major violation against the marriage, whereas his was but a minor transgression unless coupled with a much more serious, and "unacceptable," offence. This double standard would not be reversed until 1925, when wives were relieved of their obligation to provide additional requirements to establish for grounds of divorce, relative to those to be met by husbands. Thereafter, either spouse could petition for divorce on the same grounds (Dranoff 2001: 249-250; Nelson 2006: 331; McKie, Prentice and Reed 1983: 9).

It is apparent here that monogamy was a gender specific injunction in these early pieces of legislation, imposed much more strictly on the female spouse than on the male. Both the legal and economic systems were effectively policing female adultery, while frequently allowing male unfaithfulness to go unpunished. In fact, laws often ensured that an adulterous woman would be left destitute. At the same time, a woman willing to divorce an adulterous husband would be faced with a seriously reduced quality of life and income.

The economic family model of the sole male breadwinner further bound the wife to the husband: in fact, even if a man was caught cheating, his wife

could not leave, unless she could prove aggravated adultery. And even if that were the case, her economic dependence would realistically not allow her to move on easily, unless she had already secured another man's financial support. Yet, her domestic segregation and the lack of external contact drastically limited her chances of securing financial security elsewhere. This state of affairs would persist late into the twentieth century.

The first attempts to change divorce law would not take place until the 1940s. In 1941 Minister Don Woodsworth attempted to introduce a bill that aimed at extending grounds for divorce, so that they would include desertion, insanity and cruelty. Woodsworth was not successful, and the bill died (Laroque 1969: 87). The Senate took interest in the format of divorce next, debating the law at length between 1942 and 1943. Senator John Farris managed to get approval for a bill that added the presumption of death as grounds for divorce in 1943.

Yet, the following year, Senator John Haig failed to get the Senate's approval for a bill that would have transferred the right to legislate on divorce to the Exchequer Court. This transfer would have removed jurisdiction from the Lower House, where debates continued unresolved. In 1946, Senator Walter Aseltine tried to get a similar bill passed, but was also unsuccessful (McKie, Prentice and Reed 1983: 50; Laroque 1969: 88).

From 1960 to 1963, Parliament deliberately blocked federal divorce bills, trying to generate controversy and debate on the issue. However, the social realities of abandonment, which had created much fiscal dependence on the state's purse as well as social outrage, would provide the momentum needed for

legal change. Finally, in 1963, a newly elected Liberal government successfully passed the *Dissolution and Annulment of Marriages Act*, which transferred all bills dealing with divorce to the Exchequer Court. Thus, the Exchequer Court came to preside over Senatorial debates on divorce, while the House of Commons was reduced to a purely legislative role (Larocque 1969: 29).

This change in legislative process galvanized the media and the public's attention on the issue. Permissive attitudes on broadening the grounds for divorce in Canada permeated the press and debates on television of the times, and this, in turn, prompted members of Parliament to continue their political engagement on divorce. In 1966, a "Special Joint Committee of the Senate and House of Commons on Divorce" was created, aimed at gauging average Canadians' opinion on matters of divorce, and those of various influential institutions as well (McKie, Prentice and Reed 1983: 52). From the beginning, it was clear that no major opposition was emerging to the idea of broadening the grounds for divorce (McKie, Prentice and Reed 1983: 52).<sup>96</sup>

In June of 1967, the Special Joint Committee issued an extensive report and a draft for new legislation on divorce. Bill C-187 was introduced in December 1967, and would pass two months later, to receive Royal Assent on July 2, 1968. It incorporated not only the committee's proposal for wider divorce grounds, but

---

<sup>96</sup> Even traditionally conservative institutions, such as the church, were supportive. Upon contacting the Roman Catholic Church, Senator Arthur Roebuck was surprised to receive reassurance that it would not oppose more permissive legislation concerning divorce. This stance was made public in 1966, when the faithful were advised to "vote according to their conscience" (McKie, Prentice and Reed 1983: 52).

also the complete transfer of parliamentary divorces to the Courts (McKie, Prentice and Reed 1983: 53).

From 1867 and 1968, adultery had been the only legally recognized ground for divorce in most of Canada.<sup>97</sup> The *1968 Divorce Act*, the first Canada-wide piece of legislation on marital dissolution, changed a number of things. First of all, it expanded the list of fault-grounds that entitled a petitioner to immediate divorce. It also equalized the grounds for petition for both genders, finally overturning the double standard, which had remained rooted in the law for so many decades. Grounds were expanded to include mental or physical cruelty, addiction to alcohol or other drugs, sodomy, bestiality, and homosexual acts (Divorce Act 1967-68, chapter 24, 3-4).

The normative definition of the “uncivil” spouse, then, was much more clearly defined in this piece of legislation. “Marital abjection” took on deviant connotations that commingled spousal inadequacy with other forms of criminality already well defined in legal codes such as: violent behavior and assault, substance abuse, and sexual perversion, including sodomy, bestiality and homosexuality.

Until 1968, the concept of abandonment had been a quintessentially male marital sin. However, with the 1968 *Divorce Act* legal language became gender neutral, and this transformed the definition of the overall “civil” marital subject. The liability to domestic protection and financial security, that abandonment

---

<sup>97</sup> Nova Scotia also recognized cruelty as grounds, and New Brunswick recognized frigidity, impotence and consanguinity. New Brunswick was the only province to ever acknowledge sexual and reproductive failure on the part of either spouse as “fault” or “offence” against marriage (Dranoff 2001: 249; Nelson 2006: 331).

entailed, could be now applied to both the wife and the husband. Normatively speaking, this extended the list of “rights” and “duties” that *both* spouses owed each other including: sexual access, intimacy, childcare, and economic support. Thus, the legal definition of the “abject” spouse expanded the definition of the “civil” spouse as well.

It is important to note that, if upon first sight, legislative efforts appeared to be facilitating obtaining a divorce — thus, in a sense, de-regulating the intricacies of judicial mechanisms — at the same time they were greatly extending the reach of the law. The state’s regulative controls were therefore expanding, not diminishing. As Cossman and Fudge have argued, this was an example of state re-regulation (2002: 19-20).

One last legal innovation that occurred with the 1968 *Divorce Act* was the preliminary codification of a “no-fault” divorce, which permitted dissolution on grounds of unspecified marital breakdown. Marital breakdown included separation for a three-year period, as well as a joint agreement between the spouses that the marriage had ended. If one of the spouses refused divorce, the 1968 *Divorce Act* required that a period of five years pass from the time of separation. After five years, application could be made for divorce, regardless if one of the spouses did not wish for the union to end.<sup>98</sup>

---

<sup>98</sup> This act was designed to preserve marriage: lawyers hired to represent each spouse were legally bound by this act to propose and insist upon reconciliation, as well as discuss various forms of couple therapy. Moreover, the judge presiding over divorce procedures would determine whether reconciliation was permissible: he/she had the right to enforce the maintenance of the marriage if he/she judged that grounds for divorce were insufficient, not serious enough or, simply, if there was still “hope” for the pair (Dranoff 2001: 250; Nelson 2006: 331). If a judge felt there was insufficient evidence for matrimonial fault or of marital breakdown, he

Although the 1968 *Divorce Act* included a no-fault clause, effectively it did not challenge the notion of “fault-based” divorce. In fact, only one spouse could petition for divorce regardless of whether the divorce was taking place for spousal fault or not. In this manner, the fault concept would inevitably permeate all grounds for divorce, until the 1985 *Divorce Act* was passed (McKie, Prentice and Reed 1983: 9).

### **5.6 Divorce Law in Canada, 1985 to the Present**

Debate on divorce law continued into the 1970s. The bone of contention remained the issue of “fault” in divorce legislation. These grounds for marital dissolution presupposed that in all separations one spouse was negligent or guilty, while the other was innocent. Fault-driven divorce in Canada was proving to have the deleterious effect of pitting one spouse against the other, placing the judicial system in between the two. Originally devised to reduce the incidence of divorce by keeping all salvageable marriages from dissolving, it had effectively transformed the judiciary into a relationship arbiter.

The legal system thus remained, in the words of McKie, Prentice and Reed, “overly scrupulous and time-consuming” (1983: 8) Lawyers and judges were forced to provide relational counseling, often to no avail: spouses would haggle over property and custody, and after a long and bitter process, would still

---

or she could deny the petitioners the right to divorce. In one 1976 case, divorce was denied to a woman whose husband refused to let her work outside the home. In a 1980 case, divorce was denied to a husband whose wife had undergone an abortion without his knowledge. The presiding judges ruled against divorce in both cases, arguing that the actions of the spouses “at fault” were not sufficiently severe to warrant the invocation of “mental cruelty” (Dranoff 2001: 249-250; Nelson 2006: 331).

divorce (McKie, Prentice and Reed 1983: 8). State efforts continued to seek easier legal and administrative solutions to the issue of divorce. Various committees and commissions on divorce legislation were set up in the 1970s to provide recommendations for legal reform.

In 1976 the Law Reform Commission published the *Report on Family Law*. This document recommended that grounds for divorce be drastically simplified into one basic concept, that of “marital breakdown.” The report argued that this legislative change would reduce the hostility that marred the traditional and adversarial approach to divorce, and promote more constructive resolutions to family disputes upon separation. The report also recommended that separate courts for family adjudication be established across the country, with exclusive jurisdiction over family law issues (Douglas 2001).<sup>99</sup>

Finally, in 1985, a new divorce act was passed, bringing significant changes in the law, and widening all available grounds for dissolution. One of the legal innovations introduced in 1985 was a provision that allowed parties to file for divorce jointly. Such a joint petition could be filed on the grounds of marital breakdown (Douglas 2001; Nelson 2006: 331). According to Peters, this simplification of divorce procedures reflected Canadian society’s endorsement of individualism and gender egalitarianism (1987: 77). And indeed the commitment to gender equality already prevalent in the 1968 act was expanded in this new piece of legislation. However, a closer inspection of the document reveals that state apparatuses actually furthered the process of “social privatization” in law,

---

<sup>99</sup> This particular recommendation has been only partially followed, through the creation of Unified Family Courts for some cities in Canada (Douglas 2001).

through which state services and financial support have been retracted, and made the responsibility of individual citizens. Legal discourse has thus privileged values of independence and self-sufficiency, effectively promoting the self-governance of subjects in a manner that is more logistically and financially advantageous to the state.

Essentially, under the new divorce act, spouses have been given the responsibility to decide to dissolve their marriage. The courts' role has been reduced to that of mere "administrator." Courts have been given the mandate to ensure that proper legal procedures are followed upon the dissolution of the relationship. The regulation of some spousal affairs, then, has shifted to the private sphere. Only in cases of disagreement between the spouses do courts step in to adjudicate on the fiscal dissolution of the union.

However, if the couple has children, the state continues to hold authority over the adjudication of child support: a provision in the Divorce Act ensures that reasonable arrangements have been made for the support of the offspring and that responsibilities for childcare have been properly resolved. Also, if the divorce applicant is receiving welfare, the amount of state involvement in the administration of his/her affairs continues to be quite high.

With the 1985 *Divorce Act*, divorce can still be obtained through a "fault" claim, with only one spouse filing for divorce, as long as spouses can prove that they have lived separately and apart for at least one year. They can also petition on the grounds that the non-filing spouse has committed adultery, or perpetrated acts of physical or mental cruelty that has rendered continued cohabitation

impossible (Rogerson 2002: 128; Nelson 2006: 331). The petition can include claims for support, and custody of or access to children. Also, if the parties have resolved all outstanding issues between them, or if no relief other than a divorce is sought, and the “offending” spouse is not responding to it, divorce can proceed as uncontested (Douglas 2001).<sup>100</sup>

The new divorce act was designed to be gender neutral — with gender no longer the basis in awarding financial support, dividing assets, or determining custody of any dependent children. It also encouraged self-sufficiency, exhorting ex-spouses to become financially independent from each other (Nelson 2006: 332). The act thus included a list of objectives for spousal support orders, specifically designed to avoid economic disadvantages to either spouse or their children.<sup>101</sup>

At this legal juncture it is evident that the efforts of the state to promote self-governance in subjects ensured advantageous “administrative” fallouts for the state itself. The economic self-sufficiency clause is a clear example of the way in which state apparatuses have created the circumstances to allow citizens

---

<sup>100</sup> It is important to note that the act still required lawyers to discuss the possibility of reconciliation with the disputing spouses; it also required that judges ensured that there was no “realistic possibility of reconciliation” between them before granting a divorce. Generally though, the act urged the divorcing pair to seek out settlements and mediation outside the court system, with the help of a third party (Douglas 2001). A clear move towards privatization and self-governance is evident here.

<sup>101</sup> Various factors were utilized to calculate support, such as economic affluence of each spouse, presence of children, the length of time the spouses had lived together, and the spouses’ roles or functions during their cohabitation. The law stipulated that support had to be awarded in recognition of any economic advantages or disadvantages to the spouses resulting from the marriage or its breakdown. It awarded a division of funds to ensure proper childcare (Douglas 2001).

to govern themselves (Purvis and Hunt 1999: 470; Rose 1994: 389). Judicial responsibilities, entailing considerable costs, have been reduced, and the economic burden has been shifted from the public purse to the private purse of the divorcees involved. At the same time, legislation has re-entrenched the fiscal duties of the ex-spouses in support of their disintegrating family, thus at once exonerating state involvement and re-regulating responsibilities.

Divorce laws apply if the couple seeking divorce is married; yet, if the couple is not married, or is married and separated, but not yet divorced, then provincial regulations apply. In case of conflict, the federal rules always take precedence. Spouses must share assets in case of marital dissolution, yet the precise definition of what constitutes “property” or a “family asset” varies.<sup>102</sup> Understandably, this issue left the system open to inconsistent enforcement and distributive practices across each jurisdiction (Dranoff 2002: 276). Until 1997, child support agreements were based on a principle of shared responsibility between partners, calculated in proportion to the parents’ relative ability to pay.

---

<sup>102</sup> In theory, upon marital breakdown, the “family assets” to be shared were all things used by both spouses and their children: the house and its contents, other real estate, all financial assets (bank accounts used for family purposes, pension plan credits, RRSPs and investments), cars and other vehicles, and any other assets accumulated jointly during marriage. Yet, there is great variation from province to province regarding the division of non-family or business assets, as well as gifts, inheritances, employment. Therefore, family assets are not always “fairly” shared. Also, less tangible family assets, such as one spouse’s enhanced earning power resulting from professional degrees, work experience, or other investments in “human capital”, are extremely difficult to “price” and divide (Glendon 1981: 78). The inevitable result is that: “When property is legally divided in divorce, the wife may get an equal share of tangible property, such as the house or savings, but that does not usually put her on equal footing with her former husband” (Riedmann et al. 2003: 466).

Since 1997, applications for child support have been based on a new legislation, the federal *Child Support Guidelines*, Bill C-41. Since the passage of this bill, on May 1<sup>st</sup>, 1997, child support has been governed according to provincial or federal guidelines. If the couple divorcing is married, then the federal legislation applies. Provincial legislation applies if the couple seeking separation is not married, or is married and separated, but not yet divorced. In case of conflict, once again, the federal rules are always paramount.

Saskatchewan, Ontario, Prince Edward Island, Newfoundland, British Columbia, New Brunswick, Manitoba, Nova Scotia, the Northwest Territories and Yukon have adopted or slightly modified the Federal Child Support Guidelines for application in provincial family law matters. Quebec has passed its own set of guidelines in May 1997. Alberta has not yet adopted guidelines, and has opted to monitor the effects of the Federal Guidelines for a period of time. It has passed legislation, but these regulations are awaiting proclamation (Douglas 2001).

The self-sufficiency clause stipulated that spousal support agreements be designed to promote financial autonomy within a reasonable time period following the divorce. In 1987 the concept of a “clean financial break” in divorce was supported by the Supreme Court in three cases, *Pelech*, *Caron* and *Richardson*, which established important precedents for the distribution of spousal support (Douglas 2001; Nelson 2006: 332).

This trio of cases involved economically needy ex-wives who were asking for additional spousal support, but had already finalized separation agreements, which had effectively foreclosed any more financial aid from their ex-husbands.

All petitions were rejected, and this seemed to have established, once and for all, the desirability of having spouses make a clean break from each other, by settling finances permanently. But these cases would have important and grave economic repercussions, and would become the subject of much debate and judicial consideration in following years (Douglas 2001; Nelson 2006: 333).

The application of these precedents has had serious consequences. The 1985 *Divorce Act* was based on the assumption that men and women are equally able to provide for themselves financially. In reality, women still face significant economic disadvantages when leaving a marriage, due to systematic inequalities in the workforce, and the employment realities that they face upon re-entering the world of work, after having put their careers on hold to care for a family. The over-emphasis on self-sufficiency in spousal support was therefore based on an unrealistic approach to women's economic position in Canadian society (Douglas 2001; Coontz 2000: 13).

And in fact, the self-sufficiency assumption has not withstood the test of time: it has been gradually weakened by courts across Canada, and finally abolished by the Supreme Court of Canada in *Moge v. Moge*. This was enacted by Madam Justice L'Heureux-Dubé, who, citing statistics drawn from the Department of Justice *Evaluation of the Divorce Act: Phase II*, has argued that a disproportionately high number of women living in poverty in Canada have been made to do so by divorce processes and their economic effects (Douglas 2001; Nelson 1996: 333).

Discursively speaking, the concept of a “clean financial break” was an evocative self-government trope; its legal implementation however has back-fired and made dissolving families increasingly dependent on state apparatuses for financial assistance. The judicial system had since reacted to address these problems. Courts have developed a series of policy considerations based on an equitable sharing of economic consequences to be applied in future spousal support cases. Self-sufficiency is no longer the objective that judges seek in spousal support awards. Since the *Moge* decision, courts have reinstated the concept of compensatory support, and spousal support has been newly approached as a serious legal obligation. Given the range of objectives set out in the act, and the financial realities of families, it is not surprising then that there is little predictability and consistency in the way spousal support is awarded in Canada (Douglas 2001).

Regardless of its administrative success, it is important to note that the law has been reconfigured, once again, in favor of privatization. Legal mechanisms have been honed to better enforce the private financial management of dissolving families. As a result, spouses with the strongest financial picture are once again been “persuaded to bear the financial burdens for their ex-partners and children.

## **5.7 Civilizing “Uncivil” Relationships: The Management of Common-Law Unions in Canada, 1950 to the Present**

Since 1981, when the Canadian census began collecting data on common-law unions, rates of cohabitation have risen steadily. That year, 356,605 couples were living in non-married relationships. By 1986, the number of cohabitating pairs rose to 973,880. In 1991, 1,438,550 were reported and in 1996, the number of common-law couples rose to 1.84 million.

Since the start of the census tabulation, the percentage of couples living in non-married relationships has increased by 158 (Wu 2000: 43). Data from the 1995 general social survey have shown that 57 per cent of Canadians entering their first unions between 1990 and 1994 chose cohabitation, compared to 15 per cent in the 1970s. Also the percentage of births taking place outside wedlock has risen by 13 per cent in 1980 and to 30 per cent in 1994 (Le Boudrais, Neill and Vachon 2000: 86).

Census data have also shown that there is a correlation between age and cohabitation rates: it is most common among young people, especially those between 20 and 29 years of age. Yet, the greatest increase in cohabitation between 1981 and 1996 has been recorded for an older age group, 50 to 54, with rates increasing by 221 per cent (Wu 2000: 45). Census data also show that it is a popular form of relationship among people surviving a marriage break-up (Wu 2000: 49, 53; Wu and Balakrishnan 1994: 723).

The 2006 Canadian Census established common-law-couple families to be 1,376,865. Their proportion has risen from 2001 from 13.8 per cent to 15.5 per cent, a staggering climb, considering that two decades ago they accounted for only 7.2 per cent of all families (The Daily 2007).

The issue of cohabitation had not been a paramount topic in Canadian legal codification until very late, the late 1980s and early 1990s. It first made its appearance in an oblique manner, in various pieces of legislations that carried forth the process of social privatization discussed by Purvis and Hunt, Cossman and Fudge, and other authors discussed the first section of the chapter. Not surprisingly, the process of re-regulation can be discerned in this legal area as well!

After World War II, federal family law began to move towards the “responsibilization” of the male breadwinner, to ensure that he did not abandon his dependants. Ursel has argued that the expansion of welfare measures went hand in hand with more precise familial regulation that enforced financial obligation on private citizens, and attempted to exonerate the state until all other support sources had been exhausted (1992: 143).<sup>103</sup>

Already present in 1919, regulation of common-law unions began truly to proliferate in the 1950s. The first important pieces of legislation that deserve mention are related to pension benefits. Like other forms of familial law in the period, these legal codes had a markedly hetero-centrist and patriarchal slant, assuming that all couples and families were based on a gendered division of labor in that women were financially dependent upon men.

In 1955, the definition of “cohabitant” was included in the *Defence Services Pension Continuation Act*. The term specifically referred to a surviving female partner who could prove she had been “maintained” for seven years by

---

<sup>103</sup> For example, the *Old age Pension Act* and the *Parents Maintenance Act* were introduced and, simultaneously, other distributive regulations such as *The Mother's Allowance Act*, were made more restrictive (Ursel 1992: 143).

the deceased soldier. Similarly, under the 1959 *Canadian Forces Superannuation Act*, and the 1966 *Pension Plan*, common-law spouses were permitted to apply for pensions. However, the validity of these unions was extremely difficult to prove, as it was up to the Minister's discretion whether or not a female common-law partner was eligible for benefits (Cossman and Ryder 2000: 17-18).

During the 1970s, the increase of non-marital cohabitation prompted state apparatuses to begin to extend benefits, in an ad hoc manner, to heterosexual cohabiting couples. Over the following two decades, private family law grew and extended support obligations and provisions in the case a cohabitation agreement had been drafted between partners. Cossman and Ryder, who have documented the expansion of federal and provincial regulation, have commented that in the context of provincial financial assistance, the state has tended to take an "expansive" approach to the recognition of spousal relationships. It has done so by specifically privatizing support obligations, in an attempt to reduce its own welfare costs (Cossman and Ryder 2000: 20).

At the federal level, the rights of cohabiting couples were extended and strengthened in pension statutes but nowhere else, until the 1990s. The 1975 *Old Age Security Act* included a clause that defined "spouse" as a person of the opposite sex that had cohabited with the recipient of the subsidy for at least one year. In the 1970s, similar advancements were made in the *Canada Pension Plan* and employment pension statuses. The 1990s saw further expansion of the definition of "spouse": in 1992, the *Pension Benefits Division Act* was drafted to

include common-law couples of the opposite sex that had shared a dwelling for at least one year. In 1993, the *Income Tax Act* was similarly expanded and in 1995 so was the *Members of Parliament Retiring Allowances Act* (Cossman and Ryder 2000: 20). And the expansion of benefits was not limited to heterosexual pairs:

More recently, the expansion of spousal definitions has been propelled by the constitutional norms of equality, which require the removal of discrimination on the basis of marital status. This process of expanding the legal recognition of spousal-like relationships also began to be applied to same-sex couples, as constitutional norms increasingly required the removal of discrimination on the basis of sexual orientation. (Cossman and Ryder 2000: 20)

The mobilization of same-sex advocates, and politicization of the issues around the integration of same-sex couples into marriage, common-law and family law, has been extremely successful. I shall discuss this particular issue in the concluding section of the chapter.

The meaning of cohabitation, then, was not clearly dealt with or transparently defined in Canadian legal codification until the late 1980s and early 1990s, a time in which it was finally recognized and legitimated first in provincial family law, and eventually in federal law as well (Nelson 2006: 318; Dranoff 2001: 99; Wu 2000: 161; Merin 2002: 160). It was first raised in the judicial arena in the 1950s, in a number of litigation cases. What was at stake in these instances was not its official recognition, but its dissolution. Common-law unions first “blipped” onto the legal “radar” in provincial court cases relating to break-ups. Thus, it was the “abject” disintegration of an “illicit” union — not even yet recognized by the

state — that demanded legal attention, and would eventually prompt its catharsis to legitimacy.

Non-marital relationships were the domain of family law, and therefore fell under provincial jurisdiction. The status of common-law partners, and their fate in case of relational breakdown, thus drastically varied according to the province in which they lived (Wu 2000: 161). The first proliferation of provincial legislation regarding common-law unions had to do with spousal support, rights of occupation of the familial dwelling, intestacy, and cohabitation agreements. Provincial law first attempted to regulate the administration of assets upon dissolution, yet this type of legislation remained scarce up to the late 1980s (Wu 2000: 161).

Until the year 2000, when the federal government passed Bill C-23, the *Modernization of Benefits and Obligations Act* (Merin 2002: 161; Bailey 2000: 3; Nelson 2006: 318), there were drastic and fundamental differences between the property rights of married partners and common-law partners. Wu states:

...a common misconception about cohabitation is that couples who cohabit for a certain period are actually married as far as the law is concerned (e.g., property rights). The term 'common-law marriage' compounds this confusion. (Wu 2000: 166)

In marriage, in those years, shared properties and business assets acquired during the union were generally considered joint property; for cohabitants however, family property was generally limited to the familial home (Wu 2000: 162). The issue of spousal support was dealt with very differently depending on the province of residence. The length of the relationship, among other things, had an impact on whether or not compensation could be attained. In

Nova Scotia, for example, one year was sufficient to petition for spousal support, yet in Ontario three years were required (Wu 2000: 162). While spouses shared possession of the family dwelling and had rights of occupation, cohabitants were not granted such rights. In cases where a partner passed away without a will, his or her surviving common-law partner did not have the right to inherit any properties their partner may have had in their name (Wu 2000: 163).

Eventually, some provinces created legislation to close the gap between marriage and common-law unions, passing detailed laws on familial rights and duties (Merin 2002: 160-170). These strictly defined who could enter and exit marriage and marriage-like relationships, how to share property and assets, and how to manage contractual agreements. They also strictly outlined the ways in which children had to be cared for in case of dissolution, and the ways spousal support had to be allotted between partners in view of this care.

In Ontario, *The Ontario Family Law Act*, passed in 1990, defined “common-law” partners, in relation to the issue of support, in a very specific way: they had to be either a man and woman, not married to each other, but who had cohabited continuously for a period of no less than three years; they had to be partners who had embarked “in a relationship of some permanence”; they could also be the natural or adoptive parents of a child (Family Law Act 1990: 1.1 b).

In British Columbia, the *Family Relations Act*, passed in 1996, extended the definition of spouse to persons of opposite or same-sex, who had lived together in a marriage-like relationship for a period of at least two years, were

parent to a child, or shared guardianship of a child (Family Relations Act, 1996: 1.1 b).

Nova Scotia passed the *Matrimonial Property Act* in 1989. Therein, the definition of spouse applied to a man or a woman, who were married to each other, or who had lived in marriage-like relationships, for at least one year (Matrimonial Property Act 1989: 2.G, iii).

In 2000, Parliament passed Bill C-23, the *Modernization of Benefits and Obligations Act*, extending many rights and obligations, up to the then exclusive domain of marriage, to common-law partners of both heterosexual and homosexual orientation (Bailey 2000: 3; Merin 2002: 160). It has equalized the treatment of opposite sex and same-sex couple under 68 federal laws, including the right to file joint tax returns and immigration rights. Yet, the list of benefits and rights that are associated with marriage, and that heterosexual and homosexual common-law partners have no access to, is lengthy. For example, shared employee benefits in the private sector, spousal income tax deductions, parental tax deductions by a non-biological co-parent for a partner's biological child, transfer to a surviving partner of Registered Retirement Savings Plans, are not included (Merin 2002: 161).

### **5.8 The Law as “Social Barometer”: The Circularity of Normalization**

“...the same liberal shift that brought [the country] no-fault divorce and high rates of marital breakups now brings gay people to the altar.”  
(Eskridge 1999: 230)

In the first chapter, I argued that normalization functions in a circular manner. The discursive stipulations of the law (such as the legislation of

mandatory and exclusive monogamy in marriage) are mechanisms that actively seek to confine, limit or prohibit specific sets of sexual and relational acts. These strict definitions provide a schematic model for proper behavior, yet, automatically, they also define “illicit” and “abject” conduct as well. These strict definitions can have the unplanned effect of “opening up” to discourse the same identity definitions and schemas for behavior that they had tried to impose upon their subjects.

The advent and entrenchment of new types of pairing, such as common-law unions, can be understood as the “abject” result of the strict normalization of marriage in the law. We have seen that since World War II the popularity of marriage has dwindled. Individuals have chosen to pair up outside marriage, as well as to abandon unsuccessful marriages, embarking on new relationships that the law did recognize. Many, then, chose to live “abject” relationships which had been specifically chosen in rejection of, and in resistance to, “proper” matrimonial behavior sanctioned by the state. The mirroring effect of this codification of strict life-long monogamy, then, was its subversion, through out-of-wedlock unions, spousal abandonment, promiscuity and serial monogamy. This can be considered the first circular “gyration” of normativity in relation to the recent history of the codification of licit relationships in Canada.

Yet, normativity has had very successful remedial strategies. These took the form of a renewed legislative commitment on the part of the state to the family and heterosexual monogamy, even if in an oblique manner, in the state's sponsorship of self-governance through privatization. Monogamy then, was not

abandoned, or deemed to be an impractical familial arrangement, unworthy of state sponsorship. On the contrary, the state accepted and legitimized its latest development into its more “serial” format, by introducing legislation that recognized common-law partnerships as equal to marriage. By legitimizing common-law unions, states exempted themselves from a number of logistical legal duties as well as administrative responsibilities to their subjects, privatizing familial support at all levels of relational “commitment.”

The once “abject” subject, the persona of the common-law partner — who up to then had been forced to live “outside” state recognition and sponsorship — was now “claimed back” by the state and re-folded into propriety and legitimacy. This had the desired effect of once again imposing familial and fiscal responsibility on those who had been temporarily able to escape it. In many ways this second wave of normativity had marked conservative effects on relational governance.

The privatizing dimension of these developments is important — it is imperative to remember that the state extends recognition because it is committed to the project of making its citizens govern themselves, and manage themselves fiscally as well. Common-law relationships have become acceptable because they made partners responsible for each other’s (and potentially their children’s) economic wellbeing. Thus, extending spousal benefits and those “duties” associated with marriage to common-law partners, was a logical maneuver for the state, because it exonerated it from social and economic responsibility in case of dissolution.

But new groups would soon demand recognition and relational legitimacy! Same-sex couples, buoyed by the legalization of common-law union, mobilized to lobby for the extension of the same rights for themselves. This appeal to new membership the state would be quite reluctant to take on. The newest “spawn” of normalization, its most recent shoot of “abjectivity,” is the same-sex rights movement, in the form of the politicization of same-sex marriage, relationship and family rights. This would be the third “gyration” in normativity in relation to the recent history of codification of relationships in Canada.

The politicization of same-sex marriage has been common to all Western democracies: according to Merin, it is a direct effect of the development of no-fault divorce law and the proliferation of common-law legislation, legislation that stems from the gradual entrenchment of gender equality in the law (2002: 37). Thanks to the increased attention to gender inequalities and those laws designed to overcome them, same-sex couples have been provided with a leverage point in legal debates. Like heterosexual common-law partners before them, same-sex couples have entered discourse and now exert pressure on the definitions of “relationship” and “family” as articulated by the law. Thus, same-sex rights advocates have managed to effectively demand state recognition, and now seek membership into the institutions sponsored by the state. This recognition would translate into financial, status and cultural benefits, as well as responsibilities and duties.

In Canada, these movements have been effective in securing recognition by the state. In 1996, the discursive “rolling snowball” of same-sex rights had

gained enough momentum to push through institutional change: the Human Rights Commission, having deliberated the *Moore & Akerstrom v. Canada* case, extended many public sector benefits to same-sex cohabiting couples (Merin 2002: 160). In February 2000, the Liberal government introduced an omnibus bill, *The Modernization of Benefits and Obligations Bill* (Bill C-23). Proposed was the amendment of 68 federal laws, to extend to same-sex partners the same rights and benefits that heterosexual common-law couples enjoyed. Among these benefits were the right to file joint tax returns, immigration rights, and other governmental benefits (Merin 2002: 161).

The bill passed on April 11, 2000, by a vote of 174 to 72, and was approved unamended by the Senate on June 14, 2000. From this moment on, the status of same-sex couples has thereby been equated with that of unmarried heterosexual common-law partners. Most discrimination against same-sex couples by Canadian federal laws has been eliminated. Yet, the list of benefits and rights that are associated with marriage, and that same-sex couples still do not have access to, is lengthy. Shared employee benefits in the private sector, spousal income tax deductions, parental tax deductions by a non-biological co-parent for a partner's biological child, transfer to a surviving partner of Registered Retirement Savings Plans, are not included (Merin 2002: 161).

With the passing of the omnibus bill, the government explicitly stated that it had no intention of changing the definition of marriage in the law to include same-sex marriage. The House of Commons followed this statement with a resolution, passed to a vote of 216 to 55, that reinforced the commitment to

maintain marriage as the union of “one man and one woman to the exclusion of all others,” it was also declared that Parliament would take all “necessary steps” to preserve this definition of marriage in Canada (Casswell in Merin 2002: 161-162).

This resolution had no real legal effect on the law, yet it clearly showed a stern and stubborn lack of willingness on the part of the federal legislature to give institutional recognition to same-sex marriage. Bill C-23, moreover, already included a clause that banned same-sex marriage, by defining marriage as a heterosexual-only institution (Merin 2002: 162).

It is unsurprising then to find a return to reproduction and specifically, the “reproductive disabilities” of same-sex partners, in the conservative propaganda put forth by various state officials. Once again, the state has shown a strong commitment to the family as social reproductive nexus for society, characteristics that only a heterosexual (and monogamous) pair can provide.

The same-sex movement has since been successful in securing full marriage rights in Canada, becoming legal in some parts of Canada since June 2003, and in all parts of Canada since June 2005.

## **5.9 Conclusion**

In this chapter I argued that the analysis of the law is important to the study of sexual governance and pairing. Monogamy is a practice that continues to be enforced through a complex legal apparatus that comprises marriage, divorce and family law in Canada. I provided an account of the way in which normative monogamy remains embedded in codes that regulate the forms sexual

and intimate unions can take, and the fiscal distributive practices through which states dole out goods and services.

I argued that the law functions both repressively and normatively. On the one hand, the law polices “erotically uncivil” subjects, by intervening in instances of deviation from normative erotic civility; on the other, it operates as a normative force, participating in the discursive construction of erotic civility *itself* and, in a related manner, defining the relational “civil subject.”

I argued that specific processes of privatization and re-regulation have characterized the development and evolution of judicial mechanisms in Canada since the turn of the twentieth century. State regulation has progressively moved away from strong “conservatism” — which sponsored strict monogamy by actively resisting marital dissolution through the creation of institutional barriers to divorce — to a discreet progressivism, which has made the dissolution of marriage unions easier.

Upon rigorous examination, the legal developments on paired behavior were revealed to be forms of privatization through re-regulation, not deregulation. The function of the law was shown to have intrinsically altered, as legislative mechanisms changed to become normative apparatuses, participating in larger normative projects for the creation of “responsible” intimate sexuality. Legislation attempts to instill sexual self-governance in individuals. At the same time, it re-centers a specific form of familial structure, the nuclear, heterosexual and reproductive family as the teleological goal for erotic civility.

I also argued that developments in the law can be approached as reactionary responses to marriage law, common-law and divorce law have come about in light of sexual and relational behavior that the state had not anticipated. From this perspective, the juridical system can be approached as a textual barometer of social change. The stages of its mutations can be interpreted as the state's reactions to contain and curtail certain undesirable social acts that emerged in response to normalization itself.

## Conclusion

This dissertation has concerned itself with sexual governance. In North America, from the 1850s on, there has been an increase in both state centered and non-state centered regulation of sex. Sexuality has been made the object of scientific investigation by many social sciences, and the target of legislative and punitive efforts. Interests in the realm of sexuality have splintered off in a myriad of directions, producing new definitions and new programs for the policing of sexual behavior, as well as for the “care” of sexuality.

The pair has enjoyed special status within these regulatory efforts because conceived as the indispensable social unit for reproduction and familial formation. The issue of monogamy, as comportment intrinsic to pairing, and to the establishment of the family and its maintenance, has therefore been the object of medical treatises of social hygiene, programs for the preservation of communal morality, marriage and family law. The dissertation has specifically studied sexual governance through the pair and monogamy.

I have argued that in present day North American society the sexual governance of paired behavior is exercised through two processes: the normalization of “erotic civility” and the institutionalization of monogamy through marriage and marriage-like relationships in the law. Sexual governance then has been ensured, on the one hand, through the normalization of a specific form of “civil” sexual comportment. This “civil” intimate eroticism has been defined as dyadic, committed and contained, and epitomized in the loving heterosexual pair. On the other hand, sexual governance has been fostered through a process of

direct regulation in the mechanisms of the law, which has stipulated the forms that unions can take, and the ways in which individuals must act in the eventuality of their dissolution. These two-pronged governance trajectories allow for the *direct sexual governance* of subjects, yet also permit individuals to *sexually govern themselves*.

Normalization is a governance process that is indirect and insidious, and takes place through the normative apparatus of what I have termed erotic civility. Erotic civility, I have argued, is a conglomerate of normative injunctions, comprising all the “proper” and “licit” characteristics and behavioral dispositions in human sexuality, be they related to the body, to gender, to orientation, to appetite, to reproduction, as well as to form.

The sexually and emotionally exclusive pair is part of this conglomerate, and is a powerful symbol and a seductive teleology for relational life. It stipulates the ontological schemas that allow subjects to “fit” into the parameters of “proper” masculine and the feminine genders. It provides the “erotic rules” to participate in the “game” of intimate relationships, equipping individuals with the “practical sense” on how to engage in relational life.

Normalization thus effectively brings regulation within subjects as individuals aspire to live up to the idealized version of paired intimacy that have been advertized by the discursive construct of erotic civility. Individuals live out their erotic and intimate lives unaware that their erotic options have been drastically reduced and limited, effectively self-governing in their efforts to enact a romanticized ascetic of monogamy that has seduced them with the mirage of

ultimate happiness. Subjects have been effectively transformed into sexually “docile bodies,” acting in socially prescribed “productive” and “reproductive” ways.

In the dissertation I have traced the evolution of erotic civility in the expert discourses of medical science, in classic European sexology and in its North American modern counterparts. I also mapped out the evolution of erotic civility in more popular discourses on sexuality, analyzing texts on statistical studies on sexual behavior, as well as marriage and sex manuals in the genre of self-help works, which were compiled by doctors, counselors and other “pseudo-experts” for mass consumption.

I have shown that within these discourses sexuality was cast as an indispensable aspect of human existence, an area of life that could be cultivated in a manner that could give subjects access to self-fulfillment and relational happiness. I have contended that specific sexual characteristics were assigned to each gender, producing ontological blueprints for masculinity and femininity, as well as gender scripts for proper behavior according to those blueprints.

I have explained that the scripts these discourses have advocated have changed drastically over time, reflecting the changing historical, political and cultural environment that engendered them. In similar ways, the symbolic casting of the “ideal relationship” has evolved and changed, at times supporting normative monogamy and, at others, undermining it. I have demonstrated that the symbolic constructs of the pair, and the heterogeneous scripts that they have supported, have effectively oriented individuals to sexual and intimate self-

governance. They have encouraged subjects to engage in a continuous examination of their sexual and relational lives according to rarefied ontological and ethical parameters, and this “severe asceticism” has effectively predisposed them to serial monogamy.

I have contended that the discursive constructions of normal sexuality circulated by these texts have re-centered normative monogamy as the ideal form of relationship, insisting that it is in the pair that happiness and bliss are to be found. Yet, they have extended the parameters for emotional couplehood and sexual aptness, and increased the responsibilities and duties of each partner, to the point that makes such idealized relationships extremely difficult to emulate. Additionally, the discourse of self-affirmation through sex, and the invocation of a politics of “sexual rights” have given legitimacy to forms of sexuality that have not necessarily been monogamous. Subjects have thus continued to strive and attain the “right” relationship, a monogamous one, yet they have also been given the discursive justification to “step out” of a dissatisfying relationship, in search of “true” intimacy and love. The normative machinations in erotic civility have thus unwittingly predisposed subjects to serial monogamy.

I have argued that although sexual regulation has been increasingly exercised through norms and “in-folded” into subjectivity, older forms of relational regulation, juridical and punitive apparatuses, have persisted. I have contended that the role of the law in the regulation of paired behavior deserves rigorous analysis. I have illustrated that monogamy is a practice that continues to be

enforced through a complex legal system that comprises marriage, divorce and family law.

The norm of monogamy remains obliquely embedded in codes that regulate the forms sexual and intimate unions can take, and the fiscal distributive practices through which state apparatuses dole out goods and services. However, I have argued that with the advent of bio-politics, legal apparatuses have evolved beyond their coercive and administrative functions, to include normative ones as well. The law then is at once coercive, punitive, and constitutive. On the one hand, the law perpetrates the policing of “erotically uncivil” abject subjects, by intervening in instances of deviation from normative erotic civility; on the other, it operates as a normative force, which participates in the discursive construction of erotic civility *itself* and, in a related manner, defines the sexually civil subject.

I have argued that the institutional effects in the governance of paired behavior in the law in recent years have coalesced around three trajectories: the normalization of the civil subject as self-governing; the privatization of familial costs, that has shifted responsibility for social welfare from the state to the private citizen; and the expansion and intensification of the state’s regulatory efforts and reach in the realm of the pair and the family.

I have contended that since the 1960s Canadian law has been characterized by a process of “liberalization through privatization”. State regulation has progressively moved away from strong “conservatism” — which sponsored strict monogamy by actively resisting marital dissolution through the

creation of institutional barriers to divorce — to a discreet progressivism, which has made the dissolution of marriage unions easier. Legal mechanisms have institutionalized the self-governance of private affairs, especially in case of dissolution.

Yet, what at first glance appears to be de-regulation has actually been re-regulation: the mechanisms of the law have expanded exponentially, legislating with more and more detail the forms that sexual and intimate unions can take, and the ways they can break up. Also, the law has continued to intervene coercively in those instances in which citizens “fail” to self govern, acting to fiscally or criminally “punish” them or “reform” them according to the legal parameters of erotic and relational civility. In conclusion, the law can be understood as exerting its punitive abilities to specifically instill self-governance in the populace, through “a show of power” against those who refuse to adhere to norms of civil behavior.

### Works Cited

- Altman, M. (1984). Everything They Always Wanted to Know: The Ideology of Popular Sex Literature. In C. Vance & P. Keagan (Eds.), *Pleasure and Danger: Exploring Female Sexuality*. (pp. 115-130). Boston: Routledge.
- Ambert, A. M. (2002). *Divorce: Facts, Figures and Consequences*. (Rev. ed.). Retrieved June 20, 2005, from [http://www.vifamily.ca/library/cft/divorce\\_05.html](http://www.vifamily.ca/library/cft/divorce_05.html)
- Anderson K. L., Armstrong, H. Armstrong, P., Drakich, J., Eichler, M. Guberman, C., et al. (Eds.). (1987). *Family Matters: Sociology and Contemporary Canadian Families*. Toronto: Methuen.
- Aries, P. & Bejin, A. (Eds.). (1985). *Western Sexuality: Practice and Precept in Past and Present Times*. New York: Blackwell.
- Austin, S. & Silbey, S. (Eds.). (1994). *Studies in Law, Politics and Society* (Vol. 14). Greenwich, Conn.: JAI Press.
- Baker, M. (1996). *Families: Changing Trends in Canada*. Toronto: McGraw-Hill Ryerson.
- Bailey, B. (1988). *From Front Porch to Back Seat: Courtship in Twentieth Century America*. Baltimore: John Hopkins University Press.
- Bailey, M. (2000). *Marriage and Marriage-Like Relationships*. Retrieved June 15, 2005, from

<http://www.cde.gc.ca>

Bauman, Z. (2002). Individually, Together. In U. Beck & E. Beck-Gernsheim (Eds.), *Individualization: Institutionalized Individualism and its Social and Political Consequences*. (pp. xiv-xxv). London: Sage.

Beck, U. (1992). *Risk Society: Towards a New Modernity*. London: Sage.

Beck, U. (1994). The Reinvention of Politics: Towards a Theory of Reflexive Modernization. In U. Beck, A. Giddens & S. Lash (Eds.), *Reflexive Modernization: Politics, Tradition and Aesthetics in the Modern Social Order*. (pp. 1-55). Stanford: Stanford University Press.

Beck, U. & Beck-Gernsheim, E. (1995). *The Normal Chaos of Love*. Oxford: Blackwell.

Beck, U. & Beck-Gernsheim, E. (1996). Individualization and 'Precarious Freedoms': Perspectives and Controversies of a Subject-Orientated Sociology. In P. Heelas, S. Lash & P. Morris (Eds.), *Detraditionalization: Critical Reflections on Authority and Identity*. (pp. 23-48). Cambridge: Blackwell.

Beck, U. & Beck-Gernsheim, E. (2002). *Individualization: Institutionalized Individualism and its Social and Political Consequences*. London: Sage.

Beck, U., Giddens, A. & Lash, S. (1994). *Reflexive Modernization. Politics,*

*Tradition and Aesthetics in the Modern Social Order*. Stanford: Stanford University Press.

- Bejin, A. (1985). The Decline of the Psychoanalyst and the Rise of the Sexologist. In P. Aries, & A. Bejin (Eds.), *Western Sexuality: Practice and Precept in Past and Present Times*. (pp. 181-200). New York: Blackwell.
- Belanger, A. (1999). *Report on the Demographic Situation in Canada 1998-1999*. Ottawa: Statistics Canada.
- Bernauer, J. & Rasmussen D. (1994/1988). *The Final Foucault*. Cambridge: The MIT press.
- Bibby, R. W. (2001). *Canada's Teens: Today, Yesterday and Tomorrow*. Toronto: Stoddart.
- Birken, L. (1988). *Consuming Desire. Sexual Science and the Emergence of a Culture of Abundance*. Ithaca: Cornell University Press.
- Blackstone, W. (1832). *Commentaries on the Laws of England* (Vol. 1). New York: Collins and Hannay.
- Bloch, I. (1933). *Anthropological Studies in the Strange Sexual Practices of All Race in All Ages, Ancient and Modern, Oriental and Occidental, Primitive and Civilized*. (E. Vogel, Trans.). New York: Anthropological Press. (Original work published 1933).

- Boolos, G. (Ed.). (1990). *Meaning and Method. Essays in the Honor of Hilary Putnam*. Cambridge: Cambridge University Press.
- Bouchard, D. (Ed.). (1986/1977). *Michel Foucault: Language, Counter-Memory, Practice*. Ithaca: Cornell University Press.
- Bourdieu, P. (1977). *Outline of a Theory of Practice*. Cambridge: Cambridge University Press.
- Bourdieu, P. (1986/1983). The Forms of Capital. In J. G. Richardson (Ed.), *Handbook of Theory and Research for the Sociology of Education*. (pp. 241-258). New York: Greenwood Press.
- Bourdieu, P. (1990a/1980). *The Logic of Practice*. Stanford: Stanford University Press.
- Bourdieu, P. (1990b/1987). *In Other Words: Essays Towards a Reflexive Sociology*. Stanford: Stanford University Press.
- Bourdieu, P. & Wacquant, L. J. D. (1992). *An Invitation to Reflexive Sociology*. Chicago: Chicago UP.
- Bourdieu, P. (1997). Marginalia – Some Additional Notes on the Gift. In A.D. Schrift (Ed.), *The Logic of the Gift: Towards an Ethic of Generosity*. (pp. 231-241). New York: Routledge.
- Bourdieu, P. (1998a). *Masculine Domination*. Stanford: Stanford University

Press.

Boyd, N. (1998b). *Canadian Law: An Introduction*. Toronto: Harcourt Brace  
Canada.

Breecher, E. (1969). *The Sex Researchers*. Boston: Little, Brown and Co.

Brissett, D. & Lewis, L. (1970). Guidelines for Marital Sex: An Analysis of Fifteen  
Popular Marriage Manuals. *The Family Coordinator*, 19 (1), 41-48.

Bristow, J. (1997). *Sexuality*. London: Routledge.

Brown, H. G. (1962). *Sex and the Single Girl*. New York: 1962.

Brode, P. (2002). *Courted and Abandoned: Seduction in Canadian Law*. Toronto:  
University of Toronto Press.

Brunt, R. (1983). 'An Immense Verbosity': Permissive Sexual Advice in the  
1970s. In R. Brunt & C. Rowan (Eds.), *Feminism, Culture and Politics*.  
(pp.143-170). London: Lawrence and Wishart.

Bullogh, V. (1994a). *Science in the Bedroom: A History of Sex Research*. New  
York: Basic Books.

Bullogh, V. (1994b). The Development of Sexology in the USA in the Early  
Twentieth Century. In R. Porter & M. Teich (Eds.), *Sexual Knowledge,  
Sexual Science: The History of Attitudes to Sexuality*. (pp. 303-322).  
Cambridge: Cambridge University Press.

- Bullogh, V., Dixon, D. & Dixon, J. (1994). Sadism, Masochism and History, or When is Behavior Sado-Masochistic? In R. Porter & M. Teich (Eds.), *Sexual Knowledge, Sexual Science: The History of Attitudes to Sexuality*. (pp. 47-62). Cambridge: Cambridge University Press.
- Burbaker, R. (1985). Rethinking Classical Theory: The Sociological Vision of Pierre Bourdieu. *Theory and Society*, 14, 723-744.
- Butler, J. (1990). *Gender Trouble*. New York: Routledge.
- Butler, J. (1993). *Bodies That Matter: On the Discursive Limits of 'Sex'*. New York: Routledge.
- Butler, J. (1999). Performativity's Social Magic. In R. Shusterman (Ed.), *Bourdieu: A Critical Reader*. (pp. 113-128). Oxford: Blackwell.
- Calderone, M. S. (1960). *Release from Sexual Tensions*. New York: Random House.
- Caldwell, J. C. (1980). Mass Education as a Determinant of the Timing of Fertility Decline. *Population and Development Review*, 6, 220-231.
- Carter, R. B. (1999). Hysteria and Repression. In R. Nye (Ed.), *Sexuality*. Oxford: Oxford University Press.
- Chauncey, G. (1994). *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World 1890-1940*. New York: Basic Books.

- Chodos, H. & Curtis, B. (2002). Pierre Bourdieu's Masculine Domination: A Critique. *Canadian Review of Sociology and Anthropology*, 39(4), 397-412.
- Comfort, A. (1972). *The Joy of Sex; a Cordon Bleu Guide to Lovemaking*. New York: Crown.
- Coontz, S. (2000). Marriage, Then and Now. *Phi Kappi Phi Journal*, 80, 10-15.
- Cossman, B. (2002). Family Feuds: Neo-Liberal and Neo-Conservative Visions of the Reprivatization Project. In B. Cossman & J. Fudge (Eds.), *Privatization, Law and the Challenge of Feminism*. Toronto: Toronto University Press.
- Cossman, B. (2005). *Marriage, Sex and Adultery as Practices of Self Governance*. Toronto: University of Toronto Press, Faculty of Law.
- Cossman, B. (2007). *Sexual Citizens: The Legal and Cultural Regulation of Sex and Belonging*. Stanford: Stanford University Press.
- Cossman, B. & Fudge, J. (Eds.). (2002). *Privatization, Law and the Challenge of Feminism*. Toronto: Toronto University Press.
- Cossman, B. & Ryder, R. (2000). *The Legal Regulation of Adult Personal Relationships: Evaluating Policy Objectives and Legal Options in Federal Legislation*. Law Commission of Canada.

The Daily. (2007). "2006 Census: Families, marital status, households and dwelling characteristics." Retrieved May 10, 2008, from <http://www.statcan.ca/Daily/English/070912/d070912a.htm>

Davidson, A. (1990). Closing Up the Corpses: Diseases of Sexuality and the Emergence of the Psychiatric Style of Reasoning. In G. Boolos (Ed.), *Meaning and Method: Essays in Honor of Hilary Putnam*. (pp. 295-325). Cambridge: Cambridge University Press.

De Swaan, A. (1990). *The Management of Normality*. London: Routledge.

Dean, M. (1994a). *Critical and Effective Histories: Foucault's Methods and Historical Sociology*. London: Routledge.

Dean, M. (1994b). 'A Social Structure of Many Souls': Moral Regulation, Government, and Self-Formation. *Canadian Journal of Sociology*, 19(2), 145-167.

Deleuze, G. (1986). *Foucault*. Paris: Editions de Minuit.

Dickinson, R. L. & Beam, L. (1931). *A Thousand Marriages*. Baltimore: Williams and Wilkins.

Dickinson, R. L. & Beam, L. (1934). *The Single Woman*. Baltimore: Williams and Wilkins.

Divorce Act, 1967-68. Prefix to Statutes. 16 Elizabeth 11, Chapter 24.

Donzelot, J. (1979). *The Policing of Families*. New York: Pantheon Books.

Douglas, K. (2001, March 27). *Divorce Law in Canada*. Law and Government Division. Retrieved April 5, 2008, from <http://dsp-psd.pwgsc.gc.ca/Collection-R/LoPBdP/CIR/963-e.htm>

Dranoff, L. S. (2001). *Everyone's Guide to the Law*. Toronto: Harper-Collins Publishers Ltd.

Dreyfus, H. & Rabinow, P. (1982). *Michel Foucault: Beyond Structuralism and Hermeneutics*. Chicago: Chicago University Press.

Dumas, J. & Peron, Y. (1992). *Marriage and Conjugal Life in Canada*. (Catalogue 91-534). Ottawa: Statistics Canada.

Ellis, H. (1894). *Man and Woman: A Study of Human Secondary Characters*. London: W. Scott.

Ellis, H. (1910). *Sex In Relation to Society. Studies in the Psychology of Sex* (Vol. 6). New York: Davis.

Ellis, H. (1912). *The Task of Social Hygiene*. London: Constable.

Ellis, H. (1913). *Studies in the Psychology of Sex* (Vol. 2). New York: Random House.

Ellis, H. (1936). *Studies in the Psychology of Sex*. New York: Random House.

Ellis, H. (1948/1906). *Erotic Symbolism. Studies in the Psychology of Sex* (Vol. 2). London: W. M. Heinemann.

Ericksen, J. & Steffen, S. (1999). *Kiss and Tell: Surveying Sex in the Twentieth Century*. Cambridge, Mass.: Harvard University Press.

Eskridge, Jr., W. N. (1999). *GayLaw: Challenging the Apartheid of the Closet*. Cambridge, Mass.: Harvard University Press.

Family Law Act. (1990). Ontario. Retrieved April 4, 2008, from <http://www.canlii.org/on/laws/sta/f-3/20040802/whole.html>

Family Relations Act. (1996). British Columbia. Retrieved April 4, 2008, from [http://www.qp.gov.bc.ca/statreg/stat/F/96128\\_01.htm](http://www.qp.gov.bc.ca/statreg/stat/F/96128_01.htm)

Foucault, M. (1977a/1975). *Discipline and Punish: The Birth of the Prison*. New York: Random House.

Foucault, M. (1977b). History of Systems of Thought, Summary of a Course Given at College de France (1970-1971). In D. F. Bouchard (Ed.), *Language, Counter-Memory, Practice: Selected Essays and Interviews*. (pp. 199-204). Ithaca: Cornell University Press.

Foucault, M. (1978/1990). *The History of Sexuality* (Vol. I). New York: Vintage Books.

Foucault, M. (1980). *Power/Knowledge: Selected Interviews and Other Writings*.

Brighton: Harvester Press.

Foucault, M. (1982). Afterword: The Subject and Power. In H. Dreyfus & P.

Rabinow (Eds.), *Michel Foucault: Beyond Structuralism and Hermeneutics*. (pp. 208-226). Chicago: Chicago University Press.

Foucault, M. (1985/1990). *The History of Sexuality* (Vol. II). New York: Vintage Books.

Foucault, M. (1986). Nietzsche, Genealogy, History. In D. Bouchard (Ed.), *Michel Foucault: Language, Counter-memory, Practice*. (pp. 139-164). Ithaca: Cornell University press.

Foucault, M. (1988). *Technologies of the Self: A Seminar with Michel Foucault*. Amherst: University of Massachusetts Press.

Foucault, M. (1994). On the Genealogy of Ethics. An Overview of Work in Progress. In P. Rabinow (Ed.), *Michel Foucault: Ethics, Subjectivity and Truth*. (pp. 253-280). New York: The New Press.

Foucault, M. (1994/1988). The Ethic of Care for the Self as a Practice of Freedom. In J. Bernauer & D. Rasmussen (Eds.), *The Final Foucault*. (pp. 1-20). Cambridge, Mass.: The MIT press.

Gagnon, J. (2004). *An Interpretation of Desire. Essays in the Study of Sexuality*. Chicago: Chicago University Press.

- Gagnon, J. & Simon, W. (1973). *The Sexual Scene*. New Brunswick: Transaction Books.
- Gay, P. (1986). *The Tender Passion: The Bourgeois Experience: Victoria to Freud* (Vol. 2). New York: Oxford University Press.
- Giddens, A. (1990). *The Consequences of Modernity*. Stanford: Stanford University Press.
- Giddens, A. (1991). *Modernity and Self-Identity: Self and Society in the Late Modern Age*. Stanford: Stanford University Press.
- Giddens, A. (1992). *The Transformation of Intimacy. Sexuality, Love and Eroticism in Modern Societies*. Cambridge: Polity Press.
- Gillis, J. (1997). *A World of Their Own Making. Myth, Ritual, and the Quest for Family Values*. Cambridge: Cambridge University Press.
- Gilman, S. (1985). *Difference and Pathology: Stereotypes of Sexuality, Race, and Madness*. Ithaca: Cornell University Press.
- Glendon, M. A. (1981). *The New Family and the New Property*. Toronto: Butterworths.
- Glendon, M. A. (1989). *The Transformation of Family law: State, Law and Family in the United States and Western Europe*. Chicago: University of Chicago Press.

- Gordon, M. (1969). The Ideal Husband as Depicted in the Nineteenth Century Marriage Manual. *The Family Coordinator*, 18(1), 226-231.
- Gordon, M. (1971). From an Unfortunate Necessity to a Cult of Mutual Orgasm: Sex in American Marital Education Literature, 1830-1940. In J. M. Heslin (Ed.), *Studies in The Sociology of Sex*. (pp. 53-77). New York: Appleton-Century-Crofts.
- Gordon, M. & Bernstein, C. (1970). Mate Choice and Domestic Life in the Nineteenth-Century Marriage Manual. *The Journal of Marriage and the Family*, 32(4), 665-674.
- Gordon, M. & Shankweiler, P. (1971). Different Equals Less: Female Sexuality in Recent Marriage Manuals. *The Journal of Marriage and the Family*, 33(3), 459-466
- Hacking, I. (1986). Making up People. In T. C. Heller, M. Sosna, & D. E. Wellbery (Eds.), *Reconstructing Individualism: Autonomy, Individuality and the Self*. (pp. 222-236). Stanford: Stanford University Press.
- Hacking, I. (1995). *Rewriting the Soul*. Princeton: Princeton University Press.
- Hahlo, H. R. (1975). Reform of the Divorce Act, 1968 (Canada). *Studies on Divorce. Law Reform Commission of Canada*. Ottawa: Information Canada.

- Hall, S. (1996). Introduction: Who Needs 'Identity'? In S. Hall & P. Du Gay (Ed.), *Questions of Cultural Identity*. (pp. 1-17). London: Sage.
- Hall, S. & Du Gay, P. (Eds.). (1996). *Questions of Cultural Identity*. London: Sage.
- Hauser, R. (1994). Krafft-Ebing's Psychological Understanding of Sexual Behavior. In R. Porter & M. Teich (Eds.), *Sexual Knowledge, Sexual Science. The History of Attitudes to Sexuality*. Cambridge: Cambridge University Press.
- Heelas, P. & Morris, P. (Eds.). (1992). *The Values of the Enterprise Culture. The Moral Debate*. London: Routledge.
- Heelas, P., Lash, S. & Morris, P. (1996). *Detraditionalization: Critical Reflections on Authority and Identity*. Cambridge: Blackwell.
- Heller, T. C., Sosna, M. & Wellbery, D. E. (1986). *Reconstructing Individualism: Autonomy, Individuality and The Self*. Stanford: Stanford University Press.
- Heslin, J. M. (Ed.). (1971). *Studies in the Sociology of Sex*. New York: Appleton-Century-Crofts.
- Hindness, B. (2001, April/June). The Liberal Government of Unfreedom. *Alternatives: Global, Local, Political*, 26(2), 93-111.
- Hite, S. (1976). *The Hite Report: A Nationwide Study on Female Sexuality*.

New York: MacMillan Publishing Co.

Hite, S. (1981). *The Hite Report on Male Sexuality*. New York: Alfred A. Knopf.

Hite, S. (1987). *The Hite Report on Women and Love: A Cultural Revolution in Progress*. New York: Alfred A. Knopf.

Hunt, A. (1993). *Explorations in Law and Society: Toward a Constitutive Theory of Law*. New York: Routledge.

Hunt, M. (1974). *Sexual Behavior in the 1970s*. Chicago: Playboy Press.

Irvine, J. (1990). *Disorders of Desire: Sex and Gender in Modern American Sexology*. Philadelphia: Temple University Press.

Isin, E. & Wood, P. (1999). *Citizenship and Identity*. London: Sage.

Kaplan, H. (1987). *The Real Truth about Women and AIDS: How to Eliminate the Risks without Giving Up Love and Sex*. New York: Simon and Schuster.

Kapur, R. & Cossman, B. (1996). *Subversive Sites: Feminist Engagements with Law in India*. New Delhi: Sage.

Katz, J. N. (1995). *The Invention of Heterosexuality*. New York: Dutton Books.

Kelley, P. (2003/2004, Winter). Suddenly Siblings: Helping Children Adapt to Life In A Stepfamily. *Transition Magazine*, 33 (4), 8-10. Retrieved April 4, 2008, from

<http://www.vifamily.ca/library/transition/334/334.htm#3>

Kerr, C. (1977). *Sex for Women Who Want to Have Fun and Have Loving Relationships With Equals*. New York: Grove Press.

Kershner, Jr., R. B. (1986). Degeneration: The Explanatory Nightmare. *The Georgian Review*, 40, 416-444.

Kinsey, A., Pomeroy, W. & Martin, C. (1948). *Sexual Behavior in the Human Male*. Philadelphia: W. B. Saunders Co.

Kinsey, A., Pomeroy, W., Martin, C. & Gebhard, P. (1953). *Sexual Behavior in the Human Female*. Philadelphia: W. B. Saunders Co.

von Krafft-Ebing, R. (1904). *Textbook of Insanity*. Philadelphia: F. A. Davis.

von Krafft-Ebing, R. (1965). *Psychopathia Sexualis*. New York: Stein & Day.

Lacqueur, T. (1992). Sexual Desire and the Market Economy during the Industrial Revolution. In D. C. Stanton (Ed.), *Discourses of Sexuality: From Aristotle to AIDS*. (pp. 185-215). Ann Arbor: Michigan University Press.

Larocque, P. (1969). *The Evolution of the Canadian Law*. (Unpublished thesis). Department of Political Studies Queen's University, Kingston, Ontario.

Lasch, Christopher. (1977). *Haven in a Heartless World: The Family Besieged*. New York: Basic Books.

- Lash, S. (2002). Individualization in a Non-Linear Mode. In U. Beck & E. Beck-Gernsheim (Eds.), *Individualization: Institutionalized Individualism and Its Social Consequences*. (pp. xiii-xvii). London: Sage.
- Laumann, E., Gagnon, J., Robert, M., & Michaels, S. (1994). *The Social Organization of Sexuality: Sexual Practices in the United States*. Chicago: Chicago University Press.
- Law Reform Commission of Canada. (1975). *Studies on Divorce*. Ottawa: Information Canada.
- Le Bourdais, C. & Marcil-Gratton, N. (1996). Family Transformation Across the Canadian-American Border: When the Laggard Becomes the Leader. *Journal of Comparative Family Studies*, 27(2), 415-436.
- Le Bourdais, C., Neill, G., & Vachon, N. (2000). Family Disruption in Canada: Impact of the Changing Patterns of Family Formation and of Female Employment. *Canadian Studies in Population*, 27(1), 85-105.
- Levine, D. (1987). *Reproducing Families. The Political Economy of English Population History*. Cambridge: Cambridge University Press.
- Margolis, J. (1999). Pierre Bourdieu: Habitus and the Logic of Practice. In R. Shusterman (Ed.), *Bourdieu: A Critical Reader*. (pp.64-83). Oxford: Blackwell.

Martin, S. L. & Mahoney, K. E. (Eds.). (1987). *Equality and Judicial Neutrality*.

Toronto: Caldwell.

Matrimonial Property Act. (1989). Nova Scotia. Retrieved April 4, 2008, from

<http://www.canlii.org/ns/laws/sta/r1989c.275/20080314/whole.html>

Masters, W. & Johnson, V. (1966). *Human Sexual Response*. Boston: Little,

Brown and Co.

Masters, W. & Johnson, V. (1970). *Human Sexual Inadequacy*. Boston: Little,

Brown and Co.

Masters, W. & Johnson, V. (1974). *The Pleasure Bond: A New Look at Sexuality*

*and Commitment*. Boston: Little, Brown and Co.

Masters, W. & Johnson, V. (1988). *CRISIS: Heterosexual Behavior in the Age*

*of AIDS*. New York: Grove Press.

McLaren, A. (1999). *Twentieth Century Sexuality: A History*. London: Blackwell.

McKie, C. D., Prentice, B. & Reed, P. (1989). *Divorce: Law and the Family in*

*Canada*. (Statistics Canada, Catalogue 89-502). Ottawa: Minister of Supply and Services.

McNay, L. (1999). Gender, habitus, and the field: Pierre Bourdieu and the limits

of reflexivity. *Theory, Culture and Society*, 27(1), 95-117.

McNay, L. (2000). *Gender and Agency: Reconfiguring the Subject in Feminism*

*and Social Theory*. Cambridge: Polity Press.

Melody, M. E. & Peterson, L. M. (1999). *Teaching America about Sex: Marriage Guides and Sex Manuals from the Late Victorians to Dr. Ruth*. New York: New York University Press.

Melosh, B. (Ed.). (1993). *Gender and American History Since 1890*. London: Routledge.

Merin, Y. (2002). *Equality for Same-Sex Couples: The Legal Recognition of Gay Relationships in Europe and the United States*. Chicago: University of Chicago Press.

Michael, R., Gagnon, J., Laumann, E. & Kolata, G. (1994). *Sex in America: A Definitive Survey*. Boston: Little, Brown and Co.

Milan, A. (2000, Spring). One Hundred Years of Families. *Canadian Social Trends*, 56, 2-12.

Mintz, S. & Kellog, S. (1988). *Domestic Revolutions: A Social History of American Family Life*. New York: Free Press.

Morel, B. (1857). *Traité des Dégénérescences Physiques, Intellectuelles et Morales de l'Espece Humaine et des Causes qui Produisent ces Maladies, par le Docteur B. A. Morel*. Paris: J. B. Balliere.

Moll, A. (1933). *Libido Sexualis: Studies in the Psychosexual Laws of Love*

*Verified by Clinical Case Histories.* (D. Berger, Trans.). New York:  
American Ethnological Press.

Mort, F. (2000). *Dangerous Sexualities. Medico Moral Politics in England  
Since 1830.* London: Routledge.

Nault, F. (1996). Twenty Years of Marriages. *Health Reports*, 8(2), 39-46.

Nead, L. (1988). *Myths of Sexuality: Representations of Women in Victorian  
Britain.* Oxford: Basil Blackwell.

Nelson, A. (2006). *Gender in Canada.* (3rd ed.) Toronto: Prentice and Hall.

Newhorn, P. (1973). *Primal Sensuality. New Horizons and Explorations for  
Lovers.* New York: G. P. Putman's Sons.

Norton, A. J. & Miller, L. (1992, October). Marriage, Divorce, and Remarriage in  
the 1990s. *Current Population Reports.* (pp. 23-180). Washington, DC:  
U.S. Bureau of Census.

Nye, R. (Ed.). (1999). *Sexuality.* Oxford: Oxford University Press.

Oderkirk, J. (1994, Summer). Marriage in Canada: Changing Beliefs and  
Behaviors 1600-1900. *Canadian Social Trends*, 33, pp. 2-7.

Oosterhuis, H. (2000). *Stepchildren of Nature: Krafft-Ebing, Psychiatry and the  
Making of Sexual Identity.* Chicago: Chicago University Press.

- Peters, J. (1987). Changing Perspectives on Divorce. In Anderson, K. L., Armstrong, H., Armstrong, P., Drakich, J., Eichler, M., Guberman, C., et al. (Eds.), *Family Matters: Sociology and Contemporary Canadian Families*. (pp. 141-162). Toronto: Methuen.
- Petrella, S. (2005). Only With You – Maybe – *If You Make Me Happy*. In M. Sonser & F. Peters (Eds.), *Genealogies of identity: Interdisciplinary Readings on Sex and Sexuality*. (pp. 169-182). Amsterdam: Rodopi.
- Petrella, S. (2007). Ethical Sluts and Closet Polyamorists: Dissident Eroticism, Abject Subjects and the Normative Cycle in on Self-Help Books and Free Love. In N. Rumens and A. Cervantes-Carson (Eds.), *Sexual Politics of Desire and Belonging*. (pp.151-168). Amsterdam: Rodopi.
- Pick, D. (1990). *Faces of Degeneration: A European Disorder 1848-1918*. Cambridge: Cambridge University Press.
- Porter, R. & Hall, L. (1995). *The Facts of Life: The Creation of Sexual Knowledge in Britain, 1650-1950*. New Haven: Yale University Press.
- Porter, R. & Teich, M. (Eds.). (1994). *Sexual Knowledge, Sexual Science: The History of Attitudes to Sexuality*. Cambridge: Cambridge University Press.
- Purvis, T. & Hunt, A. (1993). Discourse, Ideology, Discourse, Ideology... *British Journal of Sociology*, 44: 473-499.
- Purvis, T. & Hunt, A. (1999). Identity versus Citizenship: Transformations in the

Discourses and Practices of Citizenship. *Social and Legal Studies*, 8(4), 457-482.

Rabinow, P. (Ed.). (1984). *The Foucault Reader*. New York: Pantheon Books.

Rabinow, P. (1994). *Michel Foucault. Ethics, Subjectivity and Truth*. New York: The New Press.

Reuben, D. (1969). *Everything You Always Wanted to Know About Sex, but Were Afraid to Ask*. New York: Bantam Books.

Richardson, C. J. (1996). Divorce and Remarriage. In M. Baker (Ed.), *Families: Changing Trends in Canada*. (pp. 215-248). Toronto: McGraw-Hill Ryerson.

Richardson, J. G. (1986/1983). *Handbook of Theory and Research for the Sociology of Education*. New York: Greenwood Press

Riedmann, A., Lamanna M., & Nelson, A. (2003). *Marriages and Families: Making Choices in a Diverse Society*. (1st ed.). Toronto: Thomson Nelson.

Robinson, P. (1976). *The Modernization of Sex: Havelock Ellis, Alfred Kinsey, William Masters and Virginia Johnson*. New York: Cornell University Press.

Rogerson, C. (2002). *Developing Spousal Support Guidelines in Canada: Beginning the Discussion. Background Paper*. Department of Justice Canada. Ottawa. Retrieved April 4, 2008, from

<http://canada.justice.gc.ca/eng/dept-min/pub/ss-pae/notes.html>

Rosario, V. A. (1997). *The Erotic Imagination: French Histories of Perversity*. New York: Oxford University Press.

Rose, N. (1992). Governing the Enterprising Self. In P. Heelas & P. Morris (Eds.), *The Values of the Enterprise Culture. The Moral Debate*. (pp. 141-164). London: Routledge.

Rose, N. (1994). Expertise and the Government of Conduct. In A. Sarat & S. Silbey (Eds.), *Studies in Law, Politics and Society* (Vol.14). (pp. 359-397). Greenwich, Conn.: JAI Press.

Rose, N. (1996a). Authority and the Genealogy of Subjectivity. In P. Heelas, S. Lash & P. Morris (Eds.), *Detraditionalization: Critical Reflections on Authority and Identity*. (pp. 294-327). Cambridge: Blackwell.

Rose, N. (1996b). *Inventing Our Selves: Psychology, Power, and Personhood*. Cambridge: Cambridge University Press.

Rose, N. (1996c). Identity, Genealogy, History. In S. Hall & P. Du Gay (Eds.), *Questions of Cultural Identity*. (pp. 128-150). London: Sage.

Rose, N. (1999). *Governing the Soul: The Shaping of the Private Self*. London: Free Press.

- Rose, N. (2000, June/July). Community, Citizenship, and the Third Way. *American Behavioral Scientists*, 43(9), 1395-1411.
- Rose, N. & Valverde, M. (1998). Governed by Law. *Social and Legal Studies*, 7(4), 569-579.
- Rozovsky, L. F. & Rozovsky F. A. (1998). *Legal Sex*. Toronto: Doubleday Canada.
- Rubin, L. (1990a). *Erotic Wars: What Happened to the Sexual Revolution?* New York: Farrar, Strauss and Giroux.
- Rubin, L. (1990b). *Intimate Strangers: Men and Women Together*. New York: Harper and Row.
- Rumens, N. & Cervantes-Carson, A. (2007). *Sexual Politics of Desire and Belonging*. Amsterdam: Rodopi.
- Schatzki, T. (1996). *Social Practices: A Wittgensteinian Approach to Human Activity and the Social*. Cambridge: Cambridge University Press.
- Schatzki, T. (2001). Introduction: Practice Theory. In T. Schatzki, K. Knorr-Cetina & E. von Savigny (Eds.), *The Practice Turn in Contemporary Theory*. (pp. 1-14). London: Routledge.
- Schatzki, T., Knorr-Cetina, K. & von Savigny, E. (Eds.). (2001). *The Practice Turn in Contemporary Theory*. London: Routledge.

Schrift, A. D. (Ed.). (1997). *The Logic of the Gift: Towards an Ethic of Generosity*.  
New York: Routledge.

Shusterman, R. (Ed.). (1999). *Bourdieu: A Critical Reader*. Oxford: Blackwell.

Simmons, C. (1993). Modern Sexuality and the Myth of Victorian Repression. In  
B. Melosh (Ed.), *Gender and American History Since 1890*. (pp. 24-7).  
London: Routledge.

Sonser, M. & Peters, F. (2005). *Genealogies of Identity. Interdisciplinary  
Readings on Sex and Sexuality*. Amsterdam: Rodopi.

Stanton, D. (Ed.). (1992). *Discourses of Sexuality: From Aristotle to AIDS*. Ann  
Arbor: Michigan University Press.

Statistics Canada. (1997). *Divorce, 1997*. (Catalogue 84-213-XMB). Ottawa:  
Minister of Industry.

Statistics Canada. 2003. Marriages, 2000. *The Daily*. Retrieved June 2, 2006  
from

<http://www.statcan.ca/Daily/English/03062/d030623a.htm>

Statistics Canada. 2004a. (2004). Population by Marital Status and Sex.  
Retrieved April 4, 2008, from

<http://www.statcan.ca/english/Pgdb/famil01.htm>

Statistics Canada.2004b. Divorces, 2001 and 2002. *The Daily*. Retrieved May 4, 2007, from

[http://www.statcan.ca/Daily/ English/040504/d040504.htm](http://www.statcan.ca/Daily/English/040504/d040504.htm)

Steel, F. (1987). Alimony and Maintenance Orders. In S. L. Martin & K. E. Mahoney (Eds.), *Equality and Judicial Neutrality*. (pp.155-167). Toronto: Caldwell.

Stone, L. (1977). *The Family, Sex and Marriage in England 1500-1800*. London: Penguin Books.

Stopes, M. (1918). *Married Love: A New Contribution to the Solution of Sex Difficulties*. New York: A. C. Fields.

Stychin, C. (2003). *Governing Sexuality: The Changing Politics of Citizenship and Law Reform*. Oxford: Hart publishing.

Tavris, S. & Sadd, S. (1975). *The Redbook Report on Human Sexuality*. New York: Delacorte.

Tiefer, L. (1995). *Sex is Not a Natural Act and Other Essays*. San Francisco: Westview Press.

Ursel, J. (1992). *Private Lives, Public Policy: 100 Years of State Intervention in the Family*. Toronto: Women's Press.

Van de Velde, T. (1930). *Ideal Marriage; Its Physiology and Technique*. London: Heinemann.

- Vance, C. S. (Ed.). (1984). *Pleasure and Danger: Exploring Female Sexuality*. Boston: Routledge.
- Weeks, J. (1981). *Sex, Politics & Society: The Regulation of Sexuality Since 1800*. London: Longman.
- Weeks, J. (1989). *Sex, Politics and Society: The Regulation of Sexuality Since 1800*. London: Longman.
- Weeks, J. (2000). *Making Sexual History*. Cambridge: Polity Press.
- Weinberg, M. S., Swensson, R. G. & Hammersmith, S. K. (1983). Sexual Autonomy and the Status of Women: Models of Female Sexuality in U.S. Sex Manuals from 1950 to 1980. *Social Problems*, 30(3), 312-324.
- Westheimer, R. (1983). *Dr. Ruth's Guide to Good Sex*. New York: Warner Books.
- Westheimer, R. (1992). *Dr. Ruth's Guide to Safer Sex: Exciting, Sensible Directions for the 1990s*. New York: Warner Books.
- Westheimer, R. (2007/1995). *Sex for Dummies*. Indianapolis: Wiley Publishing Inc.
- Witte, J. (1997). *From Sacrament to Contract: Marriage, Religion and Law in the Western Tradition*. Louisville: Westminster John Knox Press.
- Wolfe, L. (1981). *The Cosmo Report*. New York: Arbor House.

Wu, Z. (2000). *Cohabitation: An Alternative Form of Family Living*. Don Mills: Oxford University Press.

Wu, Z. & Balakrishnon, T. R. (1994). Cohabitation after Marital Disruption in Canada. *Journal of Marriage and The Family*, 56, 723-734.