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CHAPTER 9

Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality

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The Sex Wars

> 'Asked his advice, Dr. J. Guerin affirmed that, after all other treatments had failed, he had succeeded in curing young girls affected by the vice of onanism by burning the clitoris with a hot iron . . . I apply the hot point three times to each of the large labia and another on the clitoris . . . After the first operation, from forty to fifty times a day, the number of voluptuous spasms was reduced to three or four . . . We believe, then, that in cases similar to those submitted to your consideration, one should not hesitate to resort to the hot iron, and at an early hour, in order to combat clitoral and vaginal onanism in the little girls.'
>
> (Zambaco, 1981, pp. 31, 36)

The time has come to think about sex. To some, sexuality may seem to be an unimportant topic, a frivolous diversion from the more critical problems of poverty, war, disease, racism, famine, or nuclear annihilation. But it is precisely at times such as these, when we live with the possibility of unthinkable destruction, that people are likely to become dangerously crazy about sexuality. Contemporary conflicts over sexual values and erotic conduct have much in common with the religious disputes of earlier centuries. They acquire immense symbolic weight. Disputes over sexual behaviour often become the vehicles for displacing social anxieties, and discharging their attendant emotional intensity. Consequently, sexuality should be treated with special respect in times of great social stress.

The realm of sexuality also has its own internal politics, inequities, and modes of oppression. As with other aspects of human behaviour, the concrete institutional forms of sexuality at any given time and place are products of human activity. They are imbued with conflicts of interest and political maneuver, both deliberate and incidental. In that sense, sex is always political. But there are also historical periods in which sexuality is more sharply contested and more overtly politicized. In such periods, the domain of erotic life is, in effect, renegotiated.

In England and the United States, the late nineteenth century was one such era. During that time, powerful social movements focused on 'vices' of all sorts. There were educational and political campaigns to encourage chastity, to eliminate prostitution, and to discourage masturbation, especially among the young. Morality crusaders attacked obscene literature, nude paintings, music halls, abortion, birth control information, and public dancing (see Gordon and Dubois, 1983; Marcus, 1974; Ryan, 1979; Walkowitz, 1980, 1982; Weeks, 1981). The consolidation of Victorian morality,

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and its apparatus of social, medical, and legal enforcement, was the outcome of a long period of struggle whose results have been bitterly contested ever since.

The consequences of these great nineteenth-century moral paroxysms are still with us. They have left a deep imprint on attitudes about sex, medical practice, child-rearing, parental anxieties, police conduct, and sex law.

The idea that masturbation is an unhealthy practice is part of that heritage. During the nineteenth century, it was commonly thought that 'premature' interest in sex, sexual excitement, and, above all, sexual release, would impair the health and maturation of a child. Theorists differed on the actual consequences of sexual precocity. Some thought it led to insanity, while others merely predicted stunted growth. To protect the young from premature arousal, parents tied children down at night so they would not touch themselves; doctors excised the clitorises of onanistic little girls (see BarkerBenfield, 1976; Marcus, 1974; Weeks, 1981; Zambaco, 1981). Although the more gruesome techniques have been abandoned, the attitudes that produced them persist. The notion that sex *per se* is harmful to the young has been chiselled into extensive social and legal structures designed to insulate minors from sexual knowledge and experience.

Much of the sex law currently on the books also dates from the nineteenth-century morality crusades. The first federal anti-obscenity law in the United States was passed in 1873. The Comstock Act named for Anthony Comstock, an ancestral anti-porn activist and the founder of the New York Society for the Suppression of Vice – made it a federal crime to make, advertise, sell, possess, send through the mails, or import books or pictures deemed obscene. The law also banned contraceptive or abortifacient drugs and devices and information about them (Beserra, Franklin, and Clevenger, 1977). In the wake of the federal statute, most states passed their own anti-obscenity laws.

The Supreme Court began to whittle down both federal and state Comstock laws during the 1950s. By 1975, the prohibition of materials used for, and information about, contraception and abortion had been ruled unconstitutional. However, although the obscenity provisions have been modified, their fundamental constitutionality has been upheld. Thus it remains a crime to make, sell, mail, or import material which has no purpose other than sexual arousal (Beserra, Franklin and Clevenger, 1977).

Although sodomy statutes date from older strata of the law, when elements of canon law were adopted into civil codes, most of the laws used to arrest homosexuals and prostitutes come out of the Victorian campaigns against 'white slavery'. These campaigns produced the myriad prohibitions against solicitation, lewd behaviour, loitering for immoral purposes, age offenses, and brothels and bawdy houses.

In her discussion of the British 'white slave' scare, historian Judith Walkowitz observes that: 'Recent research delineates the vast discrepancy between lurid journalistic accounts and the reality of prostitution. Evidence of widespread entrapment of British girls in London and abroad is slim' (Walkowitz, 1980, p. 83).[1] However, public furor over this ostensible problem

> forced the passage of the Criminal Law Amendment Act of 1885, a particularly nasty and pernicious piece of omnibus legislation. The 1885 Act raised the age of consent for girls from 13 to 16, but it also gave police far greater summary jurisdiction over poor working-class women and children . . . it contained a clause making indecent acts between consenting male adults a crime, thus forming the basis of legal prosecution of male homosexuals in Britain until 1967 . . . the clauses of the new bill were mainly enforced against working-class women, and regulated adult rather than youthful sexual behaviour. (Walkowitz, 1982, p. 85)

In the United States, the Mann Act, also known as the White Slave Traffic Act, was passed in 1910. Subsequently, every state in the union passed anti-prostitution legislation (Beserra, Franklin and Clevenger, 1977).

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In the 1950s, in the United States, major shifts in the organization of sexuality took place. Instead of focusing on prostitution or masturbation, the anxieties of the 1950s condensed most specifically around the image of the 'homosexual menace' and the dubious spectre of the 'sex offender'. Just before and after World War II, the 'sex offender' became an object of public fear and scrutiny. Many states and cities, including Massachusetts, New Hampshire, New Jersey, New York State, New York City, and Michigan, launched investigations to gather information about this menace to public safety (Commonwealth of Massachusetts, 1947; State of New Hampshire, 1949; City of New York, 1939; State of New York, 1950; Hartwell, 1950; State of Michigan, 1951). The term 'sex offender' sometimes applied to rapists, sometimes to 'child molesters', and eventually functioned as a code for homosexuals. In its bureaucratic, medical, and popular versions, the sex offender discourse tended to blur distinctions between violent sexual assault and illegal but consensual acts such as sodomy. The criminal justice system incorporated these concepts when an epidemic of sexual psychopath laws swept through state legislatures (Freedman, 1983). These laws gave the psychological professions increased police powers over homosexuals and other sexual 'deviants'.

From the late 1940s until the early 1960s, erotic communities whose activities did not fit the postwar American dream drew intense persecution. Homosexuals were, along with communists, the objects of federal witch hunts and purges. Congressional investigations, executive orders, and sensational exposes in the media aimed to root out homosexuals employed by the government. Thousands lost their jobs, and restrictions on federal employment of homosexuals persist to this day (Bérubé, 1981a, 1981b; D'Emilio, 1983; Katz, 1976). The FBI began systematic surveillance and harassment of homosexuals which lasted at least into the 1970s (D'Emilio, 1983; Bérubé, personal communication).

Many states and large cities conducted their own investigations, and the federal witch hunts were reflected in a variety of local crackdowns. In Boise, Idaho, in 1955, a schoolteacher sat down to breakfast with his morning paper and read that the vice-president of the Idaho First National Bank had been arrested on felony sodomy charges; the local prosecutor said that he intended to eliminate all homosexuality from the community. The teacher never finished his breakfast. 'He jumped up from his seat, pulled out his suitcases, packed as fast as he could, got into his car, and drove straight to San Francisco. . . The cold eggs, coffee, and toast remained on his table for two days before someone from his school came by to see what had happened' (Gerassi, 1968, p. 14).[2]

In San Francisco, police and media waged war on homosexuals throughout the 1950s. Police raided bars, patrolled cruising areas, conducted street sweeps, and trumpeted their intention of driving the queers out of San Francisco (Bérubé, personal communication; D'Emilio, 1981, 1983). Crackdowns against gay individuals, bars, and social areas occurred throughout the country. Although anti-homosexual crusades are the best-documented examples of erotic repression in the 1950s, future research should reveal similar patterns of increased harassment against pornographic materials, prostitutes, and erotic deviants of all sorts. Research is needed to determine the full scope of both police persecution and regulatory reform.[3]

The current period bears some uncomfortable similarities to the 1880s and the 1950s. The 1977 campaign to repeal the Dade County, Florida, gay rights ordinance inaugurated a new wave of violence, state persecution, and legal initiatives directed against minority sexual populations and the commercial sex industry. For the last six years, the United States and Canada have undergone an extensive sexual repression in the political, not the psychological, sense. In the spring of 1977, a few weeks before the Dade County vote, the news media were suddenly full of reports of raids on gay cruising areas, arrests for prostitution, and investigations into the manufacture and distribution of pornographic materials. Since then, police activity against the gay community has increased exponentially. The gay press has documented hundreds of arrests, from the libraries of Boston to the streets of Houston and the beaches of San Francisco. Even the large, organized, and relatively

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powerful urban gay communities have been unable to stop these depredations. Gay bars and bath houses have been busted with alarming frequency, and police have gotten bolder. In one especially dramatic incident, police in Toronto raided all four of the city's gay baths. They broke into cubicles with crowbars and hauled almost 300 men out into the winter streets, clad in their bath towels. Even 'liberated' San Francisco has not been immune. There have been proceedings against several bars, countless arrests in the parks, and, in the fall of 1981, police arrested over 400 people in a series of sweeps of Polk Street, one of the thoroughfares of local gay nightlife. Queerbashing has become a significant recreational activity for young urban males. They come into gay neighbourhoods armed with baseball bats and looking for trouble, knowing that the adults in their lives either secretly approve or will look the other way.

The police crackdown has not been limited to homosexuals. Since 1977, enforcement of existing laws against prostitution and obscenity has been stepped up. Moreover, states and municipalities have been passing new and tighter regulations on commercial sex. Restrictive ordinances have been passed, zoning laws altered, licensing and safety codes amended, sentences increased, and evidentiary requirements relaxed. This subtle legal codification of more stringent controls over adult sexual behaviour has gone largely unnoticed outside of the gay press.

For over a century, no tactic for stirring up erotic hysteria has been as reliable as the appeal to protect children. The current wave of erotic terror has reached deepest into those areas bordered in some way, if only symbolically, by the sexuality of the young. The motto of the Dade County repeal campaign was 'Save Our Children' from alleged homosexual recruitment. In February 1977, shortly before the Dade County vote, a sudden concern with 'child pornography' swept the national media. In May, the *Chicago Tribune* ran a lurid four-day series with three-inch headlines, which claimed to expose a national vice ring organized to lure young boys into prostitution and pornography.[4] Newspapers across the country ran similar stories, most of them worthy of the *National Enquirer*. By the end of May, a congressional investigation was underway. Within weeks, the federal government had enacted a sweeping bill against 'child pornography' and many of the states followed with bills of their own. These laws have reestablished restrictions on sexual materials that had been relaxed by some of the important Supreme Court decisions. For instance, the Court ruled that neither nudity nor sexual activity *per se* were obscene. But the child pornography laws define as obscene any depiction of minors who are nude or engaged in sexual activity. This means that photographs of naked children in anthropology textbooks and many of the ethnographic movies shown in college classes are technically illegal in several states. In fact, the instructors are liable to an additional felony charge for showing such images to each student under the age of 18. Although the Supreme Court has also ruled that it is a constitutional right to possess obscene material for private use, some child pornography laws prohibit even the private possession of any sexual material involving minors.

The laws produced by the child porn panic are ill-conceived and misdirected. They represent far-reaching alterations in the regulation of sexual behaviour and abrogate important sexual civil liberties. But hardly anyone noticed as they swept through Congress and state legislatures. With the exception of the North American Man/Boy Love Association and American Civil Liberties Union, no one raised a peep of protest.[5]

A new and even tougher federal child pornography bill has just reached House-Senate conference. It removes any requirement that prosecutors must prove that alleged child pornography was distributed for commercial sale. Once this bill becomes law, a person merely possessing a nude snapshot of a 17-year-old lover or friend may go to jail for fifteen years, and be fined $100,000. This bill passed the House 400 to 1.[6]

The experiences of art photographer Jacqueline Livingston exemplify the climate created by the child porn panic. An assistant professor of photography at Cornell University, Livingston was fired in 1978 after exhibiting pictures of male nudes which included photographs of her seven-year-old son

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masturbating. Ms. *Magazine, Chrysalis,* and *Art News* all refused to run ads for Livingston's posters of male nudes. At one point, Kodak confiscated some of her film, and for several months, Livingston lived with the threat of prosecution under the child pornography laws. The Tompkins Country Department of Social Services investigated her fitness as a parent. Livingston's posters have been collected by the Museum of Modern Art, the Metropolitan, and other major museums. But she has paid a high cost in harassment and anxiety for her efforts to capture on film the uncensored male body at different ages (Stambolian, 1980, 1983).

It is easy to see someone like Livingston as a victim of the child porn wars. It is harder for most people to sympathize with actual boy-lovers. Like communists and homosexuals in the 1950s, boylovers are so stigmatized that it is difficult to find defenders for their civil liberties, let alone for their erotic orientation. Consequently, the police have feasted on them. Local police, the FBI, and watchdog postal inspectors have joined to build a huge apparatus whose sole aim is to wipe out the community of men who love underaged youth. In twenty years or so, when some of the smoke has cleared, it will be much easier to show that these men have been the victims of a savage and undeserved witch hunt. A lot of people will be embarrassed by their collaboration with this persecution, but it will be too late to do much good for those men who have spent their lives in prison.

While the misery of boy-lovers affects very few, the other long-term legacy of the Dade County repeal affects almost everyone. The success of the anti-gay campaign ignited long-simmering passions of the American right, and sparked an extensive movement to compress the boundaries of acceptable sexual behaviour.

Right-wing ideology linking non-familial sex with communism and political weakness is nothing new. During the McCarthy period, Alfred Kinsey and his Institute for Sex Research were attacked for weakening the moral fibre of Americans and rendering them more vulnerable to communist influence. After congressional investigations and bad publicity, Kinsey's Rockefeller grant was terminated in 1954 (Gebhard, 1976).

Around 1969, the extreme right discovered the Sex Information and Education Council of the United States (SIECUS). In books and pamphlets, such as *The Sex Education Racket: Pornography in the Schools* and *SIECUS: Corrupter of Youth,* the right attacked SIECUS and sex education as communist plots to destroy the family and sap the national will (Courtney, 1969; Drake, 1969). Another pamphlet, *Pavlov's Children (They May Be Yours)* (n.a., 1969), claims that the United Nations Educational, Scientific and Cultural Organization (UNESCO) is in cahoots with SIECUS to undermine religious taboos, to promote the acceptance of abnormal sexual relations, to downgrade absolute moral standards, and to 'destroy racial cohesion', by exposing white people (especially white women) to the alleged 'lower' sexual standards of black people.

New Right and neo-conservative ideology has updated these themes, and leans heavily on linking 'immoral' sexual behaviour to putative declines in American power. In 1977, Norman Podhoretz wrote an essay blaming homosexuals for the alleged inability of the United States to stand up to the Russians (Podhoretz, 1977). He thus neatly linked 'the anti-gay fight in the domestic arena and the anti-Communist battles in foreign policy' (Wolfe and Sanders, 1979).

Right-wing opposition to sex education, homosexuality, pornography, abortion, and pre-marital sex moved from the extreme fringes to the political centre stage after 1977, when right-wing strategists and fundamentalist religious crusaders discovered that these issues had mass appeal. Sexual reaction played a significant role in the right's electoral success in 1980 (Breslin, 1981; Gordon and Hunter, 1977–8; Gregory-Lewis, 1977a, 1977b, 1977c; Kopkind, 1977; Petchesky, 1981). Organizations like the Moral Majority and Citizens for Decency have acquired mass followings, immense financial resources, and unanticipated clout. The Equal Rights Amendment has been defeated, legislation has been passed that mandates new restrictions on abortion, and funding for programs like Planned Parenthood and sex education has been slashed. Laws and regulations making it more difficult for teenage girls to obtain

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contraceptives or abortions have been promulgated. Sexual backlash was exploited in successful attacks on the Women's Studies Program at California State University at Long Beach.

The most ambitious right-wing legislative initiative has been the Family Protection Act (FPA), introduced in Congress in 1979. The Family Protection Act is a broad assault on feminism, homosexuals, non-traditional families, and teenage sexual privacy (Brown, 1981). The Family Protection Act has not and probably will not pass, but conservative members of Congress continue to pursue its agenda in a more piecemeal fashion. Perhaps the most glaring sign of the times is the Adolescent Family Life Program. Also known as the Teen Chastity Program, it gets some 15 million federal dollars to encourage teenagers to refrain from sexual intercourse, and to discourage them from using contraceptives if they do have sex, and from having abortions if they get pregnant. In the last few years, there have been countless local confrontations over gay rights, sex education, abortion rights, adult bookstores, and public school curricula. It is unlikely that the anti-sex backlash is over, or that it has even peaked. Unless something changes dramatically, it is likely that the next few years will bring more of the same.

Periods such as the 1880s in England, and the 1950s in the United States, recodify the relations of sexuality. The struggles that were fought leave a residue in the form of laws, social practices, and ideologies which then affect the way in which sexuality is experienced long after the immediate conflicts have faded. All the signs indicate that the present era is another of those watersheds in the politics of sex. The settlements that emerge from the 1980s will have an impact far into the future. It is therefore imperative to understand what is going on and what is at stake in order to make informed decisions about what policies to support and oppose.

It is difficult to make such decisions in the absence of a coherent and intelligent body of radical thought about sex. Unfortunately, progressive political analysis of sexuality is relatively underdeveloped. Much of what is available from the feminist movement has simply added to the mystification that shrouds the subject. There is an urgent need to develop radical perspectives on sexuality.

Paradoxically, an explosion of exciting scholarship and political writing about sex has been generated in these bleak years. In the 1950s, the early gay rights movement began and prospered while the bars were being raided and anti-gay laws were being passed. In the last six years, new erotic communities, political alliances, and analyses have been developed in the midst of the repression. In this essay, I will propose elements of a descriptive and conceptual framework for thinking about sex and its politics. I hope to contribute to the pressing task of creating an accurate, humane, and genuinely liberatory body of thought about sexuality.

Sexual Thoughts

> 'You see, Tim', Phillip said suddenly, 'your argument isn't reasonable. Suppose I granted your first point that homosexuality is justifiable in certain instances and under certain controls. Then there is the catch: where does justification end and degeneracy begin? Society must condemn to protect. Permit even the intellectual homosexual a place of respect and the first bar is down. Then comes the next and the next until the sadist, the flagellist, the criminally insane demand their places, and society ceases to exist. So I ask again: where is the line drawn? Where does degeneracy begin if not at the beginning of individual freedom in such matters?'
>
> [Fragment from a discussion between two gay men trying to decide if they may love each other (Barr, 1950, p. 310)]

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A radical theory of sex must identify, describe, explain, and denounce erotic injustice and sexual oppression. Such a theory needs refined conceptual tools which can grasp the subject and hold it in view. It must build rich descriptions of sexuality as it exists in society and history. It requires a convincing critical language that can convey the barbarity of sexual persecution.

Several persistent features of thought about sex inhibit the development of such a theory. These assumptions are so pervasive in Western culture that they are rarely questioned. Thus, they tend to reappear in different political contexts, acquiring new rhetorical expressions but reproducing fundamental axioms.

One such axiom is sexual essentialism – the idea that sex is a natural force that exists prior to social life and shapes institutions. Sexual essentialism is embedded in the folk wisdoms of Western societies, which consider sex to be eternally unchanging, asocial, and transhistorical. Dominated for over a century by medicine, psychiatry, and psychology, the academic study of sex has reproduced essentialism. These fields classify sex as a property of individuals. It may reside in their hormones or their psyches. It may be construed as physiological or psychological. But within these ethnoscientific categories, sexuality has no history and no significant social determinants.

During the last five years, a sophisticated historical and theoretical scholarship has challenged sexual essentialism both explicitly and implicitly. Gay history, particularly the work of Jeffrey Weeks, has led this assault by showing that homosexuality as we know it is a relatively modern institutional complex.[7] Many historians have come to see the contemporary institutional forms of heterosexuality as an even more recent development (Hansen, 1979). An important contributor to the new scholarship is Judith Walkowitz, whose research has demonstrated the extent to which prostitution was transformed around the turn of the century. She provides meticulous descriptions of how the interplay of social forces such as ideology, fear, political agitation, legal reform, and medical practice can change the structure of sexual behaviour and alter its consequences (Walkowitz, 1980, 1982).

Michel Foucault's *The History of Sexuality* (1978) has been the most influential and emblematic text of the new scholarship on sex. Foucault criticizes the traditional understanding of sexuality as a natural libido yearning to break free of social constraint. He argues that desires are not pre-existing biological entities, but rather that they are constituted in the course of historically specific social practices. He emphasizes the generative aspects of the social organization of sex rather than its repressive elements by pointing out that new sexualities are constantly produced. And he points to a major discontinuity between kinship-based systems of sexuality and more modern forms.

The new scholarship on sexual behaviour has given sex a history and created a constructivist alternative to sexual essentialism. Underlying this body of work is an assumption that sexuality is constituted in society and history, not biologically ordained.[8] This does not mean the biological capacities are not prerequisites for human sexuality. It does mean that human sexuality is not comprehensible in purely biological terms. Human organisms with human brains are necessary for human cultures, but no examination of the body or its parts can explain the nature and variety of human social systems. The belly's hunger gives no clues as to the complexities of cuisine. The body, the brain, the genitalia, and the capacity for language are necessary for human sexuality. But they do not determine its content, its experiences, or its institutional forms. Moreover, we never encounter the body unmediated by the meanings that cultures give to it. To paraphrase Lévi-Strauss, my position on the relationship between biology and sexuality is a 'Kantianism without a transcendental libido'.[9]

It is impossible to think with any clarity about the politics of race or gender as long as these are thought of as biological entities rather than as social constructs. Similarly, sexuality is impervious to political analysis as long as it is primarily conceived as a biological phenomenon or an aspect of individual psychology. Sexuality is as much a human product as are diets, methods of transportation, systems of etiquette, forms of labour, types of entertainment, processes of production, and modes of oppression. Once sex is understood in terms of social analysis and historical understanding, a more realistic politics

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of sex becomes possible. One may then think of sexual politics in terms of such phenomena as populations, neighbourhoods, settlement patterns, migration, urban conflict, epidemiology, and police technology. These are more fruitful categories of thought than the more traditional ones of sin, disease, neurosis, pathology, decadence, pollution, or the decline and fall of empires.

By detailing the relationships between stigmatized erotic populations and the social forces which regulate them, work such as that of Allan Bérubé, John D'Emilio, Jeffrey Weeks, and Judith Walkowitz contains implicit categories of political analysis and criticism. Nevertheless, the constructivist perspective has displayed some political weaknesses. This has been most evident in misconstructions of Foucault's position.

Because of his emphasis on the ways that sexuality is produced, Foucault has been vulnerable to interpretations that deny or minimize the reality of sexual repression in the more political sense. Foucault makes it abundantly clear that he is not denying the existence of sexual repression so much as inscribing it within a large dynamic (Foucault, 1978, p. 11). Sexuality in western societies has been structured within an extremely punitive social framework, and has been subjected to very real formal and informal controls. It is necessary to recognize repressive phenomena without resorting to the essentialist assumptions of the language of libido. It is important to hold repressive sexual practices in focus, even while situating them within a different totality and a more refined terminology (Weeks, 1981, p. 9).

Most radical thought about sex has been embedded within a model of the instincts and their restraints. Concepts of sexual oppression have been lodged within that more biological understanding of sexuality. It is often easier to fall back on the notion of a natural libido subjected to inhumane repression than to reformulate concepts of sexual injustice within a more constructivist framework. But it is essential that we do so. We need a radical critique of sexual arrangements that has the conceptual elegance of Foucault and the evocative passion of Reich.

The new scholarship on sex has brought a welcome insistence that sexual terms be restricted to their proper historical and social contexts, and a cautionary scepticism towards sweeping generalizations. But it is important to be able to indicate groupings of erotic behaviour and general trends within erotic discourse. In addition to sexual essentialism, there are at least five other ideological formations whose grip on sexual thought is so strong that to fail to discuss them is to remain enmeshed within them. These are sex negativity, the fallacy of misplaced scale, the hierarchical valuation of sex acts, the domino theory of sexual peril, and the lack of a concept of benign sexual variation.

Of these five, the most important is sex negativity. Western cultures generally consider sex to be a dangerous, destructive, negative force (Weeks, 1981, p. 22). Most Christian tradition, following Paul, holds that sex is inherently sinful. It may be redeemed if performed within marriage for procreative purposes and if the pleasurable aspects are not enjoyed too much. In turn, this idea rests on the assumption that the genitalia are an intrinsically inferior part of the body, much lower and less holy than the mind, the 'soul', the 'heart', or even the upper part of the digestive system (the status of the excretory organs is close to that of the genitalia).[10] Such notions have by now acquired a life of their own and no longer depend solely on religion for their perseverance.

This culture always treats sex with suspicion. It construes and judges almost any sexual practice in terms of its worst possible expression. Sex is presumed guilty until proven innocent. Virtually all erotic behaviour is considered bad unless a specific reason to exempt it has been established. The most acceptable excuses are marriage, reproduction, and love. Sometimes scientific curiosity, aesthetic experience, or a long-term intimate relationship may serve. But the exercise of erotic capacity, intelligence, curiosity, or creativity all require pretexts that are unnecessary for other pleasures, such as the enjoyment of food, fiction, or astronomy.

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What I call the fallacy of misplaced scale is a corollary of sex negativity. Susan Sontag once commented that since Christianity focused 'on sexual behaviour as the root of virtue, everything pertaining to sex has been a "special case" in our culture' (Sontag, 1969, p. 46). Sex law has incorporated the religious attitude that heretical sex is an especially heinous sin that deserves the harshest punishments. Throughout much of European and American history, a single act of consensual anal penetration was grounds for execution. In some states, sodomy still carries twenty-year prison sentences. Outside the law, sex is also a marked category. Small differences in value or behaviour are often experienced as cosmic threats. Although people can be intolerant, silly, or pushy about what constitutes proper diet, differences in menu rarely provoke the kinds of rage, anxiety, and sheer terror that routinely accompany differences in erotic taste. Sexual acts are burdened with an excess of significance.

Modern Western societies appraise sex acts according to a hierarchical system of sexual value. Marital, reproductive heterosexuals are alone at the top erotic pyramid. Clamouring below are unmarried monogamous heterosexuals in couples, followed by most other heterosexuals. Solitary sex floats ambiguously. The powerful nineteenth-century stigma on masturbation lingers in less potent, modified forms, such as the idea that masturbation is an inferior substitute for partnered encounters. Stable, long-term lesbian and gay male couples are verging on respectability, but bar dykes and promiscuous gay men are hovering just above the groups at the very bottom of the pyramid. The most despised sexual castes currently include transsexuals, transvestites, fetishists, sadomasochists, sex workers such as prostitutes and porn models, and the lowliest of all, those whose eroticism transgresses generational boundaries.

Individuals whose behaviour stands high in this hierarchy are rewarded with certified mental health, respectability, legality, social and physical mobility, institutional support, and material benefits. As sexual behaviours or occupations fall lower on the scale, the individuals who practice them are subjected to a presumption of mental illness, disreputability, criminality, restricted social and physical mobility, loss of institutional support, and economic sanctions.

Extreme and punitive stigma maintains some sexual behaviours as low status and is an effective sanction against those who engage in them. The intensity of this stigma is rooted in Western religious traditions. But most of its contemporary content derives from medical and psychiatric opprobrium.

The old religious taboos were primarily based on kinship forms of social organization. They were meant to deter inappropriate unions and to provide proper kin. Sex laws derived from Biblical pronouncements were aimed at preventing the acquisition of the wrong kinds of affinal partners: consanguineous kin (incest), the same gender (homosexuality), or the wrong species (bestiality). When medicine and psychiatry acquired extensive powers over sexuality, they were less concerned with unsuitable mates than with unfit forms of desire. If taboos against incest best characterized kinship systems of sexual organization, then the shift to an emphasis on taboos against masturbation was more apposite to the newer systems organized around qualities of erotic experience (Foucault, 1978, pp. 106–7).

Medicine and psychiatry multiplied the categories of sexual misconduct. The section on psychosexual disorders in the *Diagnostic and Statistical Manual of Mental and Physical Disorders* (DSM) of the American Psychiatric Association (APA) is a fairly reliable map of the current moral hierarchy of sexual activities. The APA list is much more elaborate than the traditional condemnations of whoring, sodomy, and adultery. The most recent edition, *DSM-III,* removed homosexuality from the roster of mental disorders after a long political struggle. But fetishism, sadism, masochism, transsexuality, transvestism, exhibitionism, voyeurism, and paedophilia are quite firmly entrenched as psychological malfunctions (American Psychiatric Association, 1980). Books are still being written about the genesis, etiology, treatment, and cure of these assorted 'pathologies'.

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Psychiatric condemnation of sexual behaviours invokes concepts of mental and emotional inferiority rather than categories of sexual sin. Low-status sex practices are vilified as mental diseases or symptoms of defective personality integration. In addition, psychological terms conflate difficulties of psycho-dynamic functioning with modes of erotic conduct. They equate sexual masochism with self-destructive personality patterns, sexual sadism with emotional aggression, and homoeroticism with immaturity. These terminological muddles have become powerful stereotypes that are indiscriminately applied to individuals on the basis of their sexual orientations.

Popular culture is permeated with ideas that erotic variety is dangerous, unhealthy, depraved, and a menace to everything from small children to national security. Popular sexual ideology is a noxious stew made up of ideas of sexual sin, concepts of psychological inferiority, anti-communism, mob hysteria, accusations of witchcraft, and xenophobia. The mass media nourish these attitudes with relentless propaganda. I would call this system of erotic stigma the last socially respectable form of prejudice if the old forms did not show such obstinate vitality, and new ones did not continually become apparent.

All these hierarchies of sexual value – religious, psychiatric, and popular – function in much the same ways as do ideological systems of racism, ethnocentrism, and religious chauvinism. They rationalize the well-being of the sexually privileged and the adversity of the sexual rabble.

Figure 9.1 diagrams a general version of the sexual value system. According to this system, sexuality that is 'good', 'normal', and 'natural' should ideally be heterosexual, marital, monogamous, reproductive, and non-commercial. It should be coupled, relational, within the same generation, and occur at home. It should not involve pornography, fetish objects, sex toys of any sort, or roles other than male and female. Any sex that violates these rules is 'bad', 'abnormal', or 'unnatural'. Bad sex may be homosexual, unmarried, promiscuous, non-procreative, or commercial. It may be masturbatory or take place at orgies, may be casual, may cross generational lines, and may take place in 'public', or at least in the bushes or the baths. It may involve the use of pornography, fetish objects, sex toys, or unusual roles (see Figure 9.1).

Figure 9.2 diagrams another aspect of the sexual hierarchy: the need to draw and maintain an imaginary line between good and bad sex. Most of the discourses on sex, be they religious, psychiatric, popular, or political, delimit a very small portion of human sexual capacity as sanctifiable, safe, healthy, mature, legal, or politically correct. The 'line' distinguishes these from all other erotic behaviours, which are understood to be the work of the devil, dangerous, psychopathological, infantile, or politically reprehensible. Arguments are then conducted over 'where to draw the line', and to determine what other activities, if any, may be permitted to cross over into acceptability.

All these models assume a domino theory of sexual peril. The line appears to stand between sexual order and chaos. It expresses the fear that if anything is permitted to cross this erotic DMZ, the barrier against scary sex will crumble and something unspeakable will skitter across.

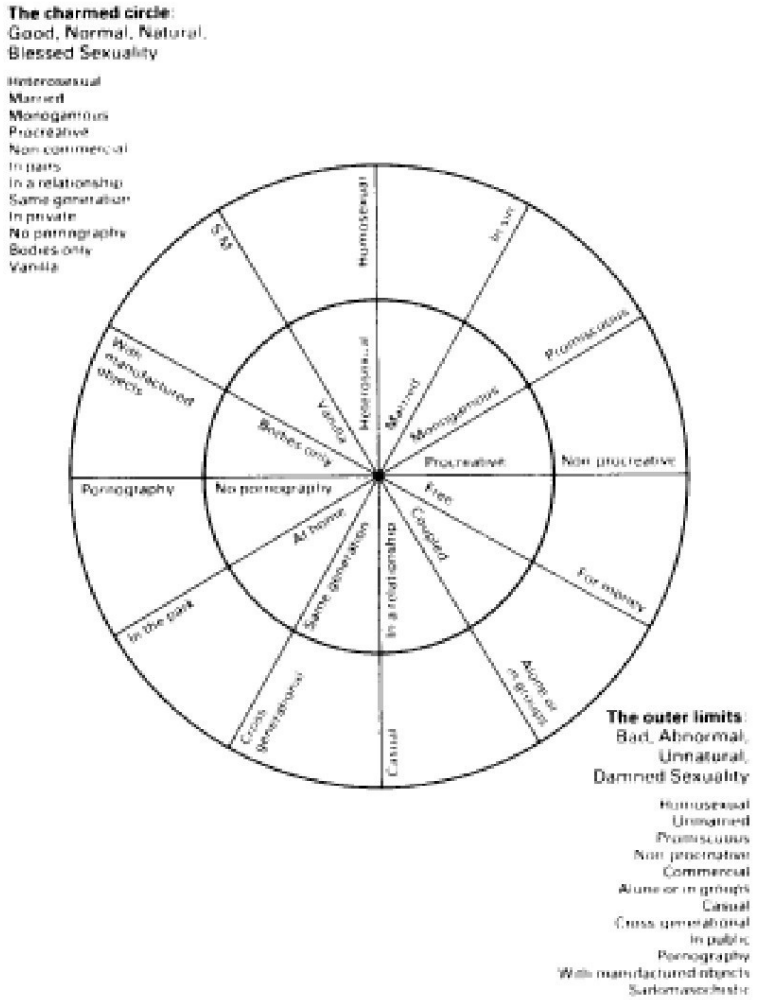
Most systems of sexual judgment – religious, psychological, feminist, or socialist – attempt to determine on which side of the line a particular act falls. Only sex acts on the good side of the line are accorded moral complexity. For instance, heterosexual encounters may be sublime or disgusting, free or forced, healing or destructive, romantic or mercenary. As long as it does not violate other rules, heterosexuality is acknowledged to exhibit the full range of human experience. In contrast, all sex acts on the bad side of the line are considered utterly repulsive and devoid of all emotional nuance. The further from the line a sex act is, the more it is depicted as a uniformly bad experience.

As a result of the sex conflicts of the last decade, some behaviour near the border is inching across it. Unmarried couples living together, masturbation, and some forms of homosexuality are moving in the direction of respectability (see Figure 9.2). Most homosexuality is still on the bad side of the line. But if it is coupled and monogamous, the society is beginning to recognize that it includes the full range of human interaction. Promiscuous homosexuality, sadomasochism, fetishism, transsexuality,

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Figure 9.1: The sex hierarchy: the charmed circle vs. the outer limits



and cross-generational encounters are still viewed as unmodulated horrors incapable of involving affection, love, free choice, kindness, or transcendence.

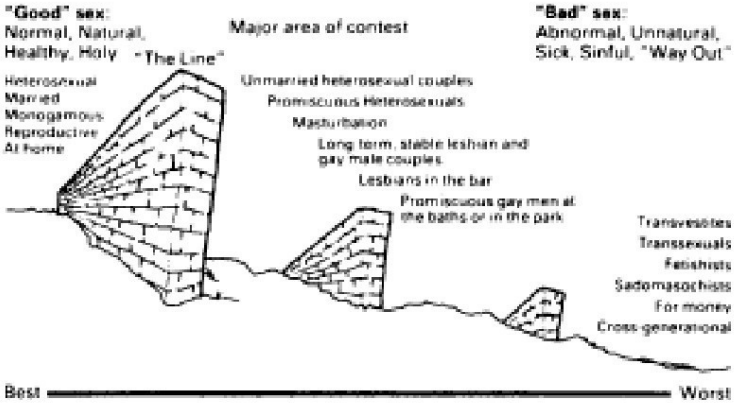
This kind of sexual morality has more in common with ideologies of racism than with true ethics. It grants virtue to the dominant groups, and relegates vice to the underprivileged. A democratic morality should judge sexual acts by the way partners treat one another, the level of mutual consideration, the presence or absence of coercion, and quantity and quality of the pleasures they provide. Whether sex acts are gay or straight, coupled or in groups, naked or in underwear, commercial or free, with or without video, should not be ethical concerns.

It is difficult to develop a pluralistic sexual ethics without a concept of benign sexual variation. Variation is a fundamental property of all life, from the simplest biological organisms to the most complex human social formations. Yet sexuality is supposed to conform to a single standard. One of

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Figure 9.2: The sex hierarchy: the struggle over where to draw the line



the most tenacious ideas about sex is that there is one best way to do it, and that everyone should do it that way.

Most people find it difficult to grasp that whatever they like to do sexually will be thoroughly repulsive to someone else, and that whatever repels them sexually will be the most treasured delight of someone, somewhere. One need not like or perform a particular sex act in order to recognize that someone else will, and that this difference does not indicate a lack of good taste, mental health, or intelligence in either party. Most people mistake their sexual preferences for a universal system that will or should work for everyone.

This notion of a single ideal sexuality characterizes most systems of thought about sex. For religion, the ideal is procreative marriage. For psychology, it is mature heterosexuality. Although its content varies, the format of a single sexual standard is continually reconstituted within other rhetorical frameworks, including feminism and socialism. It is just as objectionable to insist that everyone should be lesbian, non-monogamous, or kinky, as to believe that everyone should be heterosexual, married, or vanilla – though the latter set of opinions are backed by considerably more coercive power than the former.

Progressives who would be ashamed to display cultural chauvinism in other areas routinely exhibit it towards sexual differences. We have learned to cherish different cultures as unique expressions of human inventiveness rather than as the inferior or disgusting habits of savages. We need a similarly anthropological understanding of different sexual cultures.

Empirical sex research is the one field that does incorporate a positive concept of sexual variation. Alfred Kinsey approached the study of sex with the same uninhibited curiosity he had previously applied to examining a species of wasp. His scientific detachment gave his work a refreshing neutrality that enraged moralists and caused immense controversy (Kinsey *et al.,* 1948, 1953). Among Kinsey's successors, John Gagnon and William Simon have pioneered the application of sociological understandings to erotic variety (Gagnon and Simon, 1967, 1970; Gagnon, 1977). Even some of the older sexology is useful. Although his work is imbued with unappetizing eugenic beliefs, Havelock Ellis was an acute and sympathetic observer. His monumental *Studies in the Psychology of Sex* is resplendent with detail (Ellis, 1936).

Much political writing on sexuality reveals complete ignorance of both classical sexology and modern sex research. Perhaps this is because so few colleges and universities bother to teach human sexuality, and because so much stigma adheres even to scholarly investigation of sex. Neither

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sexology nor sex research has been immune to the prevailing sexual value system. Both contain assumptions and information which should not be accepted uncritically. But sexology and sex research provide abundant detail, a welcome posture of calm, and a well-developed ability to treat sexual variety as something that exists rather than as something to be exterminated. These fields can provide an empirical grounding for a radical theory of sexuality more useful than the combination of psychoanalysis and feminist first principles to which so many texts resort.

Sexual Transformation

> As defined by the ancient civil or canonical codes, sodomy was a category of forbidden acts; their perpetrator was nothing more than the juridical subject of them. The nineteenthcentury homosexual became a personage, a past, a case history, and a childhood, in addition to being a type of life, a life form, and a morphology, with an indiscreet anatomy and possibly a mysterious physiology . . . The sodomite had been a temporary aberration; the homosexual was now a species. (Foucault, 1978, p. 43)

In spite of many continuities with ancestral forms, modern sexual arrangements have a distinctive character which sets them apart from preexisting systems. In Western Europe and the United States, industrialization and urbanization reshaped the traditional rural and peasant populations into a new urban industrial and service workforce. It generated new forms of state apparatus, reorganized family relations, altered gender roles, made possible new forms of identity, produced new varieties of social inequality, and created new formats for political and ideological conflict. It also gave rise to a new sexual system characterized by distinct types of sexual persons, populations, stratification, and political conflict.

The writings of nineteenth-century sexology suggest the appearance of a kind of erotic speciation. However outlandish their explanations, the early sexologists were witnessing the emergence of new kinds of erotic individuals and their aggregation into rudimentary communities. The modern sexual system contains sets of these sexual populations, stratified by the operation of an ideological and social hierarchy. Differences in social value create friction among these groups, who engage in political contest to alter or maintain their place in the ranking. Contemporary sexual politics should be reconceptualized in terms of the emergence and on-going development of this system, its social relations, the ideologies which interpret it, and its characteristic modes of conflict.

Homosexuality is the best example of this process of erotic speciation. Homosexual behaviour is always present among humans. But in different societies and epochs it may be rewarded or punished, required or forbidden, a temporary experience or a life-long vocation. In some New Guinea societies, for example, homosexual activities are obligatory for all males. Homosexual acts are considered utterly masculine, roles are based on age, and partners are determined by kinship status (Herdt, 1981; Kelly, 1976; Rubin, 1974, 1982; Baal, 1966; Williams, 1936). Although these men engage in extensive homosexual and pedophile behaviour, they are neither homosexuals nor pederasts.

Nor was the sixteenth-century sodomite a homosexual. In 1631, Mervyn Touchet, Earl of Castlehaven, was tried and executed for Sodomy. It is clear from the proceedings that the earl was not understood by himself or anyone else to be a particular kind of sexual individual. 'While from the twentiethcentury viewpoint Lord Castlehaven obviously suffered from psychosexual problems requiring the services of an analyst, from the seventeenth-century viewpoint he had deliberately broken the Law of God and the Laws of England, and required the simpler services of an executioner' (Bingham, 1971, p. 465). The earl did not slip into his tightest doublet and waltz down to the

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nearest gay tavern to mingle with his fellow sodomists. He stayed in his manor house and buggered his servants. Gay self-awareness, gay pubs, the sense of group commonality, and even the term homosexual were not part of the earl's universe.

The New Guinea bachelor and the sodomite nobleman are only tangentially related to a modern gay man, who may migrate from rural Colorado to San Francisco in order to live in a gay neighbourhood, work in a gay business, and participate in an elaborate experience that includes a selfconscious identity, group solidarity, a literature, a press, and a high level of political activity. In modern, Western, industrial societies, homosexuality has acquired much of the institutional structure of an ethnic group (Murray, 1979).

The relocation of homoeroticism into these quasi-ethnic, nucleated, sexually constituted communities is to some extent a consequence of the transfers of population brought by industrialization. As labourers migrated to work in cities, there were increased opportunities for voluntary communities to form. Homosexually inclined women and men, who would have been vulnerable and isolated in most pre-industrial villages, began to congregate in small corners of the big cities. Most large nineteenth-century cities in Western Europe and North America had areas where men could cruise for other men. Lesbian communities seem to have coalesced more slowly and on a smaller scale. Nevertheless, by the 1890s, there were several cafes in Paris near the Place Pigalle which catered to a lesbian clientele, and it is likely that there were similar places in the other major capitals of Western Europe.

Areas like these acquired bad reputations, which alerted other interested individuals of their existence and location. In the United States, lesbian and gay male territories were well established in New York, Chicago, San Francisco, and Los Angeles in the 1950s. Sexually motivated migration to places such as Greenwich Village had become a sizable sociological phenomenon. By the late 1970s, sexual migration was occurring on a scale so significant that it began to have a recognizable impact on urban politics in the United States, with San Francisco being the most notable and notorious example.[11]

Prostitution has undergone a similar metamorphosis. Prostitution began to change from a temporary job to a more permanent occupation as a result of nineteenth-century agitation, legal reform, and police persecution. Prostitutes, who had been part of the general working-class population, became increasingly isolated as members of an outcast group (Walkowitz, 1980). Prostitutes and other sex workers differ from homosexuals and other sexual minorities. Sex work is an occupation, while sexual deviation is an erotic preference. Nevertheless, they share some common features of social organization. Like homosexuals, prostitutes are a criminal sexual population stigmatized on the basis of sexual activity. Prostitutes and male homosexuals are the primary prey of vice police everywhere.[12] Like gay men, prostitutes occupy well-demarcated urban territories and battle with police to defend and maintain those territories. The legal persecution of both populations is justified by an elaborate ideology which classifies them as dangerous and inferior undesirables who are not entitled to be left in peace.

Besides organizing homosexuals and prostitutes into localized populations, the 'modernization of sex' has generated a system of continual sexual ethnogenesis. Other populations of erotic dissidents – commonly known as the 'perversions' or the 'paraphilias' – also began to coalesce. Sexualities keep marching out of the *Diagnostic and Statistical Manual* and on to the pages of social history. At present, several other groups are trying to emulate the successes of homosexuals. Bisexuals, sadomasochists, individuals who prefer cross-generational encounters, transsexuals, and transvestites are all in various states of community formation and identity acquisition. The perversions are not proliferating as much as they are attempting to acquire social space, small businesses, political resources, and a measure of relief from the penalties for sexual heresy.

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Sexual Stratification

> An entire sub-race was born, different – despite certain kinship ties – from the libertines of the past. From the end of the eighteenth century to our own, they circulated through the pores of society; they were always hounded, but not always by laws; were often locked up, but not always in prisons; were sick perhaps, but scandalous, dangerous victims, prey to a strange evil that also bore the name of vice and sometimes crime. They were children wise beyond their years, precocious little girls, ambiguous schoolboys, dubious servants and educators, cruel or maniacal husbands, solitary collectors, ramblers with bizarre impulses; they haunted the houses of correction, the penal colonies, the tribunals, and the asylums; they carried their infamy to the doctors and their sickness to the judges. This was the numberless family of perverts who were on friendly terms with delinquents and akin to madmen.
>
> (Foucault, 1978, p. 40)

The industrial transformation of Western Europe and North America brought about new forms of social stratification. The resultant inequalities of class are well known and have been explored in detail by a century of scholarship. The construction of modern systems of racism and ethnic injustice has been well documented and critically assessed. Feminist thought has analysed the prevailing organization of gender oppression. But although specific erotic groups, such as militant homosexuals and sex workers, have agitated against their own mistreatment, there has been no equivalent attempt to locate particular varieties of sexual persecution within a more general system of sexual stratification. Nevertheless, such a system exists, and in its contemporary form it is a consequence of Western industrialization.

Sex law is the most adamantine instrument of sexual stratification and erotic persecution. The state routinely intervenes in sexual behaviour at a level that would not be tolerated in other areas of social life. Most people are unaware of the extent of sex law, the quantity and qualities of illegal sexual behaviour, and the punitive character of legal sanctions. Although federal agencies may be involved in obscenity and prostitution cases, most sex laws are enacted at the state and municipal level, and enforcement is largely in the hands of local police. Thus, there is a tremendous amount of variation in the laws applicable to any given locale. Moreover, enforcement of sex laws varies dramatically with the local political climate. In spite of this legal thicket, one can make some tentative and qualified generalizations. My discussion of sex law does not apply to laws against sexual coercion, sexual assault, or rape. It does pertain to the myriad prohibitions on consensual sex and the 'status' offenses such as statutory rape.

Sex law is harsh. The penalties for violating sex statutes are universally out of proportion to any social or individual harm. A single act of consensual but illicit sex, such as placing one's lips upon the genitalia of an enthusiastic partner, is punished in many states with more severity than rape, battery, or murder. Each such genital kiss, each lewd caress, is a separate crime. It is therefore painfully easy to commit multiple felonies in the course of a single evening of illegal passion. Once someone is convicted of a sex violation, a second performance of the same act is grounds for prosecution as a repeat offender, in which case penalties will be even more severe. In some states, individuals have become repeat felons for having engaged in homosexual love-making on two separate occasions. Once an erotic activity has been proscribed by sex law, the full power of the state enforces conformity to the values embodied in those laws. Sex laws are notoriously easy to pass, as legislators are loath to be soft on vice. Once on the books, they are extremely difficult to dislodge.

Sex law is not a perfect reflection of the prevailing moral evaluations of sexual conduct. Sexual variation *per se* is more specifically policed by the mental-health professions, popular ideology, and extra-legal social practice. Some of the most detested erotic behaviours, such as fetishism and

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sadomasochism, are not as closely or completely regulated by the criminal justice system as somewhat less stigmatized practices, such as homosexuality. Areas of sexual behaviour come under the purview of the law when they become objects of social concern and political uproar. Each sex scare or morality campaign deposits new regulations as a kind of fossil record of its passage. The legal sediment is thickest – and sex law has its greatest potency – in areas involving obscenity, money, minors, and homosexuality.

Obscenity laws enforce a powerful taboo against direct representation of erotic activities. Current emphasis on the ways in which sexuality has become a focus of social attention should not be misused to undermine a critique of this prohibition. It is one thing to create sexual discourse in the form of psychoanalysis, or in the course of a morality crusade. It is quite another to depict sex acts or genitalia graphically. The first is socially permissible in a way the second is not. Sexual speech is forced into reticence, euphemism, and indirection. Freedom of speech about sex is a glaring exception to the protections of the First Amendment, which is not even considered applicable to purely sexual statements.

The anti-obscenity laws also form part of a group of statutes that make almost all sexual commerce illegal. Sex law incorporates a very strong prohibition against mixing sex and money, except via marriage. In addition to the obscenity statutes, other laws impinging on sexual commerce include anti-prostitution laws, alcoholic beverage regulations, and ordinances governing the location and operation of 'adult' businesses. The sex industry and the gay economy have both managed to circumvent some of this legislation, but that process has not been easy or simple. The underlying criminality of sex-oriented business keeps it marginal, underdeveloped, and distorted. Sex businesses can only operate in legal loopholes. This tends to keep investment down and to divert commercial activity towards the goal of staying out of jail rather than delivery of goods and services. It also renders sex workers more vulnerable to exploitation and bad working conditions. If sex commerce were legal, sex workers would be more able to organize and agitate for higher pay, better conditions, greater control, and less stigma.

Whatever one thinks of the limitations of capitalist commerce, such an extreme exclusion from the market process would hardly be socially acceptable in other areas of activity. Imagine, for example, that the exchange of money for medical care, pharmacological advice, or psychological counselling were illegal. Medical practice would take place in a much less satisfactory fashion if doctors, nurses, druggists, and therapists could be hauled off to jail at the whim of the local 'health squad'. But that is essentially the situation of prostitutes, sex workers, and sex entrepreneurs.

Marx himself considered the capitalist market a revolutionary, if limited, force. He argued that capitalism was progressive in its dissolution of pre-capitalist superstition, prejudice, and the bonds of traditional modes of life. 'Hence the great civilizing influence of capital, its production of a state of society compared with which all earlier stages appear to be merely local progress and idolatry of nature' (Marx, 1971, p. 94). Keeping sex from realizing the positive effects of the market economy hardly makes it socialist.

The law is especially ferocious in maintaining the boundary between childhood 'innocence' and 'adult' sexuality. Rather than recognizing the sexuality of the young, and attempting to provide for it in a caring and responsible manner, our culture denies and punishes erotic interest and activity by anyone under the local age of consent. The amount of law devoted to protecting young people from premature exposure to sexuality is breath-taking.

The primary mechanism for insuring the separation of sexual generations is age of consent laws. These laws make no distinction between the most brutal rape and the most gentle romance. A 20-year-old convicted of sexual contact with a 17-year-old will face a severe sentence in virtually every state, regardless of the nature of the relationship (Norton, 1981).[13] Nor are minors permitted access to 'adult' sexuality in other forms. They are forbidden to see books, movies, or television in which

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sexuality is 'too' graphically portrayed. It is legal for young people to see hideous depictions of violence, but not to see explicit pictures of genitalia. Sexually active young people are frequently incarcerated in juvenile homes, or otherwise punished for their 'precocity'.

Adults who deviate too much from conventional standards of sexual conduct are often denied contact with the young, even their own. Custody laws permit the state to steal the children of anyone whose erotic activities appear questionable to a judge presiding over family court matters. Countless lesbians, gay men, prostitutes, swingers, sex workers, and 'promiscuous' women have been declared unfit parents under such provisions. Members of the teaching professions are closely monitored for signs of sexual misconduct. In most states, certification laws require that teachers arrested for sex offenses lose their jobs and credentials. In some cases, a teacher may be fired merely because an unconventional lifestyle becomes known to school officials. Moral turpitude is one of the few legal grounds for revoking academic tenure (Beserra, Franklin, and Clevenger, 1977, pp. 165–7). The more influence one has over the next generation, the less latitude one is permitted in behaviour and opinion. The coercive power of the law ensures the transmission of conservative sexual values with these kinds of controls over parenting and teaching.

The only adult sexual behaviour that is legal in every state is the placement of the penis in the vagina in wedlock. Consenting adults statutes ameliorate this situation in fewer than half the states. Most states impose severe criminal penalties on consensual sodomy, homosexual contact short of sodomy, adultery, seduction, and adult incest. Sodomy laws vary a great deal. In some states, they apply equally to homosexual and heterosexual partners and regardless of marital status. Some state courts have ruled that married couples have the right to commit sodomy in private. Only homosexual sodomy is illegal in some states. Some sodomy statutes prohibit both anal sex and oral–genital contact. In other states, sodomy applies only to anal penetration, and oral sex is covered under separate statutes (Beserra *et al.,* 1973, pp. 163–8).[14]

Laws like these criminalize sexual behaviour that is freely chosen and avidly sought. The ideology embodied in them reflects the value hierarchies discussed above. That is, some sex acts are considered to be so intrinsically vile that no one should be allowed under any circumstance to perform them. The fact that individuals consent to or even prefer them is taken to be additional evidence of depravity. This system of sex law is similar to legalized racism. State prohibition of same sex contact, anal penetration, and oral sex make homosexuals a criminal group denied the privileges of full citizenship. With such laws, prosecution is persecution. Even when they are not strictly enforced, as is usually the case, the members of criminalized sexual communities remain vulnerable to the possibility of arbitrary arrest, or to periods in which they become the objects of social panic. When those occur, the laws are in place and police action is swift. Even sporadic enforcement serves to remind individuals that they are members of a subject population. The occasional arrest for sodomy, lewd behaviour, solicitation, or oral sex keeps everyone else afraid, nervous, and circumspect.

The state also upholds the sexual hierarchy through bureaucratic regulation. Immigration policy still prohibits the admission of homosexuals (and other sexual 'deviates') into the United States. Military regulations bar homosexuals from serving in the armed forces. The fact that gay people cannot legally marry means that they cannot enjoy the same legal rights as heterosexuals in many matters, including inheritance, taxation, protection from testimony in court, and the acquisition of citizenship for foreign partners. These are but a few of the ways that the state reflects and maintains the social relations of sexuality. The law buttresses structures of power, codes of behaviour, and forms of prejudice. At their worst, sex law and sex regulation are simply sexual apartheid.

Although the legal apparatus of sex is staggering, most everyday social control is extra-legal. Less formal, but very effective social sanctions are imposed on members of 'inferior' sexual populations.

In her marvellous ethnographic study of gay life in the 1960s, Esther Newton observed that the homosexual population was divided into what she called the 'overts' and 'coverts'. 'The overts live

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their entire working lives within the context of the [gay] community; the coverts live their *entire nonworking* lives within it' (Newton, 1972, p. 21, emphasis in the original). At the time of Newton's study, the gay community provided far fewer jobs than it does now, and the non-gay work world was almost completely intolerant of homosexuality. There were some fortunate individuals who could be openly gay and earn decent salaries. But the vast majority of homosexuals had to choose between honest poverty and the strain of maintaining a false identity.

Though this situation has changed a great deal, discrimination against gay people is still rampant. For the bulk of the gay population, being out on the job is still impossible. Generally, the more important and higher paid the job, the less the society will tolerate overt erotic deviance. If it is difficult for gay people to find employment where they do not have to pretend, it is doubly and triply so for more exotically sexed individuals. Sadomasochists leave their fetish clothes at home, and know that they must be especially careful to conceal their real identities. An exposed paedophile would probably be stoned out of the office. Having to maintain such absolute secrecy is a considerable burden. Even those who are content to be secretive may be exposed by some accidental event. Individuals who are erotically unconventional risk being unemployable or unable to pursue their chosen careers.

Public officials and anyone who occupies a position of social consequence are especially vulnerable. A sex scandal is the surest method for hounding someone out of office or destroying a political career. The fact that important people are expected to conform to the strictest standards of erotic conduct discourages sex perverts of all kinds from seeking such positions. Instead, erotic dissidents are channeled into positions that have less impact on the mainstream of social activity and opinion.

The expansion of the gay economy in the last decade has provided some employment alternatives and some relief from job discrimination against homosexuals. But most of the jobs provided by the gay economy are low-status and low-paying. Bartenders, bathhouse attendants, and disc jockeys are not bank officers or corporate executives. Many of the sexual migrants who flock to places like San Francisco are downwardly mobile. They face intense competition for choice positions. The influx of sexual migrants provides a pool of cheap and exploitable labour for many of the city's businesses, both gay and straight.

Families play a crucial role in enforcing sexual conformity. Much social pressure is brought to bear to deny erotic dissidents the comforts and resources that families provide. Popular ideology holds that families are not supposed to produce or harbor erotic non-conformity. Many families respond by trying to reform, punish, or exile sexually offending members. Many sexual migrants have been thrown out by their families, and many others are fleeing from the threat of institutionalization. Any random collection of homosexuals, sex workers, or miscellaneous perverts can provide heartstopping stories of rejection and mistreatment by horrified families. Christmas is the great family holiday in the United States and consequently it is a time of considerable tension in the gay community. Half the inhabitants go off to their families of origin; many of those who remain in the gay ghettos cannot do so, and relive their anger and grief.

In addition to economic penalties and strain on family relations, the stigma of erotic dissidence creates friction at all other levels of everyday life. The general public helps to penalize erotic nonconformity when, according to the values they have been taught, landlords refuse housing, neighbours call in the police, and hoodlums commit sanctioned battery. The ideologies of erotic inferiority and sexual danger decrease the power of sex perverts and sex workers in social encounters of all kinds. They have less protection from unscrupulous or criminal behaviour, less access to police protection, and less recourse to the courts. Dealings with institutions and bureaucracies – hospital, police coroners, banks, public officials – are more difficult.

Sex is a vector of oppression. The system of sexual oppression cuts across other modes of social inequality, sorting out individuals and groups according to its own intrinsic dynamics. It is not

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reducible to, or understandable in terms of, class, race, ethnicity, or gender. Wealth, white skin, male gender, and ethnic privileges can mitigate the effects of sexual stratification. A rich, white male pervert will generally be less affected than a poor, black, female pervert. But even the most privileged are not immune to sexual oppression. Some of the consequences of the system of sexual hierarchy are mere nuisances. Others are quite grave. In its most serious manifestations, the sexual system is a Kafkaesque nightmare in which unlucky victims become herds of human cattle whose identification, surveillance, apprehension, treatment, incarceration, and punishment produce jobs and self-satisfaction for thousands of vice police, prison officials, psychiatrists, and social workers.[15]

Sexual Conflicts

> The moral panic crystallizes widespread fears and anxieties, and often deals with them not by seeking the real causes of the problems and conditions which they demonstrate but by displacing them on to 'Folk Devils' in an identified social group (often the 'immoral' or 'degenerate'). Sexuality has had a peculiar centrality in such panics, and sexual 'deviants' have been omnipresent scapegoats. (Jeffrey Weeks, 1981, p. 14)

The sexual system is not a monolithic, omnipotent structure. There are continuous battles over the definitions, evaluations, arrangements, privileges, and costs of sexual behaviour. Political struggle over sex assumes characteristic forms.

Sexual ideology plays a crucial role in sexual experience. Consequently, definitions and evaluations of sexual conduct are objects of bitter contest. The confrontations between early gay liberation and the psychiatric establishment are the best example of this kind of fight, but there are constant skirmishes. Recurrent battles take place between the primary producers of sexual ideology – the churches, the family, the shrinks, and the media – and the groups whose experience they name, distort, and endanger.

The legal regulation of sexual conduct is another battleground. Lysander Spooner dissected the system of state-sanctioned moral coercion over a century ago in a text inspired primarily by the temperance campaigns. In *Vices Are Not Crimes: A Vindication of Moral Liberty,* Spooner argued that government should protect its citizens against crime, but that it is foolish, unjust, and tyrannical to legislate against vice. He discusses rationalizations still heard today in defense of legalized moralism – that 'vices' (Spooner is referring to drink, but homosexuality, prostitution, or recreational drug use may be substituted) lead to crimes, and should therefore be prevented; that those who practice 'vice' are *non compos mentis* and should therefore be protected from their self-destruction by state-accomplished ruin; and that children must be protected from supposedly harmful knowledge (Spooner, 1977). The discourse on victimless crimes has not changed much. Legal struggle over sex law will continue until basic freedoms of sexual action and expression are guaranteed. This requires the repeal of all sex laws except those few that deal with actual, not statutory, coercion; and it entails the abolition of vice squads, whose job it is to enforce legislated morality.

In addition to the definitional and legal wars, there are less obvious forms of sexual political conflict which I call the territorial and border wars. The processes by which erotic minorities form communities and the forces that seek to inhibit them lead to struggles over the nature and boundaries of sexual zones.

Dissident sexuality is rarer and more closely monitored in small towns and rural areas. Consequently, metropolitan life continually beckons to young perverts. Sexual migration creates concentrated pools

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of potential partners, friends, and associates. It enables individuals to create adult, kin-like networks in which to live. But there are many barriers which sexual migrants have to overcome.

According to the mainstream media and popular prejudice, the marginal sexual worlds are bleak and dangerous. They are portrayed as impoverished, ugly, and inhabited by psychopaths and criminals. New migrants must be sufficiently motivated to resist the impact of such discouraging images. Attempts to counter negative propaganda with more realistic information generally meet with censorship, and there are continuous ideological struggles over which representations of sexual communities make it into the popular media.

Information on how to find, occupy, and live in the marginal sexual worlds is also suppressed. Navigational guides are scarce and inaccurate. In the past, fragments of rumour, distorted gossip, and bad publicity were the most available clues to the location of underground erotic communities. During the late 1960s and early 1970s, better information became available. Now groups like the Moral Majority want to rebuild the ideological walls around the sexual undergrounds and make transit in and out of them as difficult as possible.

Migration is expensive. Transportation costs, moving expenses, and the necessity of finding new jobs and housing are economic difficulties that sexual migrants must overcome. These are especially imposing barriers to the young, who are often the most desperate to move. There are, however, routes into the erotic communities which mark trails through the propaganda thicket and provide some economic shelter along the way. Higher education can be a route for young people from affluent backgrounds. In spite of serious limitations, the information on sexual behaviour at most colleges and universities is better than elsewhere, and most colleges and universities shelter small erotic networks of all sorts.

For poorer kids, the military is often the easiest way to get the hell out of wherever they are. Military prohibitions against homosexuality make this a perilous route. Although young queers continually attempt to use the armed forces to get out of intolerable hometown situations and closer to functional gay communities, they face the hazards of exposure, court martial, and dishonourable discharge.

Once in the cities, erotic populations tend to nucleate and to occupy some regular, visible territory. Churches and other anti-vice forces constantly put pressure on local authorities to contain such areas, reduce their visibility, or to drive their inhabitants out of town. There are periodic crackdowns in which local vice squads are unleashed on the populations they control. Gay men, prostitutes, and sometimes transvestites are sufficiently territorial and numerous to engage in intense battles with the cops over particular streets, parks, and alleys. Such border wars are usually inconclusive, but they result in many casualties.

For most of this century, the sexual underworlds have been marginal and impoverished, their residents subjected to stress and exploitation. The spectacular success of gay entrepreneurs in creating a variegated gay economy has altered the quality of life within the gay ghetto. The level of material comfort and social elaboration achieved by the gay community in the last fifteen years is unprecedented. But it is important to recall what happened to similar miracles. The growth of the black population in New York in the early part of the twentieth century led to the Harlem Renaissance, but that period of creativity was doused by the Depression. The relative prosperity and cultural florescence of the ghetto may be equally fragile. Like blacks who fled the South for the metropolitan North, homosexuals may have merely traded rural problems for urban ones.

Gay pioneers occupied neighbourhoods that were centrally located but run down. Consequently, they border poor neighbourhoods. Gays, especially low-income gays, end up competing with other low-income groups for the limited supply of cheap and moderate housing. In San Francisco, competition for low-cost housing has exacerbated both racism and homophobia, and is one source of the epidemic of street violence against homosexuals. Instead of being isolated and invisible in rural settings, city gays are now numerous and obvious targets for urban frustrations.

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In San Francisco, unbridled construction of downtown skyscrapers and high-cost condominiums is causing affordable housing to evaporate. Megabuck construction is creating pressure on all city residents. Poor gay renters are visible in low-income neighbourhoods; multimillionaire contractors are not. The spectre of the 'homosexual invasion' is a convenient scapegoat which deflects attention from the banks, the planning commission, the political establishment, and the big developers. In San Francisco, the well-being of the gay community has become embroiled in the high-stakes politics of urban real estate.

Downtown expansion affects all the territorial erotic underworlds. In both San Francisco and New York, high investment construction and urban renewal have intruded on the main areas of prostitution, pornography, and leather bars. Developers are salivating over Times Square, the Tenderloin, what is left of North Beach, and South of Market. Anti-sex ideology, obscenity law, prostitution regulations, and the alcoholic beverage codes are all being used to dislodge seedy adult business, sex workers, and leathermen. Within ten years, most of these areas will have been bulldozed and made safe for convention centres, international hotels, corporate headquarters, and housing for the rich.

The most important and consequential kind of sex conflict is what Jeffrey Weeks has termed the 'moral panic'. Moral panics are the 'political moment' of sex, in which diffuse attitudes are channeled into political action and from there into social change.[16] The white slavery hysteria of the 1880s, the anti-homosexual campaigns of the 1950s, and the child pornography panic of the late 1970s were typical moral panics.

Because sexuality in Western societies is so mystified, the wars over it are often fought at oblique angles, aimed at phony targets, conducted with misplaced passions, and are highly, intensely symbolic. Sexual activities often function as signifiers for personal and social apprehensions to which they have no intrinsic connection. During a moral panic such fears attach to some unfortunate sexual activity or population. The media become ablaze with indignation, the public behaves like a rabid mob, the police are activated, and the state enacts new laws and regulations. When the furor has passed, some innocent erotic group has been decimated, and the state has extended its power into new areas of erotic behaviour.

The system of sexual stratification provides easy victims who lack the power to defend themselves, and a preexisting apparatus for controlling their movements and curtailing their freedoms. The stigma against sexual dissidents renders them morally defenceless. Every moral panic has consequences on two levels. The target population suffers most, but everyone is affected by the social and legal changes.

Moral panics rarely alleviate any real problem, because they are aimed at chimeras and signifiers. They draw on the pre-existing discursive structure which invents victims in order to justify treating 'vices' as crimes. The criminalization of innocuous behaviours such as homosexuality, prostitution, obscenity, or recreational drug use, is rationalized by portraying them as menaces to health and safety, women and children, national security, the family, or civilization itself. Even when activity is acknowledged to be harmless, it may be banned because it is alleged to 'lead' to something ostensibly worse (another manifestation of the domino theory).[17] Great and mighty edifices have been built on the basis of such phantasms. Generally, the outbreak of a moral panic is preceded by an intensification of such scapegoating.

It is always risky to prophesy. But it does not take much prescience to detect potential moral panics in two current developments: the attacks on sadomasochists by a segment of the feminist movement, and the right's increasing use of AIDS to incite virulent homophobia.

Feminist anti-pornography ideology has always contained an implied, and sometimes overt, indictment of sadomasochism. The pictures of sucking and fucking that comprise the bulk of pornography may be unnerving to those who are not familiar with them. But it is hard to make a convincing case that such images are violent. All of the early anti-porn slide shows used a highly selective sample of S/M imagery to sell a very flimsy analysis. Taken out of context, such images are

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often shocking. This shock value was mercilessly exploited to scare audiences into accepting the anti-porn perspective.

A great deal of anti-porn propaganda implies sadomasochism is the underlying and essential 'truth' towards which all pornography tends. Porn is thought to lead to S/M porn which in turn is alleged to lead to rape. This is a just-so story that revitalizes the notion that sex perverts commit sex crimes, not normal people. There is no evidence that the readers of S/M erotica or practising sadomasochists commit a disproportionate number of sex crimes. Anti-porn literature scapegoats an unpopular sexual minority and its reading material for social problems they do not create.

The use of S/M imagery in anti-porn discourse is inflammatory. It implies that the way to make the world safe for women is to get rid of sadomasochism. The use of S/M images in the movie *Not a Love Story* was on a moral par with the use of depictions of black men raping white women, or of drooling old Jews pawing young Aryan girls, to incite racist or anti-Semitic frenzy.

Feminist rhetoric has a distressing tendency to reappear in reactionary contexts. For example, in 1980 and 1981, Pope John Paul II delivered a series of pronouncements reaffirming his commitment to the most conservative and Pauline understandings of human sexuality. In condemning divorce, abortion, trial marriage, pornography, prostitution, birth control, unbridled hedonism, and lust, the pope employed a great deal of feminist rhetoric about sexual objectification. Sounding like lesbian feminist polemicist Julia Penelope, His Holiness explained that 'considering anyone in a lustful way makes that person a sexual object rather than a human being worthy of dignity'.[18]

The right wing opposes pornography and has already adopted elements of feminist anti-porn rhetoric. The anti-S/M discourse developed in the women's movement could easily become a vehicle for a moral witch hunt. It provides a ready-made defenseless target population. It provides a rationale for the recriminalization of sexual materials which have escaped the reach of current obscenity laws. It would be especially easy to pass laws against S/M erotica resembling the child pornography laws. The ostensible purpose of such laws would be to reduce violence by banning so-called violent porn. A focused campaign against the leather menace might also result in the passage of laws to criminalize S/M behaviour that is not currently illegal. The ultimate result of such a moral panic would be the legalized violation of a community of harmless perverts. It is dubious that such a sexual witch hunt would make any appreciable contribution towards reducing violence against women.

An AIDS panic is even more probable. When fears of incurable disease mingle with sexual terror, the resulting brew is extremely volatile. A century ago, attempts to control syphilis led to the passage of the Contagious Diseases Acts in England. The Acts were based on erroneous medical theories and did nothing to halt the spread of the disease. But they did make life miserable for the hundreds of women who were incarcerated, subjected to forcible vaginal examination, and stigmatized for life as prostitutes (Walkowitz, 1980; Weeks, 1981).

Whatever happens, AIDS will have far-reaching consequences on sex in general, and on homosexuality in particular. The disease will have a significant impact on the choices gay people make. Fewer will migrate to the gay meccas out of fear of the disease. Those who already reside in the ghettos will avoid situations they fear will expose them. The gay economy, and political apparatus it supports, may prove to be evanescent. Fear of AIDS has already affected sexual ideology. Just when homosexuals have had some success in throwing off the taint of mental disease, gay people find themselves metaphorically welded to an image of lethal physical deterioration. The syndrome, its peculiar qualities, and its transmissibility are being used to reinforce old fears that sexual activity, homosexuality, and promiscuity led to disease and death.

AIDS is both a personal tragedy for those who contract the syndrome and a calamity for the gay community. Homophobes have gleefully hastened to turn this tragedy against its victims. One columnist has suggested that AIDS has always existed, that the Biblical prohibitions on sodomy were designed to protect people from AIDS, and that AIDS is therefore an appropriate punishment for violating the

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Levitical codes. Using fear of infection as a rationale, local right-wingers attempted to ban the gay rodeo from Reno, Nevada. A recent issue of the *Moral Majority Report* featured a picture of a 'typical' white family of four wearing surgical masks. The headline read: 'AIDS: HOMOSEXUAL DISEASES THREATEN AMERICAN FAMILIES'.[19] Phyllis Schlafly has recently issued a pamphlet arguing that passage of the Equal Rights Amendment would make it impossible to 'legally protect ourselves against AIDS and other diseases carried by homosexuals' (cited in Bush, 1983, p. 60). Current rightwing literature calls for shutting down the gay baths, for a legal ban on homosexual employment in food-handling occupations, and for state-mandated prohibitions on blood donations by gay people. Such policies would require the government to identify all homosexuals and impose easily recognizable legal and social markers on them.

It is bad enough that the gay community must deal with the medical misfortune of having been the population in which a deadly disease first became widespread and visible. It is worse to have to deal with the social consequences as well. Even before the AIDS scare, Greece passed a law that enables police to arrest suspected homosexuals and force them to submit to an examination for venereal disease. It is likely that until AIDS and its methods of transmission are understood, there will be all sorts of proposals to control it by punishing the gay community and by attacking its institutions. When the cause of Legionnaires' Disease was unknown, there were no calls to quarantine members of the American Legion or to shut down their meeting halls. The Contagious Diseases Acts in England did little to control syphilis, but they caused a great deal of suffering for the women who came under their purview. The history of panic that has accompanied new epidemics, and of the casualties incurred by their scapegoats, should make everyone pause and consider with extreme scepticism any attempts to justify anti-gay policy initiatives on the basis of AIDS.

The Limits of Feminism

> We know that in an overwhelmingly large number of cases, sex crime is associated with pornography. We know that sex criminals read it, are clearly influenced by it. I believe that, if we can eliminate the distribution of such items among impressionable children, we shall greatly reduce our frightening sex-crime rate.
>
> (J. Edgar Hoover, cited in Hyde, 1965, p. 31)

In the absence of a more articulated radical theory of sex, most progressives have turned to feminism for guidance. But the relationship between feminism and sex is complex. Because sexuality is a nexus of relationships between genders, much of the oppression of women is borne by, mediated through, and constituted within, sexuality. Feminism has always been vitally interested in sex. But there have been two strains of feminist thought on the subject. One tendency has criticized the restrictions on women's sexual behaviour and denounced the high costs imposed on women for being sexually active. This tradition of feminist sexual thought has called for a sexual liberation that would work for women as well as for men. The second tendency has considered sexual liberalization to be inherently a mere extension of male privilege. This tradition resonates with conservative, anti-sexual discourse. With the advent of the anti-pornography movement, it achieved temporary hegemony over feminist analysis.

The anti-pornography movement and its texts have been the most extensive expression of this discourse.[20] In addition, proponents of this viewpoint have condemned virtually every variant of sexual expression as anti-feminist. Within this framework, monogamous lesbianism that occurs within long-term, intimate relationships and which does not involve playing with polarized roles, has

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replaced married, procreative heterosexuality at the top of the value hierarchy. Heterosexuality has been demoted to somewhere in the middle. Apart from this change, everything else looks more or less familiar. The lower depths are occupied by the usual groups and behaviours: prostitution, transsexuality, sadomasochism, and cross-generational activities (Barry, 1979, 1982; Raymond, 1979; Linden *et al.,* 1982; Rush, 1980). Most gay male conduct, all casual sex, promiscuity, and lesbian behaviour that does involve roles or kink or non-monogamy are also censured.[21] Even sexual fantasy during masturbation is denounced as a phallocentric holdover (Penelope, 1980).

This discourse on sexuality is less a sexology than a demonology. It presents most sexual behaviour in the worst possible light. Its descriptions of erotic conduct always use the worst available example as if it were representative. It presents the most disgusting pornography, the most exploited forms of prostitution, and the least palatable or most shocking manifestations of sexual variation. This rhetorical tactic consistently misrepresents human sexuality in all its forms. The picture of human sexuality that emerges from this literature is unremittingly ugly.

In addition, this anti-porn rhetoric is a massive exercise in scapegoating. It criticizes non-routine acts of love rather than routine acts of oppression, exploitation, or violence. This demon sexology directs legitimate anger at women's lack of personal safety against innocent individuals, practices and communities. Anti-porn propaganda often implies that sexism originates within the commercial sex industry and subsequently infects the rest of society. This is sociologically nonsensical. The sex industry is hardly a feminist utopia. It reflects the sexism that exists in the society as a whole. We need to analyse and oppose the manifestations of gender inequality specific to the sex industry. But this is not the same as attempting to wipe out commercial sex.

Similarly, erotic minorities such as sadomasochists and transsexuals are as likely to exhibit sexist attitudes or behaviour as any other politically random social grouping. But to claim that they are inherently anti-feminist is sheer fantasy. A good deal of current feminist literature attributes the oppression of women to graphic representations of sex, prostitution, sex education, sadomasochism, male homosexuality, and transsexualism. Whatever happened to the family, religion, education, child-rearing practices, the media, the state, psychiatry, job discrimination, and unequal pay?

Finally, this so-called feminist discourse recreates a very conservative sexual morality. For over a century, battles have been waged over just how much shame, distress, and punishment should be incurred by sexual activity. The conservative tradition has promoted opposition to pornography, prostitution, homosexuality, all erotic variation, sex education, sex research, abortion, and contraception. The opposing, pro-sex tradition has included individuals like Havelock Ellis, Magnus Hirschfeld, Alfred Kinsey, and Victoria Woodhull, as well as the sex education movement, organizations of militant prostitutes and homosexuals, the reproductive rights movement, and organizations such as the Sexual Reform League of the 1960s. This motley collection of sex reformers, sex educators, and sexual militants has mixed records on both sexual and feminist issues. But surely they are closer to the spirit of modern feminism than are moral crusaders, the social purity movement, and anti-vice organizations. Nevertheless, the current feminist sexual demonology generally elevates the anti-vice crusaders to positions of ancestral honour, while condemning the more liberatory tradition as antifeminist. In an essay that exemplifies some of these trends, Sheila Jeffreys blames Havelock Ellis, Edward Carpenter, Alexandra Kollantai, 'believers in the joy of sex of every possible political persuasion', and the 1929 congress of the World League for Sex Reform for making 'a great contribution to the defeat of militant feminism' (Jeffreys, 1981, p. 26).[22]

The anti-pornography movement and its avatars have claimed to speak for all feminism. Fortunately, they do not. Sexual liberation has been and continues to be a feminist goal. The women's movement may have produced some of the most retrogressive sexual thinking this side of the Vatican. But it has also produced an exciting, innovative, and articulate defense of sexual pleasure and erotic justice. This 'pro-sex' feminism has been spearheaded by lesbians whose sexuality does not conform to

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movement standards of purity (primarily lesbian sadomasochists and butch/femme dykes), by unapologetic heterosexuals, and by women who adhere to classic radical feminism rather than to the revisionist celebrations of femininity which have become so common.[23] Although the antiporn forces have attempted to weed anyone who disagrees with them out of the movement, the fact remains that feminist thought about sex is profoundly polarized (Orlando, 1982b; Willis, 1982).

Whenever there is polarization, there is an unhappy tendency to think the truth lies somewhere in between. Ellen Willis has commented sarcastically that 'the feminist bias is that women are equal to men and the male chauvinist bias is that women are inferior. The unbiased view is that the truth lies somewhere in between' (Willis, 1982, p. 146).[24] The most recent development in the feminist sex wars is the emergence of a 'middle' that seeks to evade the dangers of anti-porn fascism, on the one hand, and a supposed 'anything goes' libertarianism, on the other.[25] Although it is hard to criticize a position that is not yet fully formed, I want to draw attention to some incipient problems.

The emergent middle is based on a false characterization of the poles of debate, construing both sides as equally extremist. According to B. Ruby Rich, 'the desire for a language of sexuality has led feminists into locations (pornography, sadomasochism) too narrow or overdetermined for a fruitful discussion. Debate has collapsed into a rumble' (Rich, 1983, p. 76). True, the fights between Women Against Pornography (WAP) and lesbian sadomasochists have resembled gang warfare. But the responsibility for this lies primarily with the anti-porn movement, and its refusal to engage in principled discussion. S/M lesbians have been forced into a struggle to maintain their membership in the movement, and to defend themselves against slander. No major spokeswoman for lesbian S/M has argued for any kind of S/M supremacy, or advocated that everyone should be a sadomasochist. In addition to self-defense, S/M lesbians have called for appreciation for erotic diversity and more open discussion of sexuality (Samois, 1979, 1982; Califia, 1980e, 1981a). Trying to find a middle course between WAP and Samois is a bit like saying that the truth about homosexuality lies somewhere between the positions of the Moral Majority and those of the gay movement.

In political life, it is all too easy to marginalize radicals, and to attempt to buy acceptance for a moderate position by portraying others as extremists. Liberals have done this for years to communists. Sexual radicals have opened up the sex debates. It is shameful to deny their contribution, misrepresent their positions, and further their stigmatization.

In contrast to cultural feminists, who simply want to purge sexual dissidents, the sexual moderates are willing to defend the rights of erotic non-conformists to political participation. Yet this defense of political rights is linked to an implicit system of ideological condescension. The argument has two major parts. The first is an accusation that sexual dissidents have not paid close enough attention to the meaning, sources, or historical construction of their sexuality. This emphasis on meaning appears to function in much the same way that the question of etiology has functioned in discussions of homosexuality. That is, homosexuality, sadomasochism, prostitution, or boy-love are taken to be mysterious and problematic in some way that more respectable sexualities are not. The search for a cause is a search for something that could change so that these 'problematic' eroticisms would simply not occur. Sexual militants have replied to such exercises that although the question of etiology or cause is of intellectual interest, it is not high on the political agenda and that, moreover, the privileging of such questions is itself a regressive political choice.

The second part of the 'moderate' position focuses on questions of consent. Sexual radicals of all varieties have demanded the legal and social legitimation of consenting sexual behaviour. Feminists have criticized them for ostensibly finessing questions about 'the limits of consent' and 'structural constraints' on consent (Orlando, 1983; Wilson, 1983, especially pp. 35–41). Although there are deep problems with the political discourse of consent, and although there are certainly structural constraints on sexual choice, this criticism has been consistently misapplied in the sex debates. It does not take into account the very specific semantic content that consent has in sex law and sex practice.

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As I mentioned earlier, a great deal of sex law does not distinguish between consensual and coercive behaviour. Only rape law contains such a distinction. Rape law is based on the assumption, correct in my view, that heterosexual activity may be freely chosen or forcibly coerced. One has the legal right to engage in heterosexual behaviour as long as it does not fall under the purview of other statutes and as long as it is agreeable to both parties.

This is not the case for most other sexual acts. Sodomy laws, as I mentioned above, are based on the assumption that the forbidden acts are an 'abominable and detestable crime against nature'. Criminality is intrinsic to the acts themselves, no matter what the desires of the participants. 'Unlike rape, sodomy or an unnatural or perverted sexual act may be committed between two persons both of whom consent, and, regardless of which is the aggressor, both may be prosecuted.'[26] Before the consenting adults statute was passed in California in 1976, lesbian lovers could have been prosecuted for committing oral copulation. If both participants were capable of consent, both were equally guilty (Besera *et al.,* 1973, pp. 163–5).[27]

Adult incest statutes operate in a similar fashion. Contrary to popular mythology, the incest statutes have little to do with protecting children from rape by close relatives. The incest statutes themselves prohibit marriage or sexual intercourse between adults who are closely related. Prosecutions are rare, but two were reported recently. In 1979, a 19-year-old Marine met his 42-year-old mother, from whom he had been separated at birth. The two fell in love and got married. They were charged and found guilty of incest, which under Virginia law carries a maximum ten-year sentence. During their trial, the Marine testified, 'I love her very much. I feel that two people who love each other should be able to live together.'[28] In another case, a brother and sister who had been raised separately met and decided to get married. They were arrested and pleaded guilty to felony incest in return for probation. A condition of probation was that they not live together as husband and wife. Had they not accepted, they would have faced twenty years in prison (Norton, 1981, p. 18). In a famous S/M case, a man was convicted of aggravated assault for a whipping administered in an S/M scene. There was no complaining victim. The session had been filmed and he was prosecuted on the basis of the film. The man appealed his conviction by arguing that he had been involved in a consensual sexual encounter and had assaulted no one. In rejecting his appeal, the court ruled that one may not consent to an assault or battery 'except in a situation involving ordinary physical contact or blows incident to sports such as football, boxing, or wrestling'.[29] The court went on to note that the 'consent of a person without legal capacity to give consent, such as a child or insane person, is ineffective', and that 'It is a matter of common knowledge that a normal person in full possession of his mental faculties does not freely consent to the use, upon himself, of force likely to produce great bodily injury.'[30] Therefore, anyone who would consent to a whipping would be presumed *non compos mentis* and legally incapable of consenting. S/M sex generally involves a much lower level of force than the average football game, and results in far fewer injuries than most sports. But the court ruled that football players are sane, whereas masochists are not.

Sodomy laws, adult incest laws, and legal interpretations such as the one above clearly interfere with consensual behaviour and impose criminal penalties on it. Within the law, consent is a privilege enjoyed only by those who engage in the highest-status sexual behaviour. Those who enjoy lowstatus sexual behaviour do not have the legal right to engage in it. In addition, economic sanctions, family pressures, erotic stigma, social discrimination, negative ideology, and the paucity of information about erotic behaviour, all serve to make it difficult for people to make unconventional sexual choices. There certainly are structural constraints that impede free sexual choice, but they hardly operate to coerce anyone into being a pervert. On the contrary, they operate to coerce everyone towards normality.

The 'brainwash theory' explains erotic diversity by assuming that some sexual acts are so disgusting that no one would willingly perform them. Therefore, the reasoning goes, anyone who does so must

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have been forced or fooled. Even constructivist sexual theory has been pressed into the service of explaining away why otherwise rational individuals might engage in variant sexual behaviour. Another position that is not yet fully formed uses the ideas of Foucault and Weeks to imply that the 'perversions' are an especially unsavoury or problematic aspect of the construction of modern sexuality (Valverde, 1980; Wilson, 1983, p. 38). This is yet another version of the notion that sexual dissidents are victims of the subtle machinations of the social system. Weeks and Foucault would not accept such an interpretation, since they consider all sexuality to be constructed, the conventional no less than the deviant.

Psychology is the last resort of those who refuse to acknowledge that sexual dissidents are as conscious and free as any other group of sexual actors. If deviants are not responding to the manipulations of the social system, then perhaps the source of their incomprehensible choices can be found in a bad childhood, unsuccessful socialization, or inadequate identity formation. In her essay on erotic domination, Jessica Benjamin draws upon psychoanalysis and philosophy to explain why what she calls 'sadomasochism' is alienated, distorted, unsatisfactory, numb, purposeless, and an attempt to 'relieve an original effort at differentiation that failed' (Benjamim, 1983, p. 292).[31] This essay substitutes a psycho-philosophical inferiority for the more usual means of devaluing dissident eroticism. One reviewer has already construed Benjamin's argument as showing that sadomasochism is merely an 'obsessive replay of the infant power struggle' (Ehrenreich, 1983, p. 247).

The position which defends the political rights of perverts but which seeks to understand their 'alienated' sexuality is certainly preferable to the WAP-style blood-baths. But for the most part, the sexual moderates have not confronted their discomfort with erotic choices that differ from their own. Erotic chauvinism cannot be redeemed by tarting it up in Marxist drag, sophisticated constructivist theory, or retro-psychobabble.

Whichever feminist position on sexuality – right, left, or centre – eventually attains dominance, the existence of such a rich discussion is evidence that the feminist movement will always be a source of interesting thought about sex. Nevertheless, I want to challenge the assumption that feminism is or should be the privileged site of a theory of sexuality. Feminism is the theory of gender oppression. To assume automatically that this makes it the theory of sexual oppression is to fail to distinguish between gender, on the one hand, and erotic desire, on the other.

In the English language, the word 'sex' has two very different meanings. It means gender and gender identity, as in 'the female sex' or 'the male sex'. But sex also refers to sexual activity, lust, intercourse, and arousal, as in 'to have sex'. This semantic merging reflects a cultural assumption that sexuality is reducible to sexual intercourse and that it is a function of the relations between women and men. The cultural fusion of gender with sexuality has given rise to the idea that a theory of sexuality may be derived directly out of a theory of gender.

In an earlier essay, 'The Traffic in Women', I used the concept of sex/gender system, defined as a 'set of arrangements by which a society transforms biological sexuality into products of human activity' (Rubin, 1975, p. 159). I went on to argue that 'Sex as we know it – gender identity, sexual desire and fantasy, concepts of childhood – is itself a social product' (*ibid.*, p. 66). In that essay, I did not distinguish between lust and gender, treating both as modalities of the same underlying social process.

'The Traffic in Women' was inspired by the literature on kin-based systems of social organization. It appeared to me at the time that gender and desire were systematically intertwined in such social formations. This may or may not be an accurate assessment of the relationship between sex and gender in tribal organizations. But it is surely not an adequate formulation for sexuality in Western industrial societies. As Foucault has pointed out, a system of sexuality has emerged out of earlier kinship forms and has acquired significant autonomy.

> Particularly from the eighteenth century onward, Western societies created and deployed a new apparatus which was superimposed on the previous one, and which, without

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> completely supplanting the latter, helped to reduce its importance. I am speaking of the deployment of sexuality . . . For the first [kinship], what is pertinent is the link between partners and definite statutes; the second [sexuality] is concerned with the sensations of the body, the quality of pleasures, and the nature of impressions. (Foucault, 1978, p. 106)

The development of this sexual system has taken place in the context of gender relations. Part of the modern ideology of sex is that lust is the province of men, purity that of women. It is no accident that pornography and perversions have been considered part of the male domain. In the sex industry, women have been excluded from most production and consumption, and allowed to participate primarily as workers. In order to participate in the 'perversions', women have had to overcome serious limitations on their social mobility, their economic resources, and their sexual freedoms. Gender affects the operation of the sexual system, and the sexual system has had gender-specific manifestations. But although sex and gender are related, they are not the same thing, and they form the basis of two distinct arenas of social practice.

In contrast to my perspective in 'The Traffic in Women', I am now arguing that it is essential to separate gender and sexuality analytically to reflect more accurately their separate social existence. This goes against the grain of much contemporary feminist thought, which treats sexuality as a derivation of gender. For instance, lesbian feminist ideology has mostly analysed the oppression of lesbians in terms of the oppression of women. However, lesbians are also oppressed as queers and perverts, by the operation of sexual, not gender, stratification. Although it pains many lesbians to think about it, the fact is that lesbians have shared many of the sociological features and suffered from many of the same social penalties as have gay men, sadomasochists, transvestites, and prostitutes.

Catherine MacKinnon has made the most explicit theoretical attempt to subsume sexuality under feminist thought. According to MacKinnon, 'Sexuality is to feminism what work is to marxism . . . the moulding, direction, and expression of sexuality organizes society into two sexes, women and men' (MacKinnon, 1982, pp. 5–16). This analytic strategy in turn rests on a decision to 'use sex and gender relatively interchangeably' (MacKinnon, 1983, p. 635). It is this definitional fusion that I want to challenge.

There is an instructive analogy in the history of the differentiation of contemporary feminist thought from Marxism. Marxism is probably the most supple and powerful conceptual system extant for analysing social inequality. But attempts to make Marxism the sole explanatory system for all social inequalities have been dismal exercises. Marxism is most successful in the areas of social life for which it was originally developed – class relations under capitalism.

In the early days of the contemporary women's movement, a theoretical conflict took place over the applicability of Marxism to gender stratification. Since Marxist theory is relatively powerful, it does in fact detect important and interesting aspects of gender oppression. It works best for those issues of gender most closely related to issues of class and the organization of labour. The issues more specific to the social structure of gender were not amenable to Marxist analysis.

The relationship between feminism and a radical theory of sexual oppression is similar. Feminist conceptual tools were developed to detect and analyse gender-based hierarchies. To the extent that these overlap with erotic stratifications, feminist theory has some explanatory power. But as issues become less those of gender and more those of sexuality, feminist analysis becomes misleading and often irrelevant. Feminist thought simply lacks angles of vision which can fully encompass the social organization of sexuality. The criteria of relevance in feminist thought do not allow it to see or assess critical power relations in the area of sexuality.

In the long run, feminism's critique of gender hierarchy must be incorporated into a radical theory of sex, and the critique of sexual oppression should enrich feminism. But an autonomous theory and politics specific to sexuality must be developed.

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It is a mistake to substitute feminism for Marxism as the last word in social theory. Feminism is no more capable than Marxism of being the ultimate and complete account of all social inequality. Nor is feminism the residual theory which can take care of everything to which Marx did not attend. These critical tools were fashioned to handle very specific areas of social activity. Other areas of social life, their forms of power, and their characteristic modes of oppression, need their own conceptual implements. In this essay, I have argued for theoretical as well as sexual pluralism.

Conclusion

. . . these pleasures which we lightly call physical. . . (Colette, 1982, p. 72)

Like gender, sexuality is political. It is organized into systems of power, which reward and encourage some individuals and activities, while punishing and suppressing others. Like the capitalist organization of labour and its distribution of rewards and powers, the modern sexual system has been the object of political struggle since it emerged and as it has evolved. But if the disputes between labour and capital are mystified, sexual conflicts are completely camouflaged.

The legislative restructuring that took place at the end of the nineteenth century and in the early decades of the twentieth was a refracted response to the emergence of the modern erotic system. During that period, new erotic communities formed. It became possible to be a male homosexual or a lesbian in a way it had not been previously. Mass-produced erotica became available, and the possibilities for sexual commerce expanded. The first homosexual rights organizations were formed, and the first analyses of sexual oppression were articulated (Lauritsen and Thorstad, 1974).

The repression of the 1950s was in part a backlash to the expansion of sexual communities and possibilities which took place during World War II (D'Emilio, 1983; Bérubé, 1981a, 1981b). During the 1950s, gay rights organizations were established, the Kinsey reports were published, and lesbian literature flourished. The 1950s were a formative as well as a repressive era.

The current right-wing sexual counter-offensive is in part a reaction to the sexual liberalization of the 1960s and early 1970s. Moreover, it has brought about a unified and self-conscious coalition of sexual radicals. In one sense, what is now occurring is the emergence of a new sexual movement, aware of new issues and seeking a new theoretical basis. The sex wars out on the streets have been partly responsible for provoking a new intellectual focus on sexuality. The sexual system is shifting once again, and we are seeing many symptoms of its change.

In Western culture, sex is taken all too seriously. A person is not considered immoral, is not sent to prison, and is not expelled from her or his family, for enjoying spicy cuisine. But an individual may go through all this and more for enjoying shoe leather. Ultimately, of what possible social significance is it if a person likes to masturbate over a shoe? It may even be non-consensual, but since we do not ask permission of our shoes to wear them, it hardly seems necessary to obtain dispensation to come on them.

If sex is taken too seriously, sexual persecution is not taken seriously enough. There is systematic mistreatment of individuals and communities on the basis of erotic taste or behaviour. There are serious penalties for belonging to the various sexual occupational castes. The sexuality of the young is denied, adult sexuality is often treated like a variety of nuclear waste, and the graphic representation of sex takes place in a mire of legal and social circumlocution. Specific populations bear the brunt of the current system of erotic power, but their persecution upholds a system that affects everyone.

The 1980s have already been a time of great sexual suffering. They have also been a time of ferment and new possibility. It is up to all of us to try to prevent more barbarism and to encourage erotic creativity. Those who consider themselves progressive need to examine their preconceptions,

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update their sexual educations, and acquaint themselves with the existence and operation of sexual hierarchy. It is time to recognize the political dimensions of erotic life.

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A Note on Definitions

Throughout this essay, I use terms such as homosexual, sex worker, and pervert. I use 'homosexual' to refer to both women and men. If I want to be more specific, I use terms such as 'lesbian' or 'gay male'. 'Sex worker' is intended to be more inclusive than 'prostitute', in order to encompass the many jobs of the sex industry. Sex worker includes erotic dancers, strippers, porn models, nude women who will talk to a customer via telephone hook-up and can be seen but not touched, phone partners, and the various other employees of sex businesses such as receptionists, janitors and barkers. Obviously, it also includes prostitutes, hustlers, and 'male models'. I use the term 'pervert' as a shorthand for all the stigmatized sexual orientations. It is used to cover male and female homosexuality as well but as these become less disreputable, the term has increasingly referred to the other 'deviations'. Terms such as 'pervert' and 'deviant' have, in general use, a connotation of disapproval, disgust, and dislike. I am using these terms in a denotative fashion, and do not intend them to convey any disapproval on my part.

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Notes

1. Walkowitz's entire discussion of the *Maiden Tribute of Modern Babylon* and its aftermath (1982, pp. 83–5) is illuminating.
2. I am indebted to Allan Bérubé for calling my attention to this incident.
3. The following examples suggest avenues for additional research. A local crackdown at the University of Michigan is documented in Tsang (1977a, 1977b). At the University of Michigan, the number of faculty dismissed for alleged homosexuality appears to rival the number fired for alleged communist tendencies. It would be interesting to have figures comparing the number of professors who lost their positions during this period due to sexual and political offenses. On regulatory reform, many states passed laws during this period prohibiting the sale of alcoholic beverages to 'known sex perverts' or providing that bars which catered to 'sex perverts' be closed. Such a law was passed in California in 1955, and declared unconstitutional by the state Supreme Court in 1959 (Allan Bérubé, personal communication). It would be of great interest to know exactly which states passed such statutes, the dates of their enactment, the discussion that preceded them, and how many are still on the books. On the persecution of other erotic populations, evidence indicates that John Willie and Irving Klaw, the two premier producers and distributors of bondage erotica in the United States from the late 1940s through the early 1960s, encountered frequent police harassment and that Klaw, at least, was affected by a congressional investigation conducted by the Kefauver Committee. I am indebted to personal communication from J.B. Rund for information on the careers of Willie and Klaw. Published sources are scarce, but see Willie (1974); Rund (1977, 1978, 1979). It would be useful to have more systematic information on legal shifts and police activity affecting non-gay erotic dissidence.
4. 'Chicago is center of national child porno ring: the child predators', 'Child sex: square in new town tells it all', 'U.S. orders hearings on child pornography: Rodino calls sex racket an "outrage"', 'Hunt six men, twenty boys in crackdown', *Chicago Tribune,* May 16, 1977; 'Dentist seized in child sex raid: Carey to open probe', 'How ruses lure victims to child pornographers', *Chicago Tribune,* 1977; 'Child pornographers thrive on legal confusion', 'U.S. raids hit porn sellers', *Chicago Tribune,* 1977.
5. For more information on the 'Kiddie porn panic' see Califia (1980c, 1980d); Mitzel (1980); Rubin (1981). On the issue of cross-generational relationships, see also Moody (1980); O'Carroll (1980); Tsang (1981) and Wilson (1981).
6. 'House passes tough bill on child porn', *San Francisco Chronicle,* November 15, 1983, p.14.
7. This insight was first articulated by Mary McIntosh (1968); the idea has been developed in Jeffrey Weeks (1977, 1981); see also D'Emilio (1983) and Rubin (1979).
8. A very useful discussion of these issues can be found in Robert Padgug (1979).
9. Lévi-Strauss (1970). In this conversation, Lévi-Strauss calls his position 'a Kantianism without a transcendental subject'.
10. See, for example, 'Pope praises couples for self-control', *San Francisco Chronicle,* October 13, 1980; 'Pope says sexual arousal isn't a sin if it's ethical', *San Francisco Chronicle,* November 6, 1980; 'Pope condemns "carnal lust" as abuse of human freedom', *San Francisco Chronicle,* January 15, 1981; 'Pope again hits abortion, birth control', *San Francisco Chronicle,* January 16, 1981; and 'Sexuality, not sex in heaven', *San Francisco Chronicle,* December 3, 1981. See also footnote 18 below.
11. For further elaboration of these processes, see: Bérubé (1981a); D'Emilio (1981, 1983); Foucault (1978); Katz (1976); Weeks (1977, 1981).
12. Vice cops also harass all sex businesses, be these gay bars, gay baths, adult book stores, the producers and distribution of commercial erotica, or swing clubs.
13. This article (Norton, 1981) is a superb summary of much current sex law and should be required reading for anyone interested in sex.
14. This earlier edition of the Sex Code of California preceded the 1976 consenting adults statute and consequently gives a better overview of sodomy laws.
15. D'Emilio (1983, pp. 40–53) has an excellent discussion of gay oppression in the 1950s which covers many of the areas I have mentioned. The dynamics he describes, however, are operative in modified forms for other erotic populations, and in other periods. The specific model of gay oppression needs to be generalized to apply, with appropriate modifications, to other sexual groups.

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16. I have adopted this terminology from the very useful discussion in Weeks, 1981, pp. 14–15.
17. See Spooner, 1977, pp. 25–29. Feminist anti-porn discourse fits right into the tradition of justifying attempts at moral control by claiming that such action will protect women and children from violence.
18. 'Pope's talk on sexual spontaneity', *San Francisco Chronicle,* November 13, 1980, p. 8; see also footnote 10 above. Julia Penelope argues that 'we do not need anything that labels itself purely sexual' and that 'fantasy, as an aspect of sexuality, may be a phallocentric "need" from which we are not yet free . . .' in Penelope, 1980, p. 103.
19. *Moral Majority Report,* July 1983. I am indebted to Allan Bérubé for calling my attention to this image.
20. See for example Lederer (1980); Dworkin (1981). The *Newspage* of San Francisco's Women Against Violence in Pornography and Media and the *Newsreport* of New York Women Against Pornography are excellent sources.
21. Gearhart (1979); Rich (1979, p. 225). (On the other hand, there is homosexual patriarchal culture, a culture created by homosexual men, reflecting such male stereotypes as dominance and submission as modes of relationship, and separation of sex from emotional involvement – a culture tainted by profound hatred for women. The male 'gay' culture has offered lesbians the imitation role-stereotypes of 'butch' and 'femme', 'active' and 'passive', cruising, sadomasochism, and the violent, self-destructive world of 'gay bars'); Pasternack (1983); Rich (1983).
22. A further elaboration of this tendency can be found in Pasternack, 1983.
23. Califia (1980a, 1980b, 1980c, 1980d, 1980e, 1981b, 1982a, 1982b, 1983a, 1983b, 1983c); English, Hollibaugh, and Rubin (1981a, 1981b); Hollibaugh (1983); Holz (1983); O'Dair (1983); Orlando (1982a); Russ (1982); Samois (1979, 1982); Sundhal (1983); Wechsler (1981a, 1981b); Willis (1981). For an excellent overview of the history of the ideological shifts in feminism which have affected the sex debates, see Echols (1983).
24. I am indebted to Jeanne Bergman for calling my attention to this quote.
25. See for example, Benjamin (1983, p. 297) and Rich (1983).
26. Taylor v. State, 214 Md. 156, 165, 133 A. 2d 414, 418. This quote is from a dissenting opinion, but it is a statement of prevailing law.
27. See note 14 above.
28. 'Marine and Mom Guilty of Incest', *San Francisco Chronicle,* November 16, 1979, p. 16.
29. People v. Samuels, 250 Cal. App. 2d 501, 513, 58 Cal. Rptr. 439, 447 (1967).
30. People v. Samuels, 250 Cal. App. 2d at 513–514, 58 Cal. Rptr. at 447.
31. But see also pp. 286, 291–7.

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CHAPTER 10

'The Unclean Motion of the Generative Parts': Frameworks in Western Thought on Sexuality

Robert W. Connell and Gary W. Dowsett

Sexuality is a major theme in our culture, from the surf video to the opera stage to the papal encyclical. It is, accordingly, one of the major themes of the human sciences, and figures as weighty as Darwin and Freud have made major contributions to it. Social research has, over the last hundred years, produced crucially important evidence for the understanding of sexuality. But social *theory* has been slow to grapple with the issue, to give it the sophisticated attention that has been devoted to questions of production or of communication.

We are convinced that an adequate social theory of sexuality is essential for progress on 'applied' issues, such as the design of research on the social transmission of human immunodeficiency virus (HIV). This chapter attempts a mapping exercise, sorting out the major intellectual frameworks that have governed Western thinking about sexuality. We discuss first the religious and scientific nativism that dominated the field into the twentieth century, the problems this approach ran into, and the rise of social construction approaches to sexuality. We discuss the impasse that social constructionism has reached. In the final part of the chapter we sketch the outline of an approach which can move past these difficulties.

Governing such a large issue in a short time necessitates taking a fairly broad approach. But we hope to give enough of the key details to show the practical significance of theoretical frameworks.

Nativism

At the bedrock of our culture's thinking about sexuality is the assumption that a given pattern of sexuality is native to the human constitution. We will call this position 'nativism'. It has much in common with what others call 'essentialism', but we want to stress the assumption about origin. Whether laid down by God, achieved by evolution, or settled by the hormones, the nativist assumption is that sexuality is fundamentally *pre-social*. Whatever society does, in attempts to control, channel or restrict, cannot alter the fundamentals of sexuality.

Until quite recently in Western culture nativism was mainly expressed in religious terms. In the ascetic Christian tradition sexuality was read as 'lust'. It was part of the old Adam, an aspect of fallen humanity to be wrestled with and defeated. As Saint Augustine, no stranger to the pleasures of the flesh, put it:

> Although therefore there may be many lusts, yet when we read the word 'lust' alone without mention of the object, we commonly take it for the unclean motion of the

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