

**NON-MONOGAMIES AND THE SPACE OF DISCOURSE**  
**THEORIZING THE INTERSECTIONS OF NON/MONOGAMY AND INTIMATE**  
**PRIVILEGE IN THE PUBLIC SPHERE**

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**ABSTRACT****Non-Monogamies and the Space of Discourse: Theorizing the Intersections of Non/Monogamy and Intimate Privilege in the Public Sphere**

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Concordia University, 2010

This dissertation uses genealogical discourse analysis to unpack recent Western conceptions of monogamy and non-monogamy in the public sphere. Beginning from the premise that discourses surrounding monogamy and non-monogamy (taken together as a system of non/monogamy) have come into particular prominence in recent years, this dissertation deploys a thread of queer theory focused on the study of broader conceptions of “intimacy” to explore the ramifications of such a prominence in the public sphere. More specifically, drawing on theorizations of spatiality (Temporary Autonomous Zones, Mapping/Reterritorialization, Heterotopia) and the concept of “privilege”, I formulate the theoretical lens of “intimate privilege” to explore how non/monogamy is distributed throughout, takes up, and creates forms of intimate space.

In exploding the overly-simple notion that monogamous sexuality is societally privileged, while non-monogamies are marginalized, I show how while there is a societal meta-narrative that centres monogamy, it is really the intersectionality of non/monogamy with other forms of privilege/oppression that truly locates a subject practicing (or connected to) non-monogamous intimacy as having intimate privilege, defined as the emergent state in which one’s intimacies hold societal privilege.

Engaging in theoretical and discursive analyses of the contemporary public sphere presences of three major forms of non-monogamy (adultery, polygamy and polyamory) through texts such as journalistic articles, policy documents, self-help literature, television

programs and Internet sites, I continue the academic discussion surrounding non-monogamies that is just beginning to come into its own in the fields of social science and humanities, as well as to complicate less-nuanced discourses on non/monogamy that are circulating more broadly in the public sphere.

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**DEDICATION**

For my Mother, who taught me about feminism,  
for my Father, who was always there,  
for my Grandmother, who always believed in me,  
and for Zahra, who taught me to be critical.

## TABLE OF CONTENTS

<b>LIST OF FIGURES .....</b>	<b>X</b>
<b>INTRODUCTION: NON/MONO GAMY AND INTIMACY IN THE PUBLIC SPHERE .....</b>	<b>1</b>
<b><i>I – CONTEXTUALIZING THE CUSP .....</i></b>	<b>1</b>
<b>Unpacking Non-Monogamy .....</b>	<b>5</b>
<b>Problematic, Argument, and Methodological Trajectory .....</b>	<b>7</b>
<b>Theoretical Positioning: Queer Theory, Intimacy, Non/Monogamy         and The Public Sphere .....</b>	<b>12</b>
<b><i>Queer Theory and the Exploration of Intimacy .....</i></b>	<b>12</b>
<b><i>The Non/Monogamy System .....</i></b>	<b>17</b>
<b><i>The Intimate Public Sphere .....</i></b>	<b>20</b>
<b><i>II – BREAKDOWN OF CHAPTERS .....</i></b>	<b>22</b>
<b>CHAPTER 1 THE SPACE OF PRIVILEGE: SITUATING NON/MONO GAMY AND INTIMATE PRIVILEGE .....</b>	<b>27</b>
<b>Introduction: The Fluid Relation of Non-Monogamy and Privilege .....</b>	<b>27</b>
<b>The Logic of Privilege and the Dynamics of Space .....</b>	<b>31</b>
<b>Privilege, Intimacy and Space in the Public Sphere .....</b>	<b>51</b>
<b>Non/Monogamy and Intimate Privilege: The Angba Case Revisited .....</b>	<b>53</b>
<b>CHAPTER 2 THE ADULTERY INDUSTRY: AUTONOMY, HETERONORMATIVITY AND THE POLITICAL ECONOMY OF CHEATING .....</b>	<b>66</b>
<b>Introduction: Pro-Adultery Discourse in the Intimate Public Sphere .....</b>	<b>66</b>
<b>Intimacy and Space Revisited: Space Creating Intimacy .....</b>	<b>70</b>
<b>The Industrial Production of Infidelity, and Heteronormative     Capitalist Autonomy .....</b>	<b>72</b>

<b>Pro-Adultery Discourse and the Language of Affairs .....</b>	<b>85</b>
<b><i>I – “The Fashionable Vice”: On Kipnis’s Against Love .....</i></b>	<b>87</b>
<b><i>II – “How Best to Stray So You Don’t Have to Pay”: On Brandt’s The 50 Mile Rule .....</i></b>	<b>96</b>
<b><i>III – “When Monogamy Becomes Monotony”: On AshleyMadison.com .....</i></b>	<b>105</b>
<b>Autonomous Capitalist Individualism as Privileged Intimacy .....</b>	<b>114</b>
<b>CHAPTER 3 OVERDETERMINING THE MAP OF POLYGAMY: THE DISCURSIVE RETERRITORIALIZATION OF PLURAL MARRIAGE .....</b>	<b>118</b>
<b>Introduction: Approaching Polygamy Through Theory .....</b>	<b>118</b>
<b>On Maps, Discourse and Overdetermined Reterritorialization .....</b>	<b>123</b>
<b>The Discursive Reterritorializing of Polygamy in the Public Sphere .....</b>	<b>130</b>
<b><i>I – The Figure of the “Slippery Slope” in Polygamy and Same-Sex Marriage Discourse .....</i></b>	<b>133</b>
<b><i>II – Overdetermination in Coverage of Bountiful, B.C. and the FLDS Custody Battle .....</i></b>	<b>142</b>
<b><i>III – Primetime Polygamy: Unpacking Big Love’s Prominence in the Public Sphere .....</i></b>	<b>160</b>
<b>Reframing the Polygamy Debate .....</b>	<b>168</b>
<b>CHAPTER 4 THE FRAUGHT PROMISE OF POLYAMORY: IS “RESPONSIBLE NON- MONOGAMY” A NEW INTIMATE ETHICS OR HETEROTOPIAN ENCLAVE? .....</b>	<b>171</b>
<b>Introduction: Challenging the Notion of a Universifiable Poly Ethics .....</b>	<b>171</b>
<b>On Heterotopian Space, Difference and the Politics of the Enclave .....</b>	<b>176</b>
<b>Intersections in Non-Monogamous Space: Polyamory, Polygamy and Adultery in the Intimate Public Sphere .....</b>	<b>184</b>

<b>Polyamory Through a Lens of Intimate Privilege: Challenging the Politics of the Heterotopia as Enclave .....</b>	<b>191</b>
<i>I – Problematizing Heinlein’s Stranger in a Strange Land as Precursor to Poly Discourse .....</i>	<i>194</i>
<i>II – Unpacking “The Bible of Polyamory”: Reading Ethical Slut Against the Grain .....</i>	<i>205</i>
<i>III – Between Privilege and Marginalization: Reading the Polyamorous Public Sphere .....</i>	<i>216</i>
<b>Towards Spaces of Anti-Oppressive Heterotopian Polyamory .....</b>	<b>223</b>
<b>CONCLUSION: NON/MONOGAMY, PRIVILEGE AND THE SPACE OF DISCOURSE .....</b>	<b>225</b>
<b>Lines of Flight: Directions for Future Research .....</b>	<b>234</b>
<b>Final Thoughts .....</b>	<b>240</b>
<b>WORKS CITED .....</b>	<b>243</b>
<b>APPENDIX A: EXPANDED LIST OF ENGAGEMENTS WITH NON-MONOGAMY IN THE PUBLIC SPHERE .....</b>	<b>287</b>
<b>APPENDIX B: SAMPLES OF ASHLEY MADISON AGENCY ADVERTISING .....</b>	<b>295</b>
<b>APPENDIX C: CANADA’S CRIMINAL CODE (C.26) STATUTES REGARDING BIGAMY AND POLYGAMY .....</b>	<b>298</b>

**LIST OF FIGURES**

<b>Fig 1. “Ashley Madison Banner Ad.”</b> .....	<b>109</b>
<b>Fig 2. “Ashley Madison Affiliates Advertisement.”</b> .....	<b>295</b>
<b>Fig 3. “Ashley Madison Print Ad 3.”</b> .....	<b>296</b>
<b>Fig 4. “Ashley Madison Billboard, West Hollywood 2007.”</b> .....	<b>296</b>
<b>Fig 5. “Ashley Madison Superbowl Program Insert, 2009.”</b> .....	<b>297</b>

## INTRODUCTION

### NON/MONO GAMY AND INTIMACY IN THE PUBLIC SPHERE

*How are sexual subjects such as people in non-monogamous sexual relationships positioned along multiple axes of oppression?*

~ Haritaworn, Jin and Klesse, "Poly/logue", 517

*Discourse is a tight fabric that turns back upon the subject and wraps around and imprisons him in return.*

~ Luce Irigaray, "An Ethics of Sexual Difference", 120

#### **I – CONTEXTUALIZING THE CUSP**

Monogamy is a strange animal. Like heterosexuality, regardless of our own individual relationship with it, the assumption of its ubiquity, its desirability, its fundamental normalness and rightness underlie many (if not all) of our societal relationships.

Intimacy is like that, it gets around, fills up the nooks and crannies of culture while, at the same time, painting huge swaths of it in broadstrokes, getting in at the stakeholder level on public planning, working its way into designs, blueprints, construction materials. It is a force at work at every level of life, from individual psychology to macro-political organization and everything in between. But if monogamy is strange, a sometimes-determining force that acts upon our lives in ways we might not always be aware of, *non-monogamy* is even stranger. More than just monogamy's shadow, its estranged evil twin (with requisite pointy beard and sinister agenda), *non-monogamy* is in there as well, mixing it up, acting as monogamy's foil, but also as its own determining force in personal, social and cultural lives. They are two sides of one symbolic-semiotic-

epistemological coin. And sometimes, when that coin flips, all bets are off as to what the outcome will be.

Building on previous work that explores sexual discourses and their influence in the public sphere, the notion of social and political “space”, and the role of “privilege” in relation to intimacy, this dissertation explores the notion of privilege with respect to discourses and practices surrounding contemporary non-monogamies. But before we go any further than this we will need to stop and define terms, because even in this most meagre outline, this bare sketch of a problematic, we are already slipping into habitual understandings of key terms that might mean very different things to different people. What exactly do we mean by “monogamy”?

For the purposes of this project, we can take “monogamy” to mean its common-use definition, the practice of having one sexual and romantic partner at a time, rather than its strict etymological meaning of having one *marriage* at a time (though institutional structures of monogamy, like marriage, are also addressed in this study). “Non-monogamy” we can understand as a growing meta-discourse that takes in multiple conceptions and practices of non-monogamous sexuality, both with and without reference to marriage. I will also be using a third term, “non/monogamy”, a framing deployed by Angela Willey that is productive to discuss monogamy and non-monogamy as a linked system, as discussed below. It is productive to focus on non/monogamy at this point in history and scholarship because it is becoming increasingly important, prominent and on the move.

Though often invisible, there is substantial cultural privilege attached to normative forms of intimacy. Central to this privilege are the sexual politics that accrue

around the cultural binary of monogamy and non-monogamy (“non/monogamy” for short). In recent years the politics surrounding non/monogamy have been increasingly discussed in forums ranging from the academic and the legal, to the political and the popular. Rising divorce rates; fewer marriages; same-sex marriage debates and legislation; new conceptions of what constitutes a family; pro-adultery discourse; raids, charges, convictions and public debate surrounding polygamy; and the rising popularity of polyamorous<sup>1</sup> discourse are all combined with a concomitant foregrounding of these issues and their discussion in the public sphere. This ongoing convergence opens a window for the critical examination of the power and consequence of discourses surrounding non/monogamy.

And such discourses are many and various, most with significant questions attached to them asked by scholars and other members of the public sphere alike. Are anxieties within gay male culture about multiple-partner sexuality related to the desire of some gay men for what they frame as a “sexual maturity”, or does this discourse speak more to concerns over AIDS and a desire to be read as “normal” (Warner 81)? Is the “civil union” a marriage substitute—a second tier of marriage that continues the symbolic oppression of non-straight subjects even as they are offered a type of formal inclusion—or is it an additional institution for the articulation of intimacy that might be more flexible than marriage-proper (Eskridge 96)? Is the fear that legalizing same-sex marriage is a

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<sup>1</sup> A discourse that frames itself as “responsible non-monogamy”, in opposition to non-consensual non-monogamous forms such as cheating, and also sometimes to more sex-based forms of non-monogamy such as swinging or casual anonymous sex (though this distinction is a matter of debate within the discourse itself and has been pointed to by some critics (e.g., Klesse, “Polyamory”) as a major shortcoming for it being able to subtend a non-monogamous ethics, a point I return to in Chapter 4).

“slippery slope” that will lead to legal polygamy or polyamory (Kurtz 39) just political rhetoric, or a significant question that bears exploring beyond an over-simple dismissal of all practices of plural marriage as oppressive? How exactly do queer, feminist and sex-radical scholars articulate the links between heteronormativity and hegemonic monogamy? And what of non-monogamies—despite eschewing heteronormative monogamy, can they at the same time reinforce elements of heteronormative privilege, or else other forms of privilege such class, male, or white privilege? What are the major different forms of non-monogamy practiced in modern Western societies,<sup>2</sup> and what are their real (rather than presumed, or assumed, or believed) differences and similarities? Does a given non-monogamous lifestyle travel across subjects and geographies with the same capital, or do non-monogamous experiences vary depending on one’s positionality with respect to different systems of power and privilege?

From recent academic work on adultery, to feminist writing on sexuality, cultural intelligibility and privilege, to writing emerging from queer and polyamorous communities that articulates new definitions of intimacy and partnership, many scholars have explored the diverse spaces and problematics of intimacy. These new articulations of desire and intimacy need to be unpacked with respect to an ongoing problematization

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<sup>2</sup> Due to the volume of material, this study will be limited in scope to dealing with the current situation of non/monogamy with respect to Canada specifically, and with material from other countries that are part of discourses that circulate here (mainly the US and Europe, but also countries from which non-monogamous subjects immigrate (or attempt to immigrate) to Canada). It will be further limited by a choice not to devote a chapter to The Lifestyle (or Swing Culture). Studying non/monogamy with respect to its broader context, both in terms of the further exploration of both Western and non-Western discourses surrounding non/monogamy as well as an exploration of non/monogamy’s broader historical context, is a future direction in which I would like to take this work.

of hegemonic monogamy, as well as to a critical appraisal of discourses of and on specific non-monogamies; and all of this needs to occur in the context of current public discourses and debates surrounding the relationship between culture and sexual intimacy.

Through examining current discourses surrounding non-monogamies, this dissertation will investigate the frames we use for defining non/monogamous intimacy broadly, and the relation of these discursive frames to power and privilege—both conceptually, and with respect to their situated materiality.<sup>3</sup> There is no better time than now, when discourses, practices and cultural institutions surrounding people’s sexual and romantic lives are being questioned and re-aligned, for there to be a balanced study of non-monogamous forms of sexuality which takes into account new insights into intimacy, as well as empirical evidence of prominent changes already underway.

### **Unpacking Non-Monogamy**

In the intimate public sphere, topics surrounding non-monogamy at times rise into the public consciousness and attendant mediascapes more than others (where they fade into the background, while never truly disappearing). This is one of those times. It would be impossible to create an exhaustive list of all of the public engagements with non-monogamy in recent years, as they are occurring in daunting numbers and in numerous modalities of discourse such as public policy, law, debate and journalism; on television,

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<sup>3</sup> By “situated materiality” here I mean how these power dynamics play out with respect to institutions, practices, and the lives of individuals, as well as internally within each discourse and with respect to other discourses.

in film and on stage; in print culture; on the web; and in academia.<sup>4</sup> In addition, these manifold discourses turn back upon themselves (to paraphrase Irigaray), in that it is a common feature of many discursive engagements with non-monogamy that elements bleed across discourses, showing up (at one time or another) in other places where non-monogamy discourse is occurring. For example, articles about real-life polygamy talk about *Big Love* and polyamory, polyamory discourse refers to pro-adultery websites and discusses swinging, right wing pundits damn polygamy and polyamory with the same “family values” rhetoric, and newspaper articles repeatedly draw links between any and all non-monogamies. Recently there has been an explosion of discourse surrounding monogamy and non-monogamy, a “poetic world making” (Warner, *Publics* 114) of epic import that is going on all around us, on the margins of the public sphere for some, and for others in ways so personal and ubiquitous they can seem overwhelming.

Putting aside the impossibility of speaking to all of the rich texts of non-monogamy’s public sphere, it is important to have a rough appreciation of the extent of this discursive field because all of these moments of discourse form the crucial backdrop for this project. They are the shifting curtain on the stage of the intimate public sphere; they are the lights and the painted set pieces, the crucial props and the dog-eared script books. They are the material that we, as actors, take up when we move into this space of intimacy. In other words, they set the scene.

What does it even mean to be non-monogamous? How, in such a highly mediated environment, do we even approach this question or this knowledge? Is *Big Love* a fair representation of what it is like to live a conventionally polygamous lifestyle as an upper-

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<sup>4</sup> For an expanded version of this list of engagements with non-monogamy in the public sphere see Appendix A.

middle class white fundamentalist Latter-day Saint? Does *The Ethical Slut* speak the reality of polyamory? Is Kipnis's take on adultery reflective of the values of an emergent "subculture"? These and similar questions are also immediately complicated by the autopoietic power of discourse: What does it mean if people practice non-monogamy due to specific reference to these texts, using them as discursive models? What is the status of a polygamous union inspired by *Big Love*, polyamory initiated with reference to *Stranger in a Strange Land*, or an adulterous affair arranged and orchestrated via an Internet cheating service? Are these no longer "authentic" forms of sexual union? Hyperrealistic riffs on the culture of the sexual? Forms of postmodern sexuality unglued from traditional forms but still citationally connected with sexuality's previous articulations? This project explores these tensions and tries to map the articulations and movements surrounding non-monogamy at a time when they are of particular prominence in the public sphere.

### **Problematic, Argument, and Methodological Trajectory**

Given this context, my project engages with one of the dominant normative frameworks that we use to conceive of and categorize intimacy, the "system" of non/monogamy.<sup>5</sup> In

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<sup>5</sup> A note on terminology here. I will come to elaborate on how I am using the terms "system" and "logic" below, but it is important that they not be read as equivalent. Intimacy works (at least in society, in people's conception) according to a set of logics that largely overdetermine what it means to have intimate relationships. Under the aegis of those logics, various systems can be seen to operate, such as the sex-gender system and, I argue, the non/monogamy system. These systems can be read as specific formulations and understandings in the socio-cultural realm that are subtended by those broader logics of intimacy, while at the same time partially constituting them.

broad strokes, I am building on the perspective that intimacy is a significant site of social interaction that is organized by a set of logics that are heteronormative in nature; that an important site of this logic operating is the systematic way in which we frame and relate to “non/monogamy” (individually, socially, legally, in movements, and in the public sphere); that those frames are often organized by and through a logic of privilege; and that, currently, and due to multiple intersecting factors, discourses pertaining to non/monogamy have been foregrounded in the public sphere, placing them in the public eye and on the public agenda more than perhaps ever before. As such, my problematic can be read as: “How might we see non/monogamy as situated with respect to privilege?” A secondary guiding methodological question is: “How might we read different forms of non-monogamy together, in a way that highlights the operations of various forms of intersecting privilege<sup>6</sup> (such as class, race, gender, and heterosexual privilege), and how they operate in relation to the creation and maintenance of what I will come to call ‘intimate privilege’, or the oppressive shoring up of cultural intelligibility and power in spaces of intimacy.”

Given this problematic and trajectory, the project itself is a rethinking of the intimate spaces surrounding recent conceptions and practices of non-monogamy that seeks to situate such forms with respect to a logic of privilege, building conceptually on heteronormativity, but moving beyond it to take into account other forms of privilege that intersect with the heteronormative both inside and outside of non-monogamous intimacies. The central argument is that neither “monogamy” nor “non-monogamy” map

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<sup>6</sup> The intersectional approach to exploring privilege can be traced back to the writing of women of colour “who argued that the variables of race, gender and sexuality could not be separated in understanding their experiences” (Kimmel 10). See also Note 7.

unproblematically onto any one figuring (heteronormative, queer, progressive, conservative, sexist, feminist, sex-radical, etc.), but rather, that both cut across these epistemological categories, transgressing some forms of privilege while potentially reifying others. Through this critical approach to non-monogamies, I wish to effect a transformative analysis both of those discourses, as well as to how we come to frame non/monogamy (*qua* system) broadly.

This theoretical engagement is based on writing coming out of queer theory, anti-racist and queer feminisms, and broader post-structuralist engagements with sexuality and the cultures of the intimate. As well, it will be based on my own situated observations, research and analyses as a former polyamorous activist engaging with discourses of (and on) non/monogamy. Finally, it will draw on the specific discussions and debates on non/monogamy in academic literature, including the burgeoning critical response to—and critique of—polyamory. This engagement sets as a methodological imperative to attend to the intersectional and interlocking<sup>7</sup> nature of privilege in these discourses and the cultures attached to them. Methodologically, this project can be seen as genealogical, in Michel Foucault's sense, as it is a "union of erudite knowledge and local memories" ("Two Lectures" 83), a situated figuring of both the theoretical and the practical reflections and expressions of this discursive material in the realm of public discourse.

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<sup>7</sup> In addition to an attention to intersectionality, Sherene Razack urges those seeking to address oppression to address how certain forms of privilege and oppression interlock to reinforce or create the conditions for other forms of privilege/oppression (*Looking* 13). I explore both intersecting and interlocking privilege further in Chapter 1 when elaborating on the use of conceptions of privilege in my project.

Foucault posits that genealogy is a more “horizontal” and equitable mode of performing research in that it attempts to position itself outside of a framework of science *qua* Science (“Two Lectures” 83). In saying that genealogies are in part striving to deconstruct scientific authority, it is important to understand that he does not mean they are committed to a “lyrical right to ignorance of non-knowledge” (“Two Lectures” 84), but rather that they strive to not be imbricated in an already-hierarchized system of centralized and institutional power in which only certain voices are seen to have the authority to speak and produce discourse (“Two Lectures” 84). By mobilizing the concept of genealogy, this project respects this perspective of horizontal authority, where all voices and perspectives are taken into account, rather than pre-judged and potentially disqualified based on arbitrary or power-inflected bases of worthiness or authority. This is especially important to matters within sexual discourse where so much of the knowledge and history production occurs in “officially” disqualified and subaltern spheres, and where many official discourses (including the psychological and legal) are constrained or determined by structures and discourses of power (such as those of governmental politics, legislation, and social conservatism). Using a genealogical approach to discourse allows me to critically engage with non/monogamy using as resources any text that is implicated with the material under study, be they theoretical engagements, practical reflections, cultural expressions or incidental moments that are in some way connected to it. This breadth of source material allows a scope of inquiry that matches that of the problematic being addressed, and accordingly allows for a more nuanced critical engagement.

My focal points will be drawn from both subjugated (i.e., not societally dominant) knowledges of the workings of sexuality and intimacy, as well as from the lived discourses that surround the non/monogamy system and the deep shadows it casts. And the deepest such shadow is, arguably, the one that falls on “non-monogamy” proper, making it a key location for exploring these discourses. As a genealogical perspective does not necessarily hierarchize these “minor knowledges” (Foucault, “Two Lectures” 85), I skirt the issue of whether the forms of non-monogamy explored in this study are a set of discursive objects, or an ensemble of products of discourse. To a certain extent they are both. A better way to say it might be that they are *dispositifs*, taken in the Foucauldian sense of assemblages of both discursive and non-discursive parts that come together, break apart and recombine to produce their own realities in ongoing ways (Deleuze, “Michel” 162). Both monogamies and non-monogamies create spaces—worlds, and the texts produced in and around these worlds are a discursive map to the hegemonic system they create, as well as of potential cracks in that system.

In focusing on discourse as an analytic category, I don’t mean to privilege the linguistic or the textual, to accord them a stronger determining role than, for example, the economic, the structural, the ideological. Rather, doing so acknowledges that the manifestations and nuances of the dirty dance between monogamy and non-monogamy have an impact—a trace—somewhere in discourse. By reading several prominent discourses of non-monogamy and *thinking them together*, I hope to draw out some of the subtleties and interconnections that have not yet been fully or critically considered elsewhere in discourse.

But before moving into this critical mode and introducing, in the next chapter, the specific theoretical lens I use to scrutinize this significant discursive moment—that of “intimate privilege”—it is useful situate this project with respect to current debates and discussions within cultural theory broadly, and sexuality theory specifically.

### **Theoretical Positioning: Queer Theory, Intimacy, Non/Monogamy and The Public Sphere**

#### *Queer Theory and the Exploration of Intimacy*

A fusion of post-structuralist thinking with currents coming out of feminism, Marxism, gay and lesbian studies, and identity politics in general, queer theory is a natural contour in current discourses around sex and sexuality, a specific location (both historically, materially and theoretically) in which certain types of thinking, certain identities and certain practices and discourses have developed.<sup>8</sup> As it considers previous knowledges and discourses around sexuality, identity and politics alongside theoretical reflection on contemporary problematics, queer theory is already genealogical in composition, making it an ideal theoretical tradition in which to ground a genealogical study of non/monogamy.

From the perspective of a strong current in queer theory that may be attributed to a number of writers, but most notably Lauren Berlant, simply focusing on sex and

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<sup>8</sup> One can date the inception of queer theory to around 1990 when Eve Sedgwick’s *Epistemology of the Closet* and Judith Butler’s *Gender Trouble* were both published, though some would push the date back a few years earlier to the mid-to-late 80s when the ideas started to circulate or be called for in other works such as Jeffrey Weeks’s *Sexuality and its Discontents* (1985), or forward a few years to when it began to be called “queer theory”, as with Michael Warner’s edited collection *Fear of a Queer Planet* (1993).

sexuality is a limited way of conceiving of intimacy. Rethinking the intimate begins with an acknowledgement that how we engage in intimacy is co-extensive with often very public and life-long (or even multi-generational) desires for constructing “a life” and having a family, often along the lines of engaging with narratives and organizations we have learned signify those things (Berlant, “Intimacy” 281). Berlant asks how it is that others who might not see their lives or desires reflected in those dominant, hegemonic life narratives might be falling off the symbolic map of intimacy and, by extension, personhood:

I learned to think about these questions in the context of feminist/queer pedagogy; and how many times have I asked my own students to explain why, when there are so many people, only one plot counts as “life” (first comes love, then . . .)? Those who don’t or can’t find their way in that story—the queers, the single, the something else—can become so easily unimaginable, even often to themselves. Yet it is hard not to see lying about everywhere the detritus and the amputations that come from attempts to fit the fold; meanwhile a lot of world-building energy atrophies. Rethinking intimacy calls out not only for redescription but for *transformative analyses* of the rhetorical and material conditions that enable hegemonic fantasies to thrive in the minds and on the bodies of subjects while, at the same time, attachments are developing that might redirect the different routes taken by history and biography. (“Intimacy” 286; emphasis mine)

When Berlant is talking about “hegemonic fantasies” here she is speaking of normative sexuality in a way that begins to defamiliarize it from its embedded common sense context. This is a key step in her thinking, and one that paves the way for her and

Michael Warner to mobilize the keen-edged concept of “heteronormativity” to refigure the normative sexuality they are critiquing into something else, into an active and critically approachable problematic. This key point bears some expansion.

One such “hegemonic fantasy” is the construction of arbitrary categorical distinctions between sexual and non-sexual forms of intimacy. The absolute separation of sexuality from other forms of intimacy obscures their continuity with each other and contributes to heteronormative figurings of the intimate (in much the same way as ignoring continuity between genders contributes to gender division and hegemonic sexist structures).<sup>9</sup> Another is the assumption that it is only certain forms of intimacy that are able to be articulated together, or to constitute coherent or desirable life structures. A third such “hegemonic fantasy” about intimacy is how we generally accept only one intimate life narrative as right and true (as Berlant puts it: “first comes love, then...”) (“Intimacy” 286). Examples of this are the reticence many feel toward considering

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<sup>9</sup> The first of these fantasies is the problematic deconstructed by Sigmund Freud’s theoretical extension of the term “sexuality” to include influences and interactions we do not normally (or normatively) consider sexual. When Freud speaks of our sexuality being such an extended part of our being that it is partially conditioned by other factors (such as our relationships with our parents), what he is really doing is talking about intimacy, and how the deep structures of how we relate to others are conditioned by any and all other connections. What he perhaps should have said was that our adult experiences of sexuality are affected by our childhood socialization into *intimacy*. For example, in *Three Essays on the Theory of Sexuality* (1920), when Freud discusses how the ways a parent interacts physically with their child (though stroking, kissing and rocking) are “rousing [the] child’s sexual instinct and preparing for its later intensity” (89), one could argue he is merely pointing out that such intimacies are continuous with each other, part of the same realm of experience where positive reinforcement or trauma will manifest in a desire for, or difficulty with, expressing intimacy later in (sexual) life. In using the term “sexuality” so broadly he confused, rather than clarified, the quite real connections he observed.

remaining single or celibate as viable life choices, the reaction to same-sex or triadic relationships (or even single parent households) that sees them as *necessarily*—i.e., without any real or material consideration of their dynamics—poor parental structures, or even the notion that a life without finding “true love” is not worth living.

In rethinking intimacy, one is able to mount arguments that such assumed continuities and discontinuities are not necessarily the case. Such arguments extend our ability to understand the vicissitudinal intimacies of our lives, for us to be able to make them intelligible as part of actual rather than assumed and often hegemonic contexts. They also allow those with marginalized intimate identities to take part in a common “world making” (Berlant and Warner 557) that subjects whose intimacies are already legible and intelligible in the public sphere take for granted. The field of “sexuality studies”, from this perspective, is significant far beyond the slippery realm of actual sex, reaching deep into the realms of identity, community and society, as many scholars in the tradition of Foucault’s *History of Sexuality*<sup>10</sup> have noted, without ever losing sight of sex practices themselves and their political nature.

Situating “monogamy” and “non-monogamy” in relation to this transformed conception of intimacy is not to locate all relations that are either romantic or sexual as

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<sup>10</sup> In *History of Sexuality: Vol. 1, An Introduction* (1978), Foucault posits that there is a fundamental difference between “sex”, which is a set of biological facts with attendant bodies, physiologies, capacities and possible pleasures, and “sexuality” which is the product of human discourse and action surrounding “sex” that created identities, practices, communities and, perhaps most importantly, knowledge (154). There are those, however, who think this view is too simple, such as Judith Butler, who believes Foucault doesn’t go far enough, positing that how we conceive of “sex” is always already discursively constructed (*Gender* 121). But despite the specific disagreements, it is this tradition that, in many ways, laid the groundwork for the view of sexuality as discursively constructed.

ideally belonging either in one category or the other, lauding one form of intimate relating (either monogamy or non-monogamy) while condemning the other as oppressive or limited.<sup>11</sup> It does not even mean seeing monogamy and non-monogamy as opposite ends of a continuum along which various intimacies are placed. Rather, this rethinking questions the binary logics at work in our seeing monogamy and non-monogamy as opposed and co-extensive with the totality of intimate possibilities, seeing this very opposition as one of the most significant manifestations of an overdetermining heteronormativity<sup>12</sup> at work. Berlant and Warner define heteronormativity as:

This sense of rightness—embedded in things and not just in sex [that is] more than ideology, or prejudice, or phobia against gays and lesbians; it [is that which] is produced in almost every aspect of the forms and arrangements of social life: nationality, the state, and the law; commerce; medicine; and education; as well as in the conventions and affects of narrativity, romance, and other protected spaces of culture. (“Sex in Public” 555)

Frames related to monogamy and non-monogamy taint our conceptions of all romantic and sexual intimacies, and, by extension, all other intimacies. Tracking how this framing

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<sup>11</sup> This has been the take of several previous authors who have attempted to “debunk” monogamy such as, David Barash and Judith Eve Lipton’s *The Myth of Monogamy: Fidelity and Infidelity* (2001).

<sup>12</sup> Though some writers (e.g., Ritchie and Barker) that deploy the term “mononormativity” to address the specificity of hegemonic monogamy, I retain the use of “heteronormative”, as this term speaks to issues broader than either chosen sex of partners, or chosen number of potential relationships alone, and has a greater currency in academic discourse. I will, however, also use the concept of “mononormativity” when addressing specific authors or issues.

manifests in discourse—and through the mirror of discourse in everything from institutional structures, to law and policy, to individual narratives—is one of the central problems being addressed in this project.

### *The Non/Monogamy System*

Monogamy and non-monogamy are not binary opposites, an opposed pair in which one plays off the other, but rather two sides of a system for relating sexually, romantically, socially and culturally, with multiple parts and different articulations. A brief example should be able to illustrate this point. One would be tempted to class marriage (*qua* legal and social system) as an exemplar of “monogamy”, and yet it creates adultery as its shadow, a non-monogamous form. A second example shows the inverse. Conventional polygamy, as a similar societal *dispositif*, is at once non-monogamous by definition, but often in discourse is figured like heteronormativity *par excellence*—heteronormativity multiplied—using the same tropes of possession and male-dominance many associate with monogamy.<sup>13</sup> Finally, a less fixed discourse such as polyamory may have non-monogamous and monogamous parts, the “non” before the monogamy here speaking to a non-*compulsory* approach to monogamy, making it a choice among others rather than excluding it outright as a possibility.<sup>14</sup>

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<sup>13</sup>The actual discourses that circulate *within* polygamous subcultures are quite different, if often rhetorically. And the “reality” of polygamy is, some studies suggest, different again, in that it is so specific to each different lived experience of people in polygamous unions that it is impossible to generalize about (Campbell, “How Have Policy” ii). We will return to these subtleties in Chapter 3.

<sup>14</sup> Just as how some who identify as “queer” might not necessarily preclude heterosexual relationships from their lifestyles. For some, the use of the identification “queer” is used to

Seen this way, the interplay between monogamy and non-monogamy is revealed as a variegated and interpenetrating field of relations, hardly a binary at all outside of the highly limited heteronormative frame which sees them as separate. Exploring this complex and at times counter-intuitive structure of relations between monogamous and non-monogamous forms of intimacy puts both monogamy and its shadow at risk conceptually, both likely to shift and blur their edges and specificity in the relation. That the symbolic placeholders we use as categories to help us organize sexuality—the terms “monogamy” and “non-monogamy”—are already implicated in the system we want to deconstruct does not have to be an obstacle for this project; the tension from this overdetermined symbolic binary can be harnessed as productive, as a flawed touchstone we can come back to to help us organize our journey through these theoretical and practical landscapes.

More specifically, it is the seeming contradiction between monogamy and non-monogamy that can help us to see the tacit assumptions that are the residue of heteronormative logics at work in the identities, concepts, communities and institutions associated with them. For example, that “commitment” is seen as bundled with monogamy is the force behind seeing non-monogamy as necessarily embodying fear of commitment. That those properties (commitment and the fear of it) are equally available to individuals living both types of lifestyle suggests that that logic is only *seemingly* central, and that, rather, those polar designations might more properly be thought to belong to some sort of Venn projection—a series of overlapping territories rather than categorically different locations.

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reframe hetero-sex as one possibility among others, rejecting only heterosexuality’s often compulsory nature, rather than heterosexual relations *per se*.

Based on this hypothesis that monogamy and non-monogamy are a fallacious and overdetermined binary, and based on deconstructions of similar binaries such as nature/culture and sex/gender, I will adopt a terminology based on Gayle Rubin's conception of the "sex-gender system"<sup>15</sup> and refer to one of my major concepts of study as "the monogamy/non-monogamy system" (or simply "non/monogamy"). This move is important for two reasons. First, as in Rubin's conceptualization, it allows movement outside the conventional binary without abandoning the ability to discuss it, and second, it acknowledges it as a systematization (and symbolization) of one way of sub-dividing intimacy that is often taken to represent and categorize the entirety of intimate possibilities. To re-apply what Rubin says about systematic gendering, the monogamy/non-monogamy system can be seen as a system of social relations that transformed biological sexuality into products of human activity, and in which the resulting historically specific sexual needs are met (qtd. in Haraway 137). Which is to say that non/monogamy is socially constructed, an overlay on the interplay of biological relations that we sometimes see it as being a reflection of. This does not mean that, as constructed, it is somehow "false" or that we need to get back to an underlying set of "natural" relations, but rather that it is something that has been built up through history, and in many ways through the workings of discourse. This discursive aspect of its systematic nature bears further study, especially in relation to aspects of that discourse that are a reflection of heteronormative frameworks for understanding life and culture.

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<sup>15</sup> Donna Haraway reviews the difficulties surrounding the sex-gender binary and how Rubin was able to re-situate this discourse without abandoning its materiality (137) in her "'Gender' for a Marxist Dictionary: The Sexual Politics of a Word" (1991).

Outside of a facile conception of all things sexual as emanations from some essential nature, there is necessarily an acknowledgement a socially constructed or constituted influence upon the sexual. The current prominence of debates and discussions around things-sexual brings those cultural influences into the foreground, where, liberally admixed with power and privilege, but also tempered with emerging subaltern voices, they transform the dominant meanings of what it is to be a sexual subject, for good or for ill. Therefore, to explore the texture of these debates and discussions in the public sphere is more than just to track a politically important discussion, it is to engage with those very discussions and debates in one of the very crucibles of sexual identity: the intimate public sphere.

### *The Intimate Public Sphere*

We often assume that intimacy is a private matter, but it is our broad relations among strangers that allow us to even speak of anything so expansive as “intimacy” or “sexuality” at all. When discourse is encoded in the public sphere it becomes estranged from its makers, only to become immediately even more vital, a shared discourse among many. But what does this dyad of experience—being made strange, being made public—mean with respect to non/monogamy? To one extent it means that the context within which we live and experience monogamy or non-monogamy is to an increasing extent outside ourselves, estranged from being merely an assumed fact of our biological existence.<sup>16</sup> In other words, the increasing mediation of non/monogamy in the intimate public sphere defamiliarizes these practices, makes strange what we know (or think we

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<sup>16</sup> Not that it ever *really* was. But the point is that we are perhaps becoming more aware of its mediation as that mediation plays larger and more prominent roles in our lives.

know) about marriage, adultery, cheating, bigamy, polygamy, divorce, making out, open relationships, dating, friendship, family, and kinship broadly. This strange-making publicness opens up the doors of the bedroom and lets in the whole world.

According to Michael Warner, the making-public of a social discourse opens up that discourse, making it less secure, less stable (*Publics* 113). In opening itself up to the world it extends itself into space, unfolding itself into the strange, unknowable vastness of public scrutiny, circulation and creation. This is at once a making-vulnerable, as well as a way of infusing it with power, notably one of potential change. As Warner puts it, “[t]he projective character of public discourse, in which each characterization of the circulatory path becomes material for new estrangements and recharacterizations, is a engine for (not necessarily progressive) social mutation” (*Publics* 113). The new making-public of the intimate is such a productive space, and especially so around issues that the same-sex marriage debate projected from counterpublic spaces and the margins of mainstream discourse into the center of the vast alchemical engine of the mainstream public sphere. It is a Deleuzian machine cranking out changed notions of intimacy, of which new figurings of non/monogamy are a significant part. But just what is being forged in this powerful space, this cusp between time, space and intimacy?

Through rearticulating and re-situating non/monogamy, I seek to generate new and fruitful perspectives on the elements of intimacy implicated within it, including practices such as monogamy, adultery, polygamy, polyamory, and dating; institutions such as marriage, same-sex marriage, civil unions, and “the family”; identifications such as spouse, wife, husband, child, partner and lover; but also more nebulous and hard-to-place concepts such as “partnership”, “love”, “fidelity”, “commitment”,

“companionship”, “friendship”, “intimate citizenship” and “intimate privilege”. By exploring discourse surrounding non-monogamies in the public sphere, I seek to articulate how certain privileged frames of non/monogamy take up that discursive space, leaving little room for a broader conception of the intimate.

## *II – BREAKDOWN OF CHAPTERS*

I will now engage in a brief breakdown of my four core chapters and conclusion.

Chapter 1, “The Space of Privilege: Situating Non/Monogamy and Intimate Privilege,” ties together threads from critiques of privilege with understandings of space to move towards a notion of privilege as a process of “taking up too much space”. This spatialization of privilege is then used to conceptualize the privileging of some forms of intimate space above others in ways that are nuanced by the intersectionality of privileges. In coming to the concept of “intimate privilege”, an emergent state in which one’s intimacies are read as viable, ethical, or real, this chapter sets up a theoretical engine to move through the subsequent chapters. In addition, working that concept together with notions of space-taking allows us to retain a spatial trope that can subsequently be employed to link diverse other theories of spatiality, enabling the exploration of the diverse spaces of intimacy found within the non-monogamous public sphere.

Following this line of argumentation, each subsequent chapter pursues a study of a specific form of non-monogamy through an engagement with selected texts pertinent to its ongoing discourse, and to what I identify as the most pertinent and pressing issues at play (and being discussed) therein. Taken together, they explore how the non/monogamy

system acts as an overdetermining frame on these intimate practices and their corollary subjectivities, as well as how looking at privilege broadly in relation to these frames complicates and nuances how any potential anti-oppressive reframing would have to proceed, and what it would have to take into account.

Chapter 2, “The Adultery Industry: Autonomy, Heteronormativity and the Political Economy of Cheating”, is a first foray into the substantive discourses surrounding specific non-monogamies. Adultery is addressed first as it is, counterintuitively, a keystone to heteronormativity. It is the non-monogamy that exists almost completely within the logic of heteronormativity; as one of its functions is to define monogamy as normal/desired and non-monogamy as a bracketed exception it is a breach—but not a break—with the system. Paradigmatically, it belongs to monogamy—it is the Yang to its Yin, that which could not exist without monogamy to define it. Through exploring the discourse produced within and around the new socio-economic phenomenon of commodified adultery, I interrogate the emergent phenomenon of “pro-adultery” discourse with a view to answering the question: what kind of intimate space does commodified adultery create? Using insights gleaned from diverse sources such as Horkheimer and Adorno’s notion of culture industries, a reading of links between economics and heteronormativity, and finally Hakim Bey’s notion of The Temporary Autonomous Zone, I explore three key texts representative of pro-adultery discourse: Laura Kipnis’s *Against Love: A Polemic* (2003), Judith Brandt’s *The 50-Mile Rule: Your Guide to Infidelity and Extramarital Etiquette* (2002), and the adultery-centred dating website *AshleyMadison.com*. Though an analysis of these texts I argue that what is

privileged in pro-adultery discourse is heteronormative, capitalist individualism, a fact that reveals adultery as a firmly enmeshed part of status quo intimacy.

Chapter 3, “Overdetermining the Map of Polygamy: The Discursive Reterritorialization of Plural Marriage,” explores the controversial topic of polygamy as intimate practice and the difficult discourses that surround it. Discourse on polygamy in the public sphere is overdetermined to such an extent that the actual dynamics and complexities of polygamous lifestyles and communities can be obfuscated by monolithic discourses that flatten out their many subtleties. At the same time, polygamy is a key symbolic battleground in the public sphere debates about sexuality and public policy, ineluctably linked to the same-sex marriage lobby by a sometimes-convoluted line of discourse and rhetoric that seems poised to have a hand in redefining public policy over intimacy in Canada. Through an exploration of Deleuze and Guattari’s notion of reterritorialization and the concept of overdetermination, this chapter will explore the disconnect between representations of polygamy and the lives of polygamous individuals, as well as the role of privilege in narratives of the tension between polygamy and what is conceived of as “civilized” intimacy. These problematics will be analyzed through reading three broad sets of discursive material: the “slippery slope” figure linking polygamy, same-sex marriage, and immigration; journalistic coverage of the FLDS;<sup>17</sup> and the discourse surrounding *Big Love*. Through close readings of these discursive “maps” of polygamy in the public sphere, I will show how polygamy is more complicated than its overdetermined public sphere representation, and how to truly address the very real issues of power and privilege incorporated in conventional polygamy, we must divest

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<sup>17</sup> The Fundamentalist Church of Latter-day Saints.

ourselves from much of what we think we know about it to try to approach it as an at times deeply problematic, but nonetheless real, form of intimate relation.

Finally, Chapter 4, “The Fraught Promise of Polyamory: Is “Responsible Non-Monogamy” a New Intimate Ethics or Heterotopian Enclave?”, undertakes an exploration of polyamory, often referred to as “ethical (i.e., consensual) non-monogamy”, to try to elaborate the ways that through not considering the intersectional nature of privileges, polyamorous discourse might be deconstructing heteronormative frameworks of intimacy only to recreate a different kind of enclaved discourse. This chapter will look at the activist writing on polyamory and its burgeoning academic response with a view to assessing the possibilities and pitfalls of this discourse. Through a re-evaluation of Foucault’s notion of heterotopian space, it deconstructs the idea that any socio-cultural space can be truly and completely “other”, while at the same time acknowledging the powerful discursive frame that a presumed “otherness” can have in creating spaces for intimacy. As polyamory is sometimes seen as a new way of reformulating intimacy, an overarching intimate discourse or even new version of sexual ethics (other to both monogamy and other non-monogamies), it risks creating a discursively heterotopian space of intimacy that can exclude many by what it does or does not include in its discourses, or even by the ways that discourse is put into words or circulated. Through close readings of one of polyamory’s inspirations, the Robert Heinlein novel *Stranger in a Strange Land* (1961); the “bible of polyamory”, Dossie Easton and Janet W. Hardy’s<sup>18</sup> *The Ethical Slut: A Guide to Infinite Sexual Possibilities* (1997); and a sampling of journalistic articles about polyamory in the mainstream public sphere, I seek to not only

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<sup>18</sup> Though, at the time the book was published, Janet Hardy used the pseudonym Catherine A. Liszt. See also note 185 in Chapter 4.

deconstruct current articulations of polyamory, but to identify ways in which it might be able to transcend its discursive limitations with the view of becoming truly inclusive.

My Conclusion, “Non/Monogamy, Privilege and the Space of Discourse” tracks the arc of my project and shows how considering these forms of non-monogamous discourse together one may read the protean vitality and reach of non-monogamous discourse. It will draw on the insights gleaned from the above close considerations of individual non-monogamies and attempt to formulate some broader conclusions about non/monogamy’s relationship with privilege, and on the multiply intersected nature of monogamous and non-monogamous intimacy.

These three broad sites form a cohesive set of research objects, not because they are exhaustive, or the primary sites where normative formations exist or have formed (for example, it is within religious discourse and attendant culture that the moral aspect of the non/monogamy system was likely most determined), but rather because they are key sites from which the current circulation of, and changes in, those discourses can be read. This is because, besides being rich and current flows in this system, they have a discursive impact on these issues as they are articulated today in the intimate public sphere. Together they form a cusp—a moment when certain flows in academia, society, policy, and culture could go in several directions, some of which could hold potential for a progressive politics of the intimate, and others of which risk promoting the maintenance and reification of oppressive systems and logics already in place.

## CHAPTER 1

### THE SPACE OF PRIVILEGE: SITUATING NON/MONO GAMY AND INTIMATE PRIVILEGE

*[These investigations] seek to determine the human value of the sorts of space that may be grasped, that may be defended against adverse forces, the space we love. [...] Attached to its protective value, which can be a positive one, are also imagined values which soon become dominant. Space that has been seized upon by the imagination cannot remain indifferent space subject to the measures and estimates of the surveyor. It has been lived in, not in its positivity, but with all the partiality of the imagination. Particularly, it nearly always exercises an attraction. For it concentrates being within limits that protect.*

~ Gaston Bachelard, *The Poetics of Space*, xxxi

*Yes, thought Vimes. That's the way it was. Privilege, which just means "private law". Two types of people laugh at the law: those that break it and those that make it.*

~ Terry Pratchett, *Nightwatch*, 73

#### **Introduction: The Fluid Relation of Non-Monogamy and Privilege**

This chapter will be devoted to coming to an understanding of “intimate privilege” and why it might be important to consider this form of privileging and the consequent gaps and absences it leaves in social, cultural and political contexts. The chapters that follow go on to consider how intimate privilege is at work in non/monogamy, examining a multiplicity of privileged intimacies and the ways that they intersect and interact in discourses surrounding contemporary non-monogamies. Intimate privilege arises in the interactions of other forms of privileging, ones we are used to discussing in academic and activist literature, such as heterosexual, male, class and white privilege, and ones that we might not normally consider in discussions of privilege, such as the privileging of one form of identification over others, privileging certain models of discursive circulation, or

privileging forms of intimate space. A key privilege that must be addressed in discussing the discourse surrounding non/monogamy is the privileging of a monogamous social relation. However, rather than argue that a privileging of monogamy over non-monogamy is an oppressive socio-cultural norm,<sup>19</sup> I argue that while an *understanding* of monogamy as a cultural norm is certainly pervasive, due to the intersectionality of privileges and oppressions, some forms of non-monogamy, and some practitioners of non-monogamous lifestyles, in fact hold a great deal of socio-cultural privilege, while others do not.

For example, adultery, arguably the most widespread form of non-monogamy, has strong affinities with heteronormative capitalist individualism. Bonnie Zare uses the prevalence of plotlines that sentimentalize adultery in Hollywood films (38) as evidence of a capitalist individualism that sees anything as commodifiable, even relationship unrest (33). This intuition can be linked with a further mainstreaming of infidelity that some are calling “the adultery industry”,<sup>20</sup> where guides and aids to cheating such as the 2002 book *The 50-Mile Rule: Your Guide to Infidelity and Extramarital Etiquette*, and web-based

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<sup>19</sup> The scope of my discussion is limited to predominantly English-language (and some French-language) Western social and cultural discourses, these being my primary sites of analysis. However the patterns and power dynamics I am trying to elaborate are not necessarily simply a “Western” issue. My predominantly English-language and Western sources, however, remain a limitation of the current work and a challenge for further study.

<sup>20</sup> Outside of my own work I have encountered this (or similar) terminology several times, though never with an attribution to any original author. For example, it was mentioned once on a report on this rising industry on CBC Radio’s *The Current* (“Selling”), another time in an article in a Black community newspaper in the UK discussing how it is a major component of the dating industry (Weekes), and once on an adultery-themed episode of the television show *SexTV* as “the growing market surrounding infidelity” (“Infidelity”).

cheating services such as The Ashley Madison Agency have a prominent presence in the mainstream public sphere.<sup>21</sup> Thus, as a discourse of non-monogamy, but one that receives societal recognition as a part of “normal” sexuality, adultery holds a certain privilege in the public sphere.

A further example is how polyamorous discourse is not equally accessible for all subjects. A sex-radical discourse that has gained in prominence since the 1997 publications of Dossie Easton and Janet W. Hardy’s *The Ethical Slut: A Guide to Infinite Sexual Possibilities* and Deborah Anapol’s *Polyamory: The New Love Without Limits*, polyamory (or “poly”) has come under recent academic scrutiny for how, as a discourse, it fails to adequately address extant power dynamics, such as those of sexism and racism, in ways that can lead to a reification of these oppressions within poly subcultures. This in turn makes polyamory a fraught, inaccessible, or oppressive space for many (Haritaworn, Lin and Klesse 519). Also inadequately addressed in poly discourse is the issue of class and its relation to sexuality (Haritaworn et al 519), an absence that effectively centres it as a middle-class Western discourse.<sup>22</sup> Taken together, and despite

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<sup>21</sup> Examples of Ashley Madison’s advertising may be found in Chapter 2 and Appendix B. For a more extensive archive of their publicity and press see their website at <<http://www.ashleymadison.com/app/public/media/index.p>>.

<sup>22</sup> Which ironically brings it into line with some of the major proponents of “The Lifestyle” (as Swing culture has come to be framed), such as Robert McGinley of the LSO (Lifestyle Services Organization) whose major aim is to promote The Lifestyle as a natural extension of middle-class mainstream (American) values (Gould 25; “History”). It is ironic because “swinging”, along with adultery and polygamy, is one of the non-monogamous forms that much of poly discourse (*qua* discourse) sees itself as defined against. I will discuss such dynamics further in Chapter 4.

the very real hardships that some poly individuals and families face,<sup>23</sup> as a subcultural discourse it often carries a great deal of currency, and poly individuals, as they are never “just polys”, but are located along multiple axes of privilege/oppression, can often mobilize substantial amounts of privilege due to favourable locations on these axes.

This fluid status of non-monogamy with respect to privilege will form the context against which I consider the more finely grained notion of intimate privilege, this backdrop not, as might be assumed, of a discursively hegemonic monogamy, but of an influx system of non/monogamy, where non-monogamous discourses, and the subjectivities subtended by them, hold different amounts of intimate privilege depending on their location within other systems of power and privilege.

As a cisgendered, heterosexual Canadian man of South Asian decent who has lived both monogamous and polyamorous lifestyles, I have intimate experience of the many limitations society places on non-monogamous forms of intimacy, but also of the many cracks and absences in current frames for the greater expression of non-monogamy and the degrees of privilege that can be mobilized by some subjects living non-monogamous lifestyles. This work is a check that cuts both ways—critical of both a normative framing of non/monogamy, as well as of a utopian enthusiasm that some forms of non-monogamous discourse churn out, disguising or ignoring the play of other forms of privilege on this aspect of people’s intimate lives.

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<sup>23</sup> Such as painful custody battles with former spouses and partners who disapprove of their children being raised in a polyamorous lifestyle environment. We will return to these issues in Chapter 4.

## The Logic of Privilege and the Dynamics of Space

To operationalize privilege in a way that gives it a metaphorical dimension that can supplement its symbolic meaning, it is useful to link it with the politics of space, since then insights about different ways of occupying or interacting with space can be mobilized with respect to furthering a critical understanding of intimacy and privilege. Since “space” as a general concept has more currency than “privilege”, we will explore it first with a view to retaining an opened understanding of the dynamics of space as we move into the subsequent introduction of privilege.

By space we could understand many things, such as the concrete spaces of cities and their internal divisions (like zones and neighborhoods), or of nations and their borders, those somewhat permeable membranes over which goods and information and bodies pass in a variety free or restricted flows. We could also understand it to mean conceptual space, that symbolic or imaginary realm where representations of life and politics are mapped out in schemas, codes, models and diagrams. Both the Venn diagram and the flowchart contain spatialized logics, as do various theoretical models, such as the ones we will deploy throughout this project. Column-inches are used to measure discursive space given to issues in newspapers, and battles of regulation and control of conceptual and discursive space are profound and ongoing, from the techno-bureaucratic regulation of the electromagnetic spectrum, to the socio-ideological politics of the public sphere.<sup>24</sup> Or, finally, it could be seen in an operationalizing way, seeing space as that

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<sup>24</sup> Such as the battle for control of the space of matrimony; both discursive and conceptual, this tug-or-war for what elements should be “inside” and “outside” of various discourses, legal frameworks and institutional structures is a highly spatialized one. Both the

which contains, space as location, space as that somewhere-where-things-occur and can be arranged in relationship with each other—a definition that takes in the virtual as well as the actual.

This last way of conceiving space comes out of various engagements with the concept of “virtual space”, especially with Anna Cicognani’s “Architectural Design for Online Environments” (2003) which posits that the distinction between “virtual space” and “real space” is more a difference between *kinds* of spaces, with each space being a real and appropriate location for its corresponding objects: physical space being a location for physical objects, virtual space a location for virtual objects, conceptual space a location for conceptual objects, etc. It also owes a debt to Lacan’s conception of the Imaginary realm as a psychological space where we are able of conceiving and locating such nebulous things as relationships and their dynamics in ways that are too complex to be fully pinned down by the more ordered and overdetermined Symbolic (Dean 215).<sup>25</sup> The usefulness of this broad and layered understanding of space is twofold: first, it enables us to locate many different types of circumstance where spatial dynamics and politics might be at play; and second, it lets us conceive, theoretically, of how such

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spaces these discourses create (the wedding, for example, or the conceptual space of religious/state-authorized domesticity) and the public sphere space these discourses are trying to regulate, maintain, appropriate or deconstruct are in the balance here.

<sup>25</sup> Though Dean also notes that the Imaginary realm can also be too static and determined, which is why he locates his *rapprochement* between Lacanian theory and queer theory in terms of Lacan’s figure of the Real (Dean 231).

dynamics and politics—for example, those of privileging—might be fundamentally related across types of space.<sup>26</sup>

Of the vast array of existing and emergent theoretical mobilizations of the concept of space, there are a few that will be made use of, challenged or questioned in the following chapters. They are Hakim Bey's conceptualization of the Temporary Autonomous Zone, Deleuze and Guattari's theory of reterritorialization, Foucault's notion of the heterotopia, and, in conjunction with all of these, Habermas's public sphere model. While the public sphere is the dominant, recurring, spatial trope mobilized in this project, these secondary frames speak to the nature of how that discursive space is being deployed in each circumstance, what its effects, resonances and consequence might be, and how, in various forms, the privileging of intimate space manifests itself in each. The notion of the public sphere has this pride of place because it is a way of conceptualizing both space and discourse together. Discussing the politics of space and the poetics of discourse at one and the same time offers a nuanced way into discussing the role of publics with respect to intimacy in general and non/monogamy specifically.

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<sup>26</sup> There is some debate with regard to the over-broad use of space as metaphor, especially in the humanities, and this is perhaps most importantly linked to its status as wild metaphor, one that is too-often used without enough effort made to make precise its meaning (Massey 250). I would argue, with respect to this important rejoinder, that the way the spatial is being used here is anything but just metaphorical, and that the meanings of space in this project are neither free nor arbitrary. On the contrary, they are central locations, themes, and problematics within this discussion. Put another way, when there are spatial metaphors at play in this project, such metaphors have a grounding in concrete issues. They are material, no matter if their boundaries are made of a thin graphite line or barbed wire.

Thinking about space in this broad way will help us to unpack the notion of “privilege”, and what it might mean to come to understand relations of intimacy as located within, and conditioned by, relations of privilege. With this in mind, we can preface our discussion with a 22 November 2006 story from the Montréal newspaper *La presse* that exemplifies the intersections between non/monogamy, intimacy, privilege and space:

La jeune Laetitia Angba, 16 ans, s’est présentée devant la section d’appel de la Commission de l’immigration, hier, vêtue de son uniforme d’une école privée montréalaise aux côtés d’une compagne de classe. Déterminée à expliquer au commissaire que sa vie est ici et non dans son pays d’origine, la Côte-d’Ivoire, *elle n’a pu se faire entendre.*

Le commissaire, Jean-Carl Hudon, a refusé d’entendre l’appel de l’adolescente tant que la décision de la section d’appel ne sera pas rendue dans le dossier de son père, Barthélémy. Laetitia risque l’expulsion vers son pays d’origine parce que son père est polygame.

L’origine de l’affaire remonte à 1992. M. Angba tombe amoureux d’une Québécoise en Côte-d’Ivoire. Le couple se marie, s’installe au pays et fait venir la petite trois ans plus tard. Laetitia a alors 6 ans. La Québécoise les parraine tous les deux pour qu’ils obtiennent leur résidence permanente. Le couple divorce en 1996.

Un an plus tard, la Québécoise apprend que M. Angba était déjà marié en Côte-d’Ivoire. Elle l’accuse alors de polygamie—interdite au Canada—et veut

annuler son parrainage. M. Angba se défend depuis en disant qu'il est «polygame par culture, mais célibataire à l'époque».<sup>27</sup>

En 2002, la Commission de l'immigration l'accuse d'avoir fourni de «fausses déclarations pour obtenir sa résidence permanente». Trois ans plus tard, la Commission accuse Laetitia d'avoir été parrainée par quelqu'un qui a fourni de «fausses déclarations».<sup>28</sup> (Touzin, emphasis mine)

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<sup>27</sup> In fact, in further news reports, Mr. Angba is reported to claim that he believed his first wife to be deceased at the time of the second marriage (Murchison).

<sup>28</sup> In translation the article reads:

Young Laetitia Angba, 16 yrs old, went before the appeals section of the Immigration Commission, yesterday, wearing her Montréal private school uniform and beside one of her classmates. Though determined to explain to the Commission that her life was here and not in her country of origin, Côte d'Ivoire, *she was not able to get herself heard.*

The commissioner, Jean-Carl Hudon, refused to hear the teen's appeal before the appeals section had made a decision regarding the dossier of her father, Barthélémy. Laetitia is at risk of deportation to her country of origin because her father is polygamous.

The origin of this affair goes back to 1992. Mr. Angba fell in love with a woman from Québec in Côte d'Ivoire. The couple was married, moved to Canada and brought over the young girl three years later. Laetitia was then 6 years old. The Québécoise woman sponsored both of them so that they could get their permanent residence. The couple got divorced in 1996.

A year later, the Québécoise woman learned that Mr. Angba was already married in Côte d'Ivoire. She accused him of polygamy—illegal in Canada—and wants to take back her sponsorship. Mr. Angba has defended himself since then saying he is “polygamous by culture but was single at the time.”

In 2002, the Immigration Commission accused him of having provided “false declarations to obtain his permanent residence.” Three years later, the Commission accused Laetitia of being sponsored by someone who provided “false declarations”. (Touzin, translation and emphasis mine).

What is striking about this story is the way that Laetitia Angba's status as an intelligible being (her physical presence in the country or in a courtroom, her subjective status as a citizen or even a legal person with a voice), is conditioned by, not even her own intimacies, but her father's. But beyond her father's non-monogamy are a whole range of factors that intersect to create her own singular intimate situation, including age, gender, race, origins and status. Setting this story aside for a moment, we can take a more in-depth look at what ties all of these factors together: intimacy and privilege.

Invoking "intimacy" in this broad sense draws on Lauren Berlant's mobilization of the term. She defines the scope of the intimate to take in, on top of what we normally consider (the spaces of sex and romance, of close kinship and friendship), also all the other "kinds of connection that *impact* on people, and on which they depend for living" (*Queen* 284, emphasis in original). For her, intimacy takes in—or intersects with—citizenship, religion, work, writing, reading, music appreciation, therapy and an open-ended list of other *close connections that matter and that subtend our lives and experiences*. The "space of intimacy" is not simply a private one, where things-sexual occur behind closed doors, but a public/private realm that defines multiple forms of human relationship and acts as a crucial space of mediation between our selves and our worlds. Intimacies create spaces: social, national, cultural, subcultural, familial, sexual—spaces that define and constrain what forms of relationship, embodiment and subjectivity are seen as legible, viable, ethical, legal, even *real*.<sup>29</sup> We are currently at a cusp in

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<sup>29</sup> Though these so-conditioned spaces are anything but absolute. What one person might consider an "unlivable" or "unintelligible" space might be quite livable and intelligible to another, and vice-versa. As such, some of our relations to these intimate spaces are subjective, and others less-so. But this is also not to say that one space is right and others are not, though in some ways

relation to intimate space in the West. Challenges to normative intimacy from a multiplicity of movements (as well as from their inter-movement politics and backlashes<sup>30</sup>), have called many orthodoxies into question. Intimate space is now also contested space. We can refer to this crucial space of fraught mediation, after Berlant, as “the intimate public sphere” (“Intimacy” 1).

For Berlant the intimate public sphere is that system in recent cultural politics<sup>31</sup> that “renders citizenship”, in the broad sense we can take to mean legible personhood, “as a condition of social membership produced by personal acts and values, especially acts originating in or directed toward the family sphere” (*Queen* 5). Under the rhetorics mobilized by many right-wing politicians, pushed and popularized by powerful lobby groups like Focus on the Family, REAL Women, and Campaign for California Families, and concretized in many social institutions and policy structures (such as those around Canadian Immigration Policy), “citizenship” is imbricated within a set of logics which, though to some appear natural and neutral, are in fact highly normative, privileging dominant groups, bodies and subjectivities, and oppressing or suppressing others.

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certain figurings of space have the power to functionally “trump” others (especially the more concretely and materially-bounded spaces like nations). Our phenomenological experience of space is layered and nuanced, and as researchers we should not lose sight of the fact that what might be academically interesting about a certain relationship might not be as much (or as little) of a concern to those involved, on the ground. Thanks to Viviane Namaste for this important check.

<sup>30</sup> For an engaging overview of some earlier elements of this backlash, especially in relation to the Civil Rights Movement, see Cindy Patton’s excellent essay “Refiguring Social Space” (1995).

<sup>31</sup> Her focus and material reference US cultural politics, but many of the same trends are apparent elsewhere.

Berlant links the workings of the intimate public sphere with a set of strong interactions between sex and national fantasy. In addition to the desire of certain dominant individuals and groups to regulate what is seen as “perversion”, there is also a fear of a challenge from the non-heteronormative, or non-generative family: “When the modal form of the citizen is called into question, when it is no longer a straight, white, reproductively-inclined heterosexual but rather might be anything, any jumble of things, the logic of the national future comes into crisis” (*Queen* 18).

If how we experience the intimate is, rather than some set of private experiences, something broader, more complex, and more public (Berlant and Warner 311), then what is the nature of that public intimacy? If intimacy has a macro-social aspect, what type of socio-cultural logic does it follow? The suggestion I want to elaborate on is that in many instances the larger structural relations of intimacy are arranged using logics of privilege.

We can define “privilege” as a systematic relationship where one individual or group monopolizes some resource to the detriment of another (or multiple other) individuals or groups. By “resource” here we can understand many different things: from the concretely material (such as food, water, fuel, or land); to the social and cultural (such as employment, opportunity for advancement, respectability, wealth, ability to walk the streets at night, ability to run for or hold high office); to the conceptual (such as “rightness”, “normalness”, “naturalness”, “goodness”, “wholesomeness”).

The word “privilege” literally means “private law” (from the Latin *privilegium*) and can be defined primarily as “a special right, advantage, or immunity granted or available only to a particular person or group of people” (“Privilege”). This is a crucial point so it bears emphasis; privilege can only be said to exist if this “special right,

advantage, or immunity” is only available to some and not others. Within this system of ordering advantage there can be no such thing as “universal privilege”, it is an oxymoron—even the words themselves pull in opposite directions.

Returning to our broad conception of space established earlier, we can think of privilege as *taking up space*, as materially, conceptually or practically taking up so much space that there is not enough left for others to inhabit. The constitutional reality that underlies relationships of privilege is that it is only through foreclosing on the access to a resource for others that subjects on the benefiting side of this relationship can maintain their artificially inflated privilege.<sup>32</sup>

Moving beyond thinking about privilege in general terms, it is significant to explore what kind of logic is at work in relations of privilege. Understanding the form of logic that underlies privileged relations will help deepen the spatial metaphor already explored, but also underscore how this notion of “taking up too much space” is not incidental to privileging relationships, but constitutive of them. To do this it is useful to look at specific operations of privilege, as the situated dynamics of these processes are too complex, differentiated and varied to lump together. It is also important to explore particular threads of discussion on privilege because of its often intersecting and interlocking nature, which will be key for coming to an understanding of what we might mean by intimate privilege and how, ultimately, that conceptual frame might help us understand something of the place of non/monogamy in the public sphere.

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<sup>32</sup> Michael Warner makes this connection while exploring the privilege associated with being allowed to take up public space (*Publics* 22). He notes that one of the ways we in fact recognize “masculinity” is through a certain excessive fashion of taking up or occupying space (*Publics* 24).

Though the concepts of privilege and oppression have existed discursively (using these and other terms) as long as the processes themselves have, there is a distinctive timeline in academic literature that follows a specific deployment of the term “privilege” to discuss this form of relationship. The theoretical discussion of privilege has developed, through an initial engagement with class privilege, through a feminist appropriation of the term to discuss male privilege, an anti-racist deployment that addresses white (or pale-skin) privilege, and beyond, to discuss heterosexual privilege and other forms of oppression. Though there are many intersections that make these only provisional categories at best, and ones that, in the end, are inadequate on their own to address oppression and privilege in a comprehensive way, the chronology of the literature makes it useful to address these major mobilizations of the concept.

The earliest use of “privilege” as a major category of analysis in academic literature can be traced to Gerald Lenski’s *Power and Privilege: A Theory of Social Stratification* (1966). A sociological work sprung between a high-modernist study of social stratification and a postmodern approach to reading inequalities (Tickamyer 256), *Power and Privilege* was published at a historical moment when much foment, both in society and in academia, was opening new avenues for the questioning of “longstanding truths and practices” (Tickamyer 247). Lenski’s theory, an attempt to synthesize all previous theories of social stratification (Tickamyer 250), drew crucial connections between “the study of power and politics and the study of inequality” (Tickamyer 251), with “privilege” emerging as a term for the aggregate of power: it is that which accrues to elite members of any given system of stratification, due to the exercise of power over the distribution of societal resources (Tickamyer 249). What was groundbreaking about

Lenski's approach was that, although his writing was still formulated with respect to the notion of "class", there was an understanding in his model that power and privilege (in the form of control of surplus resources), could be generated from a variety of sources, including political ones (Tickamyer 249). What made this model extendable beyond, perhaps, even its own theoretical intentions, was that this model of "class" stratification could theoretically extend to other "stratifying variables" such as "politics, property, occupation, and ethnicity" (Tickamyer 249), or even "age, gender, sexuality, or any other source of 'categorical difference'" (Tilly qtd. in Tickamyer 249). As such, while it may be difficult to establish a direct causal link between *Power and Privilege* and later mobilizations of the concept (especially given the critical response it received in some feminist writing of the period for its technological determinism and "limited and anachronistic accounts of women's work" (Tickamyer 254)), Lenski's writing can be seen as presaging later work on privilege and inequality through its multi-modal—though not-yet-intersectional—focus (Tickamyer 256).

One of the first places where broader work on privilege begins to appear is in feminist writing, where the concept of "male privilege" became a way of discussing patriarchal structures in a material and concrete manner. Using the concept of privilege gave feminist writing a more critical edge, enabling it to move beyond notions of "entitlement" to discuss structural oppression and patriarchy. Speaking from a Marxist feminist standpoint and critiquing what she figures as a naively-liberal early feminism, Charnie Guettel writes that early arguments for the equality of the sexes were argued from a position that "[a]ll men and women by virtue of their common humanity and creation by God are *entitled* to the opportunity for full development" (5, emphasis mine).

Moving beyond this form of argumentation, one more attuned to formal equality than to structural oppression, allowed the privileged shoring up of power created by patriarchal structures to be problematized directly, as an un-recognized effect of the oppression of women as opposed to a neutral fact of life.<sup>33</sup>

Another place where work on privilege has been developed is in activist and academic work on anti-racism. The Combahee River Collective, a collective of black feminists and Lesbians who starting meeting in 1974, issued “The Combahee River Collective Statement” (1977), a position statement that is also widely acknowledged as the first treatise on intersecting and interlocking privilege/oppression. Partially in reaction to white Western feminism, and partially due to a need for a specific focus on the particular issues faced by women of colour, they strove “to develop a politics that was anti-racist, unlike those of white women, and anti-sexist, unlike those of Black and white men” (“Combahee” [s. 1]). In developing the concept of “identity politics”, the Collective sought to formulate an “integrated analysis and practice based upon the fact that the major systems of oppression [—racial, sexual, heterosexual, and class—] are interlocking” ([s. 0]), and that they “[found] it difficult to separate race from class from sex oppression because in [their] lives they are most often experienced simultaneously”

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<sup>33</sup> Michael Kimmel notes that this invisibility of privilege is a problem with how we conceptualize inequality in general (6). He uses the example of conceptualizing the structural inequality of gendered wage differences as women making 71 cents on the dollar as compared to men. He argues that, within this framework, “men’s wages are the standard (the \$1) against which women’s wages are calculated” (6), which importantly marks discrimination against women, but ignores the privilege associated with maleness. A different way to frame it would be that “for every dollar earned by a woman, men make \$1.34” (6). Putting it this way, according to Kimmel “it wouldn’t be the discrimination that was visible—it would be the privilege” (6).

([s.2]). As such, their politics sought to “[expand] the feminist principle that the personal is political” ([s. 2]), so as to “address a whole range of oppressions” ([s. 3]), and of necessity needed to do so from a position where “[they did] not have racial, sexual, heterosexual, or class privilege to rely upon, nor [...] even the minimal access to resources and power that groups who do possess any one of these types of privilege have” ([s. 3]). Their stance on intersecting and interlocking privilege/oppression opened the door both for questioning the intersection of privileges in activist movements, but also the mutual constitution of privileges and oppressions, work later taken up by authors such as Sherene Razack.

In *Looking White People in the Eye: Gender, Race, and Culture in Courtrooms and Classrooms* (1998), Razack discusses how relations of racial privilege in the legacy of imperialism are often masked by a process of othering marginalized groups, how these processes create conditions of domination and subordination, and that these “histories, social relations and conditions that structure groups unequally in relation to one another [...] *shape what can be known, thought and, said*” (10; emphasis in original). For her, if a space is constituted using a relation of privilege, it has the ability to “profoundly structure our understanding of one another” (*Looking* 10), that privilege coming to condition the space so-constituted. For Razack, who is engaging with oppressive structural relationships and how they play out in the spaces of the classroom and the courtroom, the effects of oppression and privilege condition forms of intimacy (and exclusion) that are both crucial and public. She moves her argument well beyond an over-simple interpersonal definition of “racism” (where racism might be defined as treating someone in a certain fashion based on a prejudiced understanding of their general

nature as a member of a certain group—what can be more accurately called “prejudice”), to a critique of *structural* racism. As it is understood broadly by anti-racism theorists, racism is a socio-cultural privileging of “whiteness” and “paleness” throughout history and culture<sup>34</sup> that has created a systematic bias for privileging paler skin that still has powerful effects at every level of society from the macro structures of government, law and education, to the micro politics of fictional narratives, style, and language. For Razack, it is not enough to talk about the intersectionality of privilege alone, but also how certain privileges are “interlocking”, in that they systematically produce each other and need each other to function (*Looking* 14).<sup>35</sup> For Razack, because of the interlocking nature of privilege, it is wholly inadequate—and often even complicit—to simply attempt to dismantle one privilege on its own. Speaking directly to her assumed primary audience of feminist women, she emphasizes that “we fail to realize that we cannot undo our own marginality without simultaneously undoing all the systems of oppression” (*Looking* 14).

A final major area in which the notion of privilege is mobilized is in work on privileged forms of gender and sexuality. Judith Butler, for example, discusses how

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<sup>34</sup> In conjunction with many systems, but most centrally the prolonged period of European colonialism and its ongoing effects.

<sup>35</sup> One example that she uses to illustrate interlocking oppression is how subjects in richer countries take advantage of massive unemployment and the manufactured “debt crisis” in other nations to secure the poorly paid labor of immigrant women of color as “live-in caregivers.” The class and (often) race privilege of those who benefit from this relationship interlock with each other and with the gendered oppression of the women who take part in these programs to survive and support their families (*Looking* 13). Canada, in fact, is highly complicit with this form of relationship, having a formal “Live-In Caregiver Program” since 1992, with previous similar schemes in place since at least the 1950s (Diocson).

normative forms of gender and sexuality create systems of privilege in which dominant groups, subjectivities and bodies carry a form of cultural intelligibility, while others do not. In *Gender Trouble: Feminism and the Subversion of Identity* (1999), as well as in subsequent work, she attempts to pry apart normative understandings of sex and gender to lay bare how they function as privileged performative structures. She observes, drawing on figures such as Althusser and Foucault, that “intelligibility” is a privileged good that grants the holder, among other things, a legitimately human status, while others—those that fall through the cracks of this system, who aren’t legible as subjects or bodies in dominant cultural spaces, whose intimacies are seen as immature, or illegitimate—are often also read as non- or sub-human, as the “less-than-human” doomed to sit outside or at the margins of the social (*Gender* 22; *Undoing* 2). Connected with work on gender privilege is work on heterosexual privilege and heteronormativity.

Heteronormativity is a social and cultural structure around which only certain forms of intimate discourse, expression, subjectivity or embodiment are seen as normal, healthy, moral or ethical. Work on heteronormativity works to deconstruct structures of privilege around the heterosexual family and the norms that are attached to it. There is a slippage in heteronormative conceptions of sexuality to equate unfamiliar or non-universifiable sexual practices with harmful ones. And it is not enough to expand the notion of “the normal” to encompass those other sexualities; as Michael Warner so deftly shows in his *The Trouble with Normal: Sex, Politics and the Ethics of Queer Life* (1999), the category of “the normal” is often the problem. Norms often entail privilege. In some cases this is not even problematic; for example, a norm in relation to it being right and acceptable to not dump nuclear waste and neither right nor acceptable to do so is not

problematic (which we can understand to mean: creates a system of privilege that is not oppressive—privileging non-polluters). In other cases, however, norms create systems of privilege that by their very definition exclude certain groups from being considered right and acceptable in their actions—indeed in more extreme cases of seeming ethical or even human at all.

The shift to framing these issues as heteronormative privilege—as opposed to heterosexism (which defines an oppression against specific groups), or homophobia<sup>36</sup> (which defines a fear of specific kinds of individual, certain groups, as well as their assumed practices)—is crucial in that the notion of heteronormative privilege a) acknowledges that the oppression is systematic rather than individual, b) implicates the normative subject as also formed within the system, and c) acknowledges that subjects so-formed might not even be aware of the ways they are being oppressive to others when they reify and recirculate that normativity.

To acknowledge heteronormative privilege does not mean that society as a whole is guilty of being sexually oppressive. And yet, neither is it innocent of such oppression. As Greg Dickinson and Karrin Vasby Anderson point out addressing another form of privilege, it is not a question of establishing guilt or innocence, rather it is about acknowledging that we are part of social and cultural systems and structures that are

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<sup>36</sup> One of the important aspects of the term heteronormative is that it moves away from a language of fear as being a primary motivator of action. Homophobia and xenophobia, for example, define real constructs—there is a lot of fear involved in the encounter with the Other—but perhaps a large amount of that fear is not rooted in an affective encounter with the strange and new, but rather is rooted in a fear of the strange and new displacing the privilege of the normal and comfortable.

deeply, even fundamentally, marked by privileged tropes.<sup>37</sup> They are part of the “myth structure” (Dickinson and Anderson 227)—which is to say part of language, religion, institutions, spaces, commodities, fictional narratives and in fact all components of human culture.

There are other forms of privilege we could discuss that come out in the literature on privilege,<sup>38</sup> all with unique dynamics, problematics and intersections that we do not have the space to explore here. At this point however, it is more useful to turn to the broader conceptual import of mobilizing privilege as a way to understand the structure of intimacy and, ultimately, non/monogamy.

Though there are many particularities in the literature on privilege (with individual situations and intersecting or interlocking oppressions making it important to be wary of making broad generalizations), one general insight that we can draw from this literature is that it is not enough to simply “expand the range of those with privilege” as a solution to the problem of privilege.<sup>39</sup> Undue privileging is a problem of misapplied

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<sup>37</sup> Dickinson and Anderson’s argument was in fact about racist and sexist tropes, but the insight can be extended to include how social and cultural systems and structures are marked by other privileged tropes as well.

<sup>38</sup> Other forms of privilege discussed in academic literature and social justice activist circles include “able-bodied privilege” (e.g., Serlin), “cisgendered/cissexual privilege” (e.g., Harney), “Christian privilege” (e.g., Schlosser), “middle-class privilege” (e.g., Liu, Pickett, and Ivey) and “First-World privilege” (e.g., Stephen).

<sup>39</sup> Though some would make a finer distinction within the category of privilege. Peggy MacIntosh attempts to draw a distinction between universalizable privilege (which she terms “good privilege”) and non-universalizable/specifically damaging forms of privilege (which she terms “bad privilege”) (“White” 153). While I think the exercise is a useful one, I disagree with her reasoning that since the term privilege has positive associations it should be retained. That the term privilege often carries a positive association is something that needs to be problematized.

logic: it is the use of a cultural logic that incorporates an unjust power relation. A privilege is therefore not something that could, ideally, be extended to all disenfranchised populations, as to speak of “privileging” is always already to speak of systematic relations of exclusion. As such, extending the range of “the privileged” is only to push back the borders of the dominant category.

The idiom “It’s not a right it’s a privilege,” speaks to a certain societal investment in the process of privileging. Expressions like this are based on the premise that certain things are privileges, i.e., they can be taken away for various reasons (such as bad behaviour, as judged by the body doing the privileging). The corollary of this is that (unlike rights, which are supposedly universal) privileges can also be denied in the first place. Not awarded, not extended. It is their status as privilege that allows this. Unlike supposedly-universal rights, privileges are most often understood as specifically and “logically” non-universal. They can be revoked or not awarded due to “bad behaviour” or the lack of a demonstrated level of “good behaviour”. This is where it gets even slipperier, because the supposed-logic that governs who does and does not have access to a given privilege is not as simple or straight forward as it might seem, because a privilege is not a privilege simply if those with the “right attributes” all have it. This is the utopian ideal attached to this logic, but not the actual circumstance. A privilege is only a privilege *in as much as some have it while others do not*; it is a privilege because it is predicated on a logic of exclusion. That this logic of exclusion is confounded with the utopian logics of rational regulation and control of societal goods that mask it speaks to

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Also, the perspective on privilege contained within this dissertation project is that even if certain forms of privileged good are universifiable, it is their privileging that is at issue, and as such outside of a logic of privilege (discussed below) the term would have no further descriptive use.

the underlying social and political inequities that create such logics in the first place. But the fact that many persist in defending privileged positions in the face of arguments that challenge such exclusions speaks to a much more dire situation: that when faced with giving up privilege many are prepared to put up a huge fight to maintain the status quo and remain in positions of unjust power.<sup>40</sup>

To contest the “space of privilege”, on the other hand, is to contest the logic of privileging. Applied to notions surrounding intimacy, such a challenge would mean—at least—a challenge to heteronormativity, as through this privileged frame other sexualities are dismissed as unethical, unreal, or simply as unintelligible. And yet, as useful as this challenge is, it is incomplete, it misses the mark. “Heteronormativity”, *qua* concept, can be stretched or stacked with other terms to encompass other regimes of privilege such as male privilege (heteronormative patriarchal structures), or with skin and class privilege (white supremacist capitalist hetero-patriarchy (e.g., Urban 252)), but it still cannot contain them without losing its specificity. That said, and with a view to a gradual development of a broader concept of “intimate privilege”, heteronormativity is a robust starting point.

A point from which I draw ongoing insight is Foucault’s argument in *The History of Sexuality, Vol. 1* (1978) that we use a “logic of sex” rather than a “physics of sex” to comprehend (and construct) human sexuality (78).<sup>41</sup> He couples this with the insight that

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<sup>40</sup> For a useful summary of the dynamic of defending unearned privilege see Abby Ferber’s “Defending the Culture of Privilege” (2003).

<sup>41</sup> “*Nous nous sommes placés nous-mêmes sous le signe de sexe, mais d’une Logique du sexe, plutôt d’une Physique*” (Foucault, *Histoire* 102). I use “physics” here, as it is the common translation, but as Chantal Nadeau has made evident to me, Foucault’s “*Physique*” of sex could be seen as the *physique*, or body, of sex. This could an example of Foucault’s often provocative

sexuality is one of the primary logics we use to organize our worlds: “Whenever it is a question of knowing who we are, it is this logic that henceforth serves as our master key” (78). If we extend this argument to incorporate the broader definition of intimacy we have extracted from queer theory, we can expand the insight to say we use a logic of intimacy to rationalize our relationships. And as this organization is one that legitimates some relationships by the specific and often uncritical de-legitimation of others, this logic is (at the very least) a heteronormative logic of privilege.

Since the idea of a logic of sex/intimacy plays a pivotal role in this argument it is useful to specify exactly what reading we can take from Foucault’s mobilization of “logic” here. There are many potential meanings to the word “logic”. The *New Oxford American Dictionary* lists several primary meanings for the word, beginning with “reasoning conducted or assessed according to strict principles of validity,” and ending with the variant for “(logic of)” which it defines as: “the course of action or line of reasoning suggested or made necessary by” the thing in question, such as in the formation “the logic of capitalism” (“Logic”). All of the definitions speak to “the quality of being justifiable by reason,” a fact that reflects the word’s etymological roots in the Greek *logikē* or “(art) of reason”. But, as with other forms of modernist thought, we can call into question that notion of self-evident reason. By mobilizing the concept of a “logic of sex”, Foucault is not saying that sexuality/intimacy is strictly ordered, rational, and

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choice of terms. A “Physics of Sex” evokes a view of sexuality that is molecular, in the Deleuzo-Guattarian sense, more finely-grained than the molar logic underlying normative sexuality. A “Body of Sex”, on the other hand, connotes a gestalt entity, the body without organs, a jumble or *dispositif* that functions in a manner that works previous to, or independent of, our understandings of it as an assemblage of rational parts. Unless noted otherwise, the remaining citations are from the English translation of *History of Sexuality, Vol. 1*.

articulated according to a set pattern. What he is trying to get at is that we often *believe* that it is and act accordingly. We act *as if* sexuality follows a set of rules (rules that, for example, create relationships of inclusion and exclusion—this activity/thought/expression belongs to sexuality, while this one doesn't; or of categorization—these activities or expressions are appropriate to men, while these others to women; etc.). As such, “logic” here speaks, like with Lacan’s critique of the symbolic, to a process of overdetermination, where signifiers and their “logical” deployment in the symbolic are taken for the things themselves and their actual deployment in the world (“Signification” 689). This is a use of “logic” that acknowledges that it is also etymologically connected to language, both coming from the root *logos*—a structuring that has as much to do with power as with actuality, and often much more.

If non/monogamy is a system working within an overdetermined logic of intimacy then it produces as one of its effects various forms of privilege for those who find themselves (or can create themselves) in line with dominant parts of that system. If we take this notion of the operation of privilege and feed it back into our previous discussions of space and the intimate public sphere we can begin to see how those effects might be shaped.

### **Privilege, Intimacy and Space in the Public Sphere**

As Nancy Fraser points out, the bourgeois public sphere, like other systems of privilege, “[secured] the ability of one stratum of society to rule the rest” (117). In that (hegemonic) democracy was premised on informed consent, and given that access to that space of publicity was limited to those with certain attributes (or expounding certain

ideological positions), the de facto nature of the mainstream public sphere was constitutionally—rather than, as it is sometimes claimed, incidentally—biased to privilege the interests of specifically distinct elites (116). This relation of an elite public sphere to others is one that Fraser goes on to complicate in her work. While she does bring out the nuanced significance of what she calls “subaltern counterpublics”, especially in relation to the importance of such spheres for the circulation of social identities and the maintenance of community (125), she maintains the position that the prominence and power of mainstream or elite discourses carries with it a certain position of privilege. We can extend her insight into an appreciation of the power dynamics inherent to the intimate public sphere.

The power of discourse in the intimate public sphere (which is neither simply mainstream nor subaltern but cuts across these epistemological categories, much like lives and experience) is that discourse in part creates the space where intimacies occur. This can be understood in several ways. Returning to the multiple modalities of privilege discussed earlier (physical/concrete, social/cultural, symbolic/conceptual), it’s important to stress that such relationships are inescapably spatial, and that, if we look at privilege as the disproportionate occupying of space, there are different kinds of space that map onto the different forms of occupation. Physical space is occupied physically, for example, while social and cultural space is occupied socio-culturally and conceptual space, conceptually. The corollary of this is that different kinds of privilege can form in or be maintained through different types of space. Pointing out these fine distinctions and cyclical dynamics can help us to see how the power of discourse in the intimate public

sphere is such that public<sup>42</sup> articulations of various intimacies both determine, and are determined by, the privileged intimate spaces which we occupy as we move through life and the world. Discourse, despite (and often because of) the privileged manner in which it circulates, is one of the modalities that speaks intimate space into the world. The logics of intimacy and privilege play themselves out in the spatial realm at all levels, and in this light we can see how intimate space, read with a view to positioning it within regimes of power, is often itself a space of privilege.

### **Non/Monogamy and Intimate Privilege: The Angba Case Revisited**

Now that we have a theoretical understanding of the logic of privilege in place, and one that has been opened up along the spatial dimension to give us a more textured conceptual framework to work with, we can return to looking at the interaction between non/monogamy and privilege. To ground this discussion, we will revisit the example of Laetitia Angba's case, and how it speaks to a broader conception of the relationship between intimacy and privilege. The nuances of this case can be seen as a microcosm of the arc of this project, in that to discuss the case simply in relation to the operations of "monogamous privilege" or even "heteronormative privilege" would be woefully inadequate. Examined with a view to unpacking the complexity of Angba's interaction with a systematic non/monogamy and privilege, it becomes clear that her case exists in the interstices between privileged logics of citizenship, race, sexuality, gender and age.

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<sup>42</sup> It has this same power in private, but to a lesser extent. But one could also argue that even private articulations of sexuality (coming out to one's self, for example) take place in the context of larger public forms of intimacy (such as the whole notion of "coming out" and its social and (sub)cultural significance) (Sedgwick 67).

To address the issues raised with this case we need a broader concept, one that speaks to the privileging of emergent collections of intimacies such as these as opposed to single intimate factors: an “intimate privilege” that takes into account the complexity of privileging in the intimate realm as well as the intersecting and interlocking nature of privileges that impact on people’s intimate lives.

Using this approach is to acknowledge that not all non-monogamies, or non-monogamous practitioners, are oppressed, or even necessarily lacking in privilege, since the relations of power between and among non-monogamies are not flat but varied (as are, for that matter, those between different situations of monogamy, and between various monogamies and non-monogamies). For example, a straight white male Canadian-born adulterer is engaging in a significant discourse and culture of non-monogamy—yet at the same time is located completely within heteronormativity, if not necessarily within monogamous orthodoxy. Though not monogamous, he retains access to heterosexual, white and male privilege, as well as citizenship status, a fact that significantly mediates how much intimate privilege he is able to mobilize. The fact that his form of transgression is so usual, so often legible as part of intimate discourse, and—even if frowned upon—nevertheless so often framed as a real part of the intimate realm, also secures this instance of non-monogamy as one imbued with the potential of significant privilege. If we compare such a scenario to Laetitia Angba’s case we can begin to see how intimate privilege is working differently in each situation. Also implicated in the shadowy intimate space surrounding non-monogamy, Angba is however positioned differently with respect to other forms of privilege. As a woman of colour, as a minor, as someone whose citizenship and status are not guaranteed, Angba’s relationship to spaces

of intimacy is put in turmoil and peril by her proximity to non-monogamy, and not even her own. In these two examples the subjects, though both implicated with non-monogamous intimacy, differ greatly with respect to how much intimate privilege they are able to mobilize, as well as to the character of that emergent privilege.

For Laetitia Angba, the spectre of her father's non-monogamy is a catalyst that throws her own intimate privilege into question. And yet, it can only do this because of the interlocking nature of privilege and oppression. That her father was polygamous only impacts her intimate privilege because of additional intersecting factors such as the exclusionary nature of Canadian citizenship coupled with the heteronormative logic of Canadian immigration policy.<sup>43</sup>

The Canadian *Immigration Act* and *Citizenship Act* contain ethno-normative and heteronormative logics that profoundly structure what types of intimate subjectivity Canadians are allowed to have as citizens and as families, and what types of intimate subjects and families are allowed Canadian citizenship. Under the aegis of what is termed "Family Class Immigration": "Canadian citizens and permanent residents living in Canada, 18 years of age or older, may sponsor close relatives or family members who want to become permanent residents of Canada" ("Family"). However, what the *Act* defines as "family" is a rigidly-policed conceptual space of blood-relation or else official spouse-ship. The challenge felt by families who are, or have been in polygamous unions, and who want either to immigrate together or reunite their families in Canada, is that only

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<sup>43</sup> Though in Canada, legalized gay marriage has begun to create fissures in that logic, the Interim Policy around gay marriage with respect to immigration still follows very heteronormative logics (such as until very recently only recognizing domestically formed, but not foreign, same-sex marriages). Even where concessions are made, it is still a case of "extending the scope of the privileged" rather than a deconstruction of that privilege.

a single wife and her children are considered a part of a given family. This legislation can leave women and children who do not fit into this heteronormative framework on their own or unable to join the rest of their families in Canada through this policy, a constraint that can cause specific hardship for the women and children the policy purports to protect (Bailey, Baines, Amani & Kaufman iv).<sup>44</sup> The intimate spaces these logics define create oppressive constraints and exclusions for those that would inhabit them, in ways that are often largely unexamined, and that do not map unproblematically onto responsible citizenship.<sup>45</sup>

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<sup>44</sup> Recommendations for changes to this legislation have been put forward by policy analysts funded by Status of Women Canada. Though not all the reports have suggested an opening up of immigration policy surrounding polygamy (e.g. Bala et al. and ACLRC), two have. One recommended that parliament revisit the criminalization of these unions due to the deleterious effects a risk of penal consequences could have on women and children, given that laws governing abuse within communities and families could be applied regardless of whether subjects were polygamous or monogamous, and with an understanding that “legislative reform on this topic should occur only after the completion of additional research based largely on direct communication with, and the involvement of, women in polygamy” (Campbell, “How Have Policy”, iv). A second study recommended that s. 293 be repealed because it does not extend the public law protections of marriage (such as support and divorce rights), to women who are nevertheless in a de facto marital union; because it breaks up immigrating families; and because its findings indicate that “[c]riminalization is not the most effective way of dealing with gender inequality in polygamous and plural union relationships [and] may violate the constitutional rights of the parties involved” (Bailey et al. iv). We will explore these issues more thoroughly in Chapter 3.

<sup>45</sup> While it might be pointed out that states require systems such as these to function, and that crossing national boundaries will often highlight corresponding differences in cultural and legislative boundaries, this fact alone does not indicate that such legislations—in general—could not be made better. It is also important to note that differences in cultural norms between countries, and how these manifest in law and policy, are not a matter of simple cultural relativism. As a Dominant World country, and one of the countries with the most space and

Laetitia Angba's situation echoes Eithne Luibhéid's analysis of the US Immigration Control System's role in the social construction of women's sexual identities. In *Entry Denied: Controlling Sexuality at the Border* (2002), Luibhéid argues a "'preferred' admission to [heteronormative] wives" (ix), and deliberate exclusion of those deemed to not fit that mould, functioned as an ideological apparatus that was "a key site for the production and reproduction of sexual categories, identities, and norms within relations of inequality" (x). Luibhéid continues: "that in seeking to ascribe these identities the immigration service centrally contributed to constructing the very sexual categories and identities through which women's immigration possibilities were then regulated" (xi). In particular, she notes that "the policing of immigrant women on the basis of sexuality also enabled the discursive production of exclusionary forms of nationalism" (xi). Laetitia Angba's construction as a subject "outside of monogamous sexuality" or an "unwitting victim of polygamy" is something that is produced by Canadian immigration discourse. Underlining the importance of the social construction aspect is not to say that previous to the discovery of Mr. Angba's prior marital status, that Laetitia Angba's life was not touched by polygyny, but that through the operations of normative power exercised within relations of privilege these aspects of her family's

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lowest population density, Canada is one of the world's key locations for immigration. In comparison, Côte d'Ivoire is a small former-colony that achieved independence in 1960, since when it has seen much political turmoil. Due to the different socio-political positions of these nations, respective normative sexuality discourse and legislation has different potential impacts; whereas, for example, a legally married same-sex Canadian couple might experience hardship in trying to move to Côte d'Ivoire, the broader context with respect to power and privilege differentials (that could, for example, impel people to immigrate from Côte d'Ivoire to Canada, rather than the reverse) need to be taken into account. Thanks to Meg Barker and Darren Langdridge for pointing out this counterargument.

intimate history are then mobilized in the service of exclusionary nationalism(s)<sup>46</sup> to re-narrate her as “illegal immigrant”, functionally de-legitimizing ten years of citizenship. Even though Laetitia Angba’s case does not result in her eventual deportation, we can glean some insight from the way the case moved through the public sphere, and the influence of that very publicity on the outcome of the case.

It is informative to track the evolving framing of the Angba case in the news media. As the case progresses, there is evidence of an increasing tendency for the situation to be framed as Laetitia suffering for the lies or sins of her father. Compare earlier titles that actually focus on Laetitia and her case such as “Laetitia en a assez d’attendre” (*La press*, 2006) and ““Mon appartenance est ici au Québec”” (*La press*, 2007) with a later framing that puts the emphasis on Laetitia’s father: “Otage des mensonges de l’autre” (Radio-Canada, 2008), “Quebec Girl Faces Expulsion for Father’s Immigration Fib” (CBC, 2008) and “Quebec Teen Avoids Deportation After Father Lies” (CBC, 2008). This change in content could reflect several possibilities. The first is that news makers, looking for a new angle to the story, have fallen back on the old standard of blaming men of colour for harm coming to their children, even if they are not the cause of this harm. This angle plays into a powerful racist stereotype that women and children of colour need to be saved (by the West) from their harmful men who are universally dangerous and abusive, so as a news angle it has a lot of discursive weight behind it.

Another possibility is that this angle is one that Angba and her lawyers (and maybe even her father, already deported) chose to put out into press releases. Knowing that it would have more play in the public sphere, Angba’s defence team might have, due

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<sup>46</sup> That of Canada itself, as well as that of Québec.

to increased desperation, turned to this angle with its sharper rhetorical edge. This could also be seen as a possibility as the Immigration officials at her 2008 appeal hearing rejected her appeal because “they said there is a reasonable risk she and her father may try to play the system to get [him] back into the country” (CBC News, “Quebec Girl”). As such, distancing herself from her father and becoming discursively the victim (not of Canada’s exclusionary and heteronormative immigration laws, but of her deceitful father), might have been one of the few angles that her defence team and family had left to employ.<sup>47</sup> Never mind the fact that him lying about his previous marital status enabled Laetitia to immigrate to Canada in the first place, and never mind that it is Québec and Canada’s laws and processes that stripped her of that status and forced her to attempt to regain it. It is also telling that they frame her prospective using of her own renewed citizenship to reunite her bureaucratically-estranged family as an instance of “playing the system”, as if her father is now a “bad subject” that, even in legitimate legal ways, should never be allowed to attain citizenship, and as if her “damaged” citizenship status robbed her of the right of reuniting her family. In fact, what the verdict actually speaks to is that they likely *would* have those rights and be able to use them, so therefore the only way to prevent such an unacceptable state of affairs from occurring is to deny renewing her citizenship rights. In other words, for the sake of policing the intimate space of the nation they both needed to be excluded from the intimate space of citizenship. It is against this

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<sup>47</sup> That this distancing was a mandated part of the process Angba was expected to follow is evidenced by the following citation from one failed appeal judgement: “Il faudrait que l’appelante [...] prenne de fortes distances à l’égard d’un tel individu [père], afin de convaincre le tribunal qu’une mesure spéciale qui lui serait adressée à elle, en particulier, ne viendrait pas profiter éventuellement à monsieur Angba par le biais de la réunification familiale’, peut-on lire dans le jugement” (Radio-Canada, “Otage”).

backdrop that either Angba's defence team, or the media itself, pitched their story, one that creates an impact-driven discursive map of the issue, while missing so many of its key problematics that it reinforces the privileged discourses and structures that are causing the problem in the first place. If this strategy was chosen as a last-ditch attempt to make progress in the media sphere, it is telling that to even gain discursive space at all (let alone have the desired impact there) one needs to fall in line with discursive narratives already laid out.<sup>48</sup>

Laetitia Angba's story passes out of the media sphere with her gaining a three year temporary residence permit and concurrent student visa that should allow her to apply for, and receive, Permanent Residence (CBC News, "Quebec Teen"; Léa and Angba). After a media blitz that included a well-publicized *Facebook* appeal site called "AIDER LAETITIA" created by one of her school friends, and that also involved radio and television appearances, Angba's case was brought to the attention of Federal Immigration Minister Diane Finley. After Angba's prominent 17 February 2008 appearance on the television talk-show *Tout le monde en parle*, "Quebec Liberal MP Denis Coderre intervened on her behalf with the Ministry of Citizenship and Immigration, arguing the girl is a victim of circumstances and her status should have nothing to do with her father's mistakes" (CBC News, "Quebec Teen). This intervention set a process in motion by which Laetitia, by then 18 and no longer a minor, could apply

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<sup>48</sup> As always with this type of work, it is important to acknowledge that I might be over-reading this situation, and that Laetitia Angba's relationship with her father was genuinely one of victimization as the media portrayed. I would not want to further silence Angba by "interpreting" her case without at least flagging the fact that my specific reading might be completely off the mark. Though even if this were the case, many of the privileges power dynamics I identify would still be at play.

for Permanent Residence. A happy ending? Perhaps. Nothing in the press coverage, nor Laetitia's published account of the provisional victory, makes any mention of Laetitia's father, beyond retelling the background story—a strategic omission that invites the question of whether Laetitia's choices would include repatriating her Father, or not, as a condition of residence.<sup>49</sup> Also there is the framing, both by Laetitia and in the media, that she is a fully integrated—and above all, happy<sup>50</sup>—subject. One website published her response to her supporters on the *Facebook* group:

Ces trois dernières semaines ont été dignes d'un marathon médiatique et je n'ai jamais lâché car je savais que j'étais injustement accusée et expulsée non du Canada, mais d'un pays qui m'a ouvert ses portes et dont j'ai saisie [sic] l'opportunité pour devenir à mon tour une citoyenne intégrée à part entière. [...]

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<sup>49</sup> The coverage does, however, mention that while using her discretionary powers to grant the temporary residency, Finley stopped short of granting Laetitia immediate Permanent Resident status, and had no plans to (CBC News, "Quebec Teen"). It also reported that two conditions she would be under were those of obtaining a medical and a security check (*La Presse canadienne*).

<sup>50</sup> Sara Ahmed's new work on how a discursively framed "happiness"—that is, an idea of happiness that is attached normative figurings of "happiness objects", or the things that "should make you happy" (as opposed to what your actual affect might be towards them)—is mobilized in discourses such as those surrounding multiculturalism ("Happiness"), holds particular significance for how we can read Angba's mediatized response. Regardless of her actual feelings (and no doubt, she would feel immense relief and joy at her successful staving off of deportation), and even if what she felt were an ongoing bitterness and frustration towards the structures that forced her to undergo this ordeal, she might not, due to her position with reference to structures of power that hold her citizenship status in escrow, have the ability to express that frustration publicly, at risk of no longer embodying the discursive position of "thankful immigrant" that, in part, allows her safe passage through these legislative and media spaces.

Et oui, c'est fini, en espérant que moi et ma famille auront une vie définitivement stable avec "les gens de mon pays". (qtd. in Léa and Angba)

That her response to the situation (one of happy gratitude for inclusion in the project of Canadian and (especially) Québécoise nationalism), tracks with the narrative of the "ideal immigrant" is no accident. This aspect of her case is also repeatedly pointed out in the media coverage. For example, Radio-Canada reported that the intervening MP Denis Coderre noted that "elle était bien intégrée dans la communauté" as an important reason for the departmental intervention ("Laetitia"), and *La Presse canadienne* said of Laetitia "Un mouvement de solidarité a été lancé à l'appui de Laetitia, qu'on jugeait bien intégrée au Québec," and also quotes her as saying:

Je me sens Montréalaise pour tous les festivals, l'aspect multiculturel. Il y a 50 spectacles par soir que tu peux aller voir à Montréal! Je me sens Québécoise surtout par rapport à l'histoire. J'adore les écrivains, Anne Hébert, les films d'ici. Je suis très attachée culturellement au Québec parce que c'est une belle histoire, c'est un beau peuple. Et je me sens Canadienne tout simplement parce que le Québec fait partie du Canada; on en est une entité.

In saying that she is proud to be "Canadienne, Québécoise et Montréalaise" (*La presse canadienne*) Angba creates herself in line with the ideologically-wrought regulations and expectations she needs to embody to be a discursively "model immigrant", a move that enables the state to come to her "rescue" in a fashion that makes it seem like it is the result of a system that, in the end, worked, rather than of a case that squeaked a positive outcome only through Herculean efforts on behalf of Angba, her supporters and

representatives over three long years, media amplification and the intervention of individual politicians in the immigration process.

Laetitia Angba's intimacy is marked by logics of privilege. She reverted, after ten years of citizenship, into a foreign body invading the space of the nation, held in an intimate limbo by a politico-legal apparatus that held out the promise of reintegration, but only for a more normatively-refined subjectivity. Is this what Berlant calls "infantile citizenship" (*Queen* 25), or the systematic treatment of citizen-subjects as children to the nation-father, ones that must be guided, shaped, and reared to the right qualifications? Or is this an even more fundamental exclusion, and one that points out a limitation in Berlant's framework? Her understanding of intimate citizenship does not properly address how this mode of paternalistic management of intimacy, limited as it is, is itself a form of inclusion that creates a space in which subjects, although infantilized, may reside. Further, it doesn't address the fact that what it also creates is an "outside" that, depending on the intersection of privileges, can act as a space that contains and limits those so-rejected much more than it does the subjects forced to live overdetermined lives—as citizens—within the system.<sup>51</sup> For Laetitia Angba, all that legally mattered was her father's case. She was an appendage to his file, his intimate subject-hood, his illegal and illegible intimacy. She was less an infantilized citizen than created as Other; in this economy of illegal and illegible bodies her intimate situation marked her as illegal and illegible once removed.

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<sup>51</sup> Thanks to Melissa Autumn White for the important check that we should, as scholars, be wary of using the term "intimate citizenship" at all, since its use risks ignoring the very real situations of those who do not have citizenship status in a more fundamental and material fashion.

For those whose intimacies are not privileged, like Laetitia Angba (whose intimate citizenship was determined by the impact of oppressive policy interlocking with non-monogamy one generation removed), the mere act of inhabiting intimate space “taken up” by other logics can be a challenge. When facets of intimacy are articulated within societal structures such as laws, institutions, and policy, intimate space becomes necessarily an object of negotiation or else risks succumbing to the logic of privilege.<sup>52</sup> For Angba, due to the intersecting regimes of privilege that ejected her from stabled citizenship, mark her as racialized and positioned her as a minor, being outside of monogamous intimacy—even by association—has triggered oppression.

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The subsequent chapters take this notion of complex, emergent, and highly situational formulations of intimate privilege and use it to formulate a more detailed look at discursive spaces surrounding non-monogamies with an eye toward what sort of formal/informal debates and discussions are being played out surrounding non/monogamy in the intimate public sphere. A grounding concern of this work is the question “how [are] sexual subjects such as people in”—or related to—“non-monogamous relationships positioned along multiple axes of oppression?” (Haritaworn et

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<sup>52</sup> For example, while it is perfectly possible to have both marriage and gay marriage (not to mention civil-unions), you cannot have both if one of the socio-political contexts for the intelligibility of “marriage” is the symbolic absence of alternative forms of institutionalized partnership. If the spaces must “logically” exclude each other, while at the same time this exclusion is not a structural necessity, then the relationship is one of privilege with one occupied “zone” (in this example the privileged form of intimate embodiment (“the married couple”), subjectivity (the “husband and wife” dyad), or relationship (“the traditional family”)) taking up all the space and blocking the currency of other intimacies.

al. 517). This discussion moves beyond frames such as “monogamous privilege” that, even in situations that clearly reflect not fitting in with normative understandings of non/monogamy, as in the Angba case, are inadequate on their own to properly address the issues at hand. Intimate privilege cuts across the false distinction by which we see ourselves as belonging or identifying with either monogamy or non-monogamy. We are implicated with both monogamy and non-monogamy—with non/monogamy—however we structure our relationships, and being involved in non-monogamous intimacies alone is neither a guarantee of privilege, nor of its denial.

## CHAPTER 2

### THE ADULTERY INDUSTRY: AUTONOMY, HETERONORMATIVITY AND THE POLITICAL ECONOMY OF CHEATING

*[F]ree-market capitalism is a poor teacher when it comes to understanding love or the common good.*

~ Jane Smiley, "Why Marriage?", 159

*The bourgeoisie has torn away from the family its sentimental veil, and has reduced the family relation to a mere money relation. [...] All fixed, fast-frozen relations, with their train of ancient and venerable prejudices and opinions are swept away, all new-formed ones become antiquated before they can ossify. All that is solid melts into air...*

~ Karl Marx and Friedrich Engels, Communist Manifesto, 82

#### **Introduction: Pro-Adultery Discourse in the Intimate Public Sphere**

In *Publics and Counterpublics* (2002), Michael Warner writes that "[t]he challenge facing [a politics of collective world building] in transgender activism, feminism, and queer theory," and, one could add, political engagement with the intimate more broadly, "is to understand how world making unfolds in publics that are, after all, not just collections of people, not just "communities", but *mediated* publics" (61, emphasis mine). In this, he identifies the fact of mediation as a layer of world-building politics that must be addressed. This Habermasian perspective posits the intimate public sphere as a "damaged form of publicness" (63), where mediations affecting collective world making will be subject to complications arising out of sheer publicness. This chapter explores the commodification of discourse around adultery in the public sphere as such a complication, with a view to what a discursive privileging of autonomous capitalist

individualism with respect to adultery might mean for how we frame or experience non/monogamy in general.

Is the practice of infidelity becoming culturally commodified? If so, what might such an intersection of adultery and capital mean? Could it mean that cheating is trendy, that it has become popular? A fad? Reading about it certainly has if the glut of books and biographies about famous adulterers and mistresses is any indicator, not to mention the popularity of star gossip, within which adultery is a much repeated theme.<sup>53</sup> Theorists such as Michael Warner and Laura Kipnis explore the many controversies surrounding the infidelity of American elected officials (especially the Clinton impeachment) and their impact on public sphere discourse (Warner, *Trouble* 18; Kipnis, *Against* 143).<sup>54</sup> Such was the impact of these scandals in the 1990s that some saw them as the key issues of social and cultural debate in this period (Kipnis, *Against* 143). Though perhaps such prominences are nothing new, as the topic of adultery has a rich and significant history in the public sphere. Discourse surrounding adultery, for example, was especially prominent during a forty year span in Britain between 1770 and 1809, during which four attempts were made to harshen the laws and penalties surrounding adultery, then seen as one of the cardinal vices of the privileged aristocratic class (Andrew 7). Donna Andrew

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<sup>53</sup> And we could include “royals” celebrity gossip in this category as well. One could imagine a study in which the number of column inches devoted to the Charles/Camilla affair in periodicals, as measured against any other news items, would yield intriguing results. For lists of recent books on or by famous adulterers and mistresses see Appendix A.

<sup>54</sup> The importance of the Clinton impeachment in the intimate public sphere, as well the relatedness of discourses surrounding non-monogamies, is underscored when one writer, reporting on polyamory subculture, notes that “[m]any polys believe Bill and Hillary Clinton to be polyamorous. ‘She knows that he has other lovers and she ultimately doesn’t care,’ says Wolf. ‘They’re just not in a position to be open about it.’” (Daum 84).

explores the social prominence of these debates, and notes that such was their vigor that they would rage on in the periods between legal battles:

In the twenty-one years between [one legal battle] and the next introduction of a Bill to punish adultery, public discussion on illicit love, honour and the law continued. In newspapers and periodicals, in debating society meetings and in widely reported criminal conversation cases<sup>55</sup> in the courts, these issues were mulled and chewed over and over. (12).

In the present day, we are seeing another such prominence. Bonnie Zare explores the popularity of consuming fictional narratives about adultery with reference to mainstream Hollywood films (29). Zare notes how there is a trend in Hollywood films of what she terms “sentimentalized adultery”, or the “depiction of a relationship in which one or more married persons finds phenomenal passion and emotional satisfaction in an affair” (30). She goes on to speculate whether the popularity of such depictions is symptomatic of a particular kind of individualist consumerism that commodifies even relationships and selves, making them disposable, replaceable (38).

Has Zare hit on a crucial connection here? In addition to the consumption of others’ narratives about infidelity (both real and fictional), what is happening to discourse surrounding, or even subtending, real infidelity? Is there some way to look at all of this “adultery talk” together, in a way that illuminates why it might be significant both to

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<sup>55</sup> Criminal conversation cases were a special legislation designed as reparation against (male) adulterers for impugning someone’s honor. Damages could be awarded up to a maximum of £10,000 and some believe that this potential profitability of adultery increased its incidence (Andrew 8)—an early form of commodified adultery?

consider infidelity in the light of being a form of non-monogamy, as well as to get a critical take on where this talk circulates, and how it is framed?

A recent trend in Western cultural spheres is the production of discourse that seeks to validate or promote the practice of adultery. The circulation of “pro-adultery” discourse in recent years almost approaches the status of a “movement”, with various figures and institutions defending the position of the adulterer with a rhetorical appropriation of feminist and sex-positive discourses. In addition to pro-adultery discursive production there is also a (possibly corresponding) surge of anti-adultery tracts and services. Such is the extent of this new prominence that, taken together, it has been referred to as “the growing market surrounding infidelity” (*Sex TV*). There is an “industry” currently on the rise catering specifically to current, prospective, or former adulterers, as well as jilted partners, and that includes self-help and “tip” books, websites, spousal tracking devices and services, cheating-oriented dating services, alibi networks, and even popular academic works—not to mention the classic: private investigation (“Selling”). Though we will return to discussing anti-adultery discourse later in the chapter, for the moment we will focus on pro-adultery discourse, and, in particular, what types of intimacy and space this form of cultural production can be seen to privilege or reflect.

This form of cultural production is discursively grounded in at least two ways. First, many of the sites that pertain to it are themselves texts; they contain pro-adultery discourse in a format that allows for its ongoing public circulation. Second, other aspects of this cultural production (such as the actors involved in both production and consumption, as well as the artifacts they produce) are framed and surrounded by this

discourse—even if in opposition to it. As such, we can think of this form of cultural production as virtually inseparable from a concomitant discursive production.

This chapter looks at some of the broader considerations of this cultural and discursive production with a view to how it is situated with respect to the greater context of non/monogamy discourse. After an engagement with theoretical frameworks that attempt to situate this publicness as privileging a heteronormative capitalist autonomy, I will use these frameworks to inform an in-depth analysis of three texts: Laura Kipnis's *Against Love: A Polemic* (2003), Judith Brandt's *The 50-Mile Rule: Your Guide to Infidelity and Extramarital Etiquette* (2002), and the adultery-centred dating website *AshleyMadison.com*. Through a discursive analysis of these texts, I show how infidelity is central to heteronormativity and explore what kinds of privileged intimate space are being created or maintained through pro-adultery discourse.

### **Intimacy and Space Revisited: Space Creating Intimacy**

If intimacies create spaces—do spaces create intimacies? Does the creation of a specific space—a named, defined and delimited space—create a venue where named, defined and delimited intimacies can form or manifest? Is it the very logic of this naming, defining and delimiting that lends its sense and order to those intimacies? If, as Lacan suggests,<sup>56</sup>

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<sup>56</sup> In “The Signification of the Phallus” (2004), Lacan argues that: “the signifier plays an active role in determining the effects by which the signifiable appears to succumb to its mark, becoming, through that passion, the signified” (Lacan 274). By this he means that, as opposed to being neutral, structural elements of language (such as signifiers) contain their own logics, ones that can at times overwhelm what they are meant to signify. That which is signified then becomes as much the play of the Symbolic logics used to bring something into discourse than any

we fall under the sign and logic of the signifier, taking with us into life and culture what I call elsewhere a linguistic logic of exclusion,<sup>57</sup> perhaps we also incorporate (in the formal sense, which is to say, embody) a spatialized logic of intimacy, which, in a world where many of our relations in space are also relations of privilege, we carry into the intimate as a logic of privileged relation.

If spaces create intimacies, then this must be true of physical, conceptual and even virtual space. Given this argument, if the dynamics of adultery in the space of the public sphere are trending towards an increased commodification—or even at times promotion—of infidelity, then there are forms of intimacy being produced or maintained by and through those discursive spaces. What forms of space and intimacy are being produced together by this process? Compared to other forms of non-monogamy, adultery is less a revolutionary practice seeking to overturn the space of monogamous intimacy than a subversion of it, a practice that needs a normative monogamy to function. As such, it is something akin to an autonomous space, a space that coexists with a more

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underlying “reality” of that same thing previous to its figuring within language, and sometimes more.

<sup>57</sup> In “Fluid Stability: Bisexuality and Non-Unary Language, Sexuality and Identity” (2004), I argue, based on a Wittgensteinian analysis of language, that our reliance on discourses to structure our lives and cultures leaves us open to transporting some of the symbolic structural elements of language into how we structure the facets of our lives governed by discourse. For example, the structure of exclusion in language (where a word has a definition that is supposed to mean one thing and not others), can be transported into the cultures subtended by specific discourses (or, as I refer to them, “discourse-cultures”) creating situations where what might be fluid underlying relations are governed by exclusionary linguistic logics (e.g., how the symbolic, definitional conflict between the terms “bisexual” and “lesbian” might be more rigid than the lived overlap of their respective discourse-cultures in which many women identify politically and/or personally as both bisexual and lesbian).

dominant one, tactically occupying its cracks and shadows, existing temporarily and sneakily, yet nonetheless having an impact. And since this process of intimate space-making bends the rules of assumed normative culture rather than breaking them, two forms of intimacy maintained by—and maintaining—this discursive space are not surprisingly key elements of mainstream culture: heteronormativity and capitalism.

### **The Industrial Production of Infidelity, and Heteronormative Capitalist Autonomy**

Horkheimer and Adorno explore the question of the industrial production of culture in “The Culture Industry: Enlightenment as Mass Deception” (1969). They theorize that the supposed chaotic variety of late-capitalist, post-modern culture is imbued with a profound sameness, with increasing amounts of cultural production coming specifically, and uniquely, under the sign of capital (94). Indeed, the more autonomous we seem to become, as individuals and even as societies, the more we come to be in line with the total power of capital (94). Coining the term “the culture industry”, they argue that the encroachment of capitalism into the world of cultural production means that no longer is money seen as a tool for producing art, art’s main goal has become producing money. In their words:

Film and radio no longer need to present themselves as art. The truth that they are nothing but business is used as an ideology to legitimize the trash they intentionally produce. They call themselves industries, and the published figures for their directors’ incomes quell any doubts about the social necessity of their finished products. (95)

Hyperbolic? Certainly. But without letting go of a more complex and nuanced view of public sphere relations around art, discourse and cultural production, this perspective does raise intriguing questions when applied to the realities surrounding the increasingly prominent mediating role of the intimate public sphere—especially with relation to the commodification of discourse. What happens when capital gets into the mix with respect to the cultural production of intimate discourse, and the concomitant production of intimate space? What happens when adultery’s public sphere becomes a space where profit is generated through a capitalist approach to discursive production? If talking about adultery sells, and promoting infidelity turns a profit, and even exposing or counseling cheaters creates a steady income, is it out of the question to talk about infidelity as a form of intimacy highly mediated by capital-inflected discourse—as an adultery *industry*?<sup>58</sup> To explore this possibility it is worth taking a closer look at what forms of discourse are produced on the industrial production-line of adultery’s public sphere.

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<sup>58</sup> It must be noted that in taking this take I may be departing slightly from at least Adorno’s intended meaning. In a later essay, “Culture Industry Reconsidered” (1991), Adorno writes that the culture industry “is industrial more in a sociological sense, in the incorporation of industrial forms of organization even when nothing is manufactured—as in the rationalization of office work—rather than in the sense of anything really and actually being produced by technological rationality” (87). However, this may be a result of Adorno wanting to hedge his argument to allow him to critique the culture industry while at the same time promoting a separate “real” or “pure” technological rationality (92). This hedging creates an arguably false absolute division between real industry and the industrialization of cultural production. My argument is that “rational industrial production” in its full sense takes part in the process of the industrialization of culture with the production of, for example, technological artifacts (websites, books, etc.) playing a key role.

Bonnie Zare identifies a pattern of what she calls “sentimentalized adultery” (30) in Hollywood films. She points in particular to certain films to make her points including ones where adultery is a central and guiding theme (such as *The English Patient* (1996) and *The Piano* (1993)), as well as other films for which adultery, rather than being a defining feature of the plot, seems added in to make films more marketable, such as *Shakespeare in Love* (1998) (30). This latter point bears further consideration. Perhaps adultery is so often tapped because it adds instant conflict to narratives. The adulterous state is immediately a site of conflict. As a breach in a supposedly stable system, (heterosexual) monogamy, adultery is a paradox, an entropic agent, an open end that invites tying up. To borrow a term from physical chemistry, adultery is metastable—a state of being that should not be stable in its given conditions, and yet is; like dry ice on a warm day, it sticks out, becomes estranged from its context, exists despite contrary conditions and needs only a slight push to start steaming. It’s no wonder that major and minor plotlines surrounding adultery are a mainstay of popular television dramas as well, including shows such as *Buffy the Vampire Slayer* (1997), *CSI: Crime Scene Investigation* (2000), *Six Feet Under* (2001), *Deadwood* (2004), *Lost* (2004), *House M.D.* (2004), *Battlestar Galactica* (2004), *Grey’s Anatomy* (2005), *Rome* (2005), and every single soap opera. In fact, one might be hard-pressed to find many dramas where adultery was not at least an occasional theme. What might this say about the stories we are telling about love and romance, and the way we want to tell them?

Can we even go so far as to call “the adultery story” a genre? It certainly has enough commonly repeated dynamics and thematic elements that it could qualify as one. There could even be emergent subgenres: the “accidental adultery” story, the “love

triangle” story, the “meant-to-be adultery” story (both with and without the cheated-on partner being deservingly-jilted), and the list could go on. This is similar to a point Laura Kipnis makes in positing that the “anti-love” film is an emerging genre in popular culture (*Against* 99). And yet, the adultery story doesn’t fit in with these: the adultery story is almost always also a love story.

But if the rise of adultery in the public sphere is reflective of various trends (such as those Zare points out—“relaxed sexual mores, the acceptability of divorce, women’s independence, Americans’ fierce individualism” (33)—how might it also be said to affect or contribute to those trends? Without falling into the pitfalls of a facile media effects argument and trying to claim, for example, that the adultery industry “causes” increased adultery, it is not inconceivable to posit that the increasing ubiquity of pro-adultery discourse can create a climate in which adultery could more easily occur.<sup>59</sup> What is the line between descriptive and prescriptive sexual discourse? When discourse can so easily be taken up and made a part of people’s lives and identities, does such a line even exist?

Zare’s answer to this question seems to be that the line is a blurry one, with an increased propensity for fictional discourse surrounding sentimentalized adultery (and its related practice of serial monogamy) as bleeding into a consumerist individualism—not being caused by it *per se*, but finding with it a strong affinity:

The portrayal of serial loves blends beautifully with Madison Avenue’s message that whatever you have is never enough. For in addition to a biological impulse to

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<sup>59</sup> In this argument I’m borrowing a useful paradigm put forward by Jean Kilborne in her lecture *Still Killing Us Softly* (1987). Her argument that sexist and misogynist media messages play a role in “creating a climate” where violence against women is easily conceivable as acceptable behaviour makes its rigorous point outside of a search for an overly simplified “causality”.

veer from monogamy, we Americans live with a consumerist one: in our sale-bound, mall-oriented culture, variety and novelty are often automatically constructed as an inherent good. The future will doubtless bring more of these jubilant portrayals of illicit alliances, because “shopping” for new partners matches well with American society’s ruling ideology of consumerism—its obsessive focus on new products. (Zare 33)

In this light, the ties between adultery, autonomous individualism, heteronormativity and business (as well as those between fiction, discourse and practice) seem to be convoluted ones: they are mashed together into a continuous cultural context, rather than existing in neatly discreet locations. But so far here we have barely even touched on the other side of adultery discourse, the anti-adultery stream, so prevalent in the 90s with its spate of dallying politician scandals and the rise of “family values” rhetoric. How does this form of public intimate discourse fit in to our emerging picture of commodified infidelity discourse?

In “The Discourse on Language” (1972), Foucault observes that even negative criticism towards a discursive object has the ability to aid in the circulation of its discourse. Through drawing attention to it, even negative attention, we reify its prominence (221). The same can be said of commodified discourse. Horkheimer and Adorno observe that, within the operation of a monolithic culture industry, competing ideas (products) only survive by being incorporated (104): “Once registered as diverging from the culture industry, [those cultural producers who resist] belong to it as the land reformer does to capitalism. Realistic indignation is the trademark of those with a new idea to sell” (104). Without buying completely into the breadth of Horkheimer and

Adorno's argumentation, we can draw an insight from the overlap of this argument with Zare's when viewed in the context of reading the propagation of discourse surrounding adultery as an industry. If discourse surrounding adultery is popular and circulating more energetically because of this synergy of popular discourse and capitalism, then why should we limit the scope of our evidence of this to pro-adultery discourse alone?

Perhaps we should also be looking at the circulation of anti-adultery discourse, not as an equal-but-opposite force that neutralizes the circulation of pro-adultery discourse, but as a countervailing one that perhaps keeps the system dynamic. If *The 50-Mile Rule* and The Ashley Madison Agency propagate the rhetoric of pro-adultery, it arguably creates more demand for books such as *Infidelity: A Survivor's Guide* (1998), *First Aid for the Betrayed* (2006), and *After Adultery* (2006)—not to mention the couples counseling practices that many books such as these are based on. Without oversimplifying what are vastly more complex societal operations and forces, it is not unfair to say that there is at the very least some similarity between this discursive creation—read in broad strokes—and a cycle of supply and demand. If both sides are filling a perceived need (as is often their straightforward claim, as we shall see), how much is this “need” a desire for discursive grist for the adultery industry's mill?<sup>60</sup>

Has discourse surrounding adultery been infected with the “shrewd intentionality” (98) of business? In being mediated through popular commercial forms does this public discourse become conditioned to work more smoothly with the exigencies of capitalism?

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<sup>60</sup> One producer of infidelity discourse, McCarlan Enterprises, seems to provide evidence for this. At the time of writing, the book *Women's Infidelity – Living in Limbo: What Women Really Mean When They Say “I'm Not Happy”* (2005) was not yet even available in anything but e-book form, but they were already taking pre-orders for *Women's Infidelity II (Women's Infidelity)*.

As Zare identifies, one of these exigencies is the focus on liberal individualism, and therefore one place we can look for such ideological underpinning is in the vaunting, within pro-adultery discourse, of autonomous spaces of intimacy, and a consequent valuation of both capitalism and heteronormativity, those twin hallmarks of normative liberal individualism. We will look at all of these privileged elements in turn.

The notion of the Temporary Autonomous Zone is a way of speaking of how one can tactically occupy space in ways that are counter-hegemonic, ephemeral and potent. This concept of the himself-ephemeral figure Hakim Bey<sup>61</sup> has recently seen increased academic attention, notably with respect to alternative media production and ongoing anarchist/anticapitalist/anti-globalization politics and theory.<sup>62</sup> This notion is premised on an understanding that mainstream socio-cultural space is hegemonically organized, and that attempts to challenge this are often either extinguished or else incorporated back into the fold through the workings of top-down (state) power, capital, and powerful discourses (Bey 100). Bey posits that it is the temporary nature of certain types of resistance that gives them a power to subvert these mechanisms of repression/co-option (101). If a form of resistance is temporary, it gains the power of potential autonomy. He terms such spaces of bracketed freedom Temporary Autonomous Zones (hereafter, TAZ).

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<sup>61</sup> A writer who may or may not be just one person, or several people, or a name of convenience for certain radical writers, but certainly is at the very least the pseudonym of writer Peter Lamborn Wilson. Bey's writings have garnered criticism and controversy for their heavy reliance on cultural appropriation and positive descriptions of intergenerational sexuality involving men and boys.

<sup>62</sup> See the collection *Autonomous Media: Activating Resistance and Descent* (2005) and the 2007 issue of *Affinities: Journal of Radical Theory, Culture and Action* for sustained engagements with the concept of autonomous space in relation to alternative media and anarchist theory respectively.

However, this notion of spatial engagement has also been criticized for leaving larger structures of power untouched (Armitage 115).<sup>63</sup>

In “Voices of Autonomy” (2007), the introduction to a special issue of the Journal *Affinities* devoted to the topic of “Creating Autonomous Space,” Enda Brophy reminds us that when considering the political and practical contexts of autonomous space creation “we need to be wary of the difference in privilege between those who may play at creating autonomous spaces and those for whom their creation arises out of naked necessity” (4). In linking the issue of privilege with that of autonomous space, Brophy nuances Bey’s argument, allowing us to read autonomous space production as merely overlapping with (as opposed to being contained within) the sphere of radically progressive social and cultural politics. What happens when autonomous space overlaps with privilege? What forms of intimacy and discourse can be produced in autonomous spaces?

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<sup>63</sup> Which, if we are to be fair to Bey, was not his intention in promoting this form of space-making. In introducing the concept he puts forward that:

[W]e’re not touting the TAZ as an exclusive end in itself, replacing all other forms of organization, tactics, and goals. We recommend it because it can provide the quality of enhancement associated with the uprising without necessarily leading to violence and martyrdom. The TAZ is like an uprising which does not engage directly with the State, a guerilla operation which liberates an area (of land, of time, of imagination) and then dissolves itself to re-form elsewhere/elsewhen, *before* the state can crush it. (101, emphasis in original)

It is however this ambiguity within the concept (between being both a revolutionary tactic and one that does not require active engagement with, but only subversion of, systems of power) which leaves it open to being a mode of space-making that fails to challenge the very hegemonies it flouts.

The creation of autonomous space with respect to one form of hegemonic or oppressive culture can end up reifying other forms of oppression when those creating the space are either unconscious of, or do not care to address, their own forms of privilege.<sup>64</sup> The creation of TAZs can also, regardless of intent or even ephemerality, end up being appropriated back into the systems of power they are trying to escape.<sup>65</sup> As such, autonomous space-making can be both liberatory and radical, as well as an enmeshed part of more dominant cultural forms—sometimes even at the same time and due to the same elements. It is neither necessarily progressive, nor necessarily an ineffectual dodge of hegemonic figurings of culture that leaves structures of power intact. To understand how the push to create autonomous space fits in with the industrial production of adultery, one needs to remember that autonomous individualism is also a key ideology of liberal capitalism.

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<sup>64</sup> An example of this can be found in Gavin Brown's article "Mutinous Eruptions: Autonomous Spaces of Radical Queer Activism" (2007), which discusses the attempts of a queer anti-capitalist group, Queeruptors, to create autonomous spaces of intimacy. While this group is actively trying to create spaces that deconstruct both heteronormativity and capitalism, the dynamics Brown reveals are more focused on individual empowerment and negating alienation than on deconstructing structural inequalities (2687). He also notes that the group dismissed issues surrounding race as central to this group's concerns, even though such issues were raised as problems within the group's membership (2689). Taken together, although this form of autonomous space-making tries to distinguish itself from a similar autonomous individualist capitalist space-making, both seem to stress a desire to select for self-serving forms of intimate-space creation, and to stress freedom and liberty as a-problematic goods (2688).

<sup>65</sup> For an example, see Ben Bollig's "Exiles and Nomads: Perlongher in Brazil" that uses the concept of the TAZ to explore tensions between Argentine writer Néstor Perlongher's celebratory poetry about the sexual freedoms of Brazilian *Carnaval*, and the Brazilian government's mobilization of *Carnaval* to increase foreign trade and tourism (341).

In a lot of ways the practice of adultery fits well with the concept of the TAZ: the clandestine nature of adulterous encounters, the often-temporary and ephemeral nature of indiscretions (maybe existing only one dance, or one bus ride, or even only in thought), the fact that they—at least seemingly—run counter to a hegemonic monogamy. But the *discourse* surrounding adultery is something else. Bey comments that “as soon as the TAZ is named (represented, mediated), it must vanish, it *will* vanish, leaving behind it an empty husk, only to spring up again somewhere else, once again invisible” (101, emphasis in original). Although some, such as perhaps autonomous media activists, might disagree, the mediation of autonomous space makes it something else. The mediated public sphere presence of adultery, prone to market exigencies in a cultural milieu where discourse and capital are often intertwined, means that while individual adulteries can still be seen as TAZs, the discursive space of adultery, the profile it casts in the public sphere, seems to be a permanent part of dominant culture. In this light, the conventionally understood binary opposition between adultery and monogamy breaks down, and adultery is revealed as part of the system of power and privilege subtending them both: heteronormativity.

If adultery is only temporarily autonomous from mainstream monogamy, then its ongoing discourse and practice can be seen as part of a larger heteronormativity. If this is the case, are there deeper links between adultery, heteronormativity and the economics of intimacy? Where might we look for them if there are? One useful place to start is at the words themselves, as sometimes the deep structures of etymology can shed light on connections that are obscured or mystified in the larger structures of society and culture.

We derive the term “Economics” from the Greek roots *oikos* (meaning house, household or state), and *neimen* or *nomos* (meaning law, management or allotment) (“Economy”; Harper). As such, at the very least etymologically, the economic shares a fundamental connection with the heteronormative. They both, in their own broad fashion, speak to, or are mobilized as:

- a normative societal frame,
- a set of laws governing behaviour,
- a systematic (and one could add, hegemonic) understanding of “the way things are,”
- a potentially oppressive perspective on how life is (or should be) organized,
- a way of seeing life as something that needs a certain kind of top down organizing,
- a privileging of one kind of relation/organization over others.

They also both have a mythic component. In an essay on social construction, Ian Hacking notes that the idea of “the economy”, such a mainstay of modern life and culture, was virtually absent from public culture until about the 1950s (13). One could take his argument that the concept “the economy” could be seen as a social construction only recently mobilized as an analytic tool (13) and extend it to say that “the economy” has taken on a mythic component, with added understandings and valances tacked on over the years by those wishing to promote certain social or fiscal policies (e.g., immigration as bad for “the economy”, free trade as good for “the economy”). The idea of “the economy” is larger than its material bounds; in some ways it is the mythic connotation of real underlying economic matters. So too can heteronormativity be

understood as the mythic connotation of heterosexuality in light of a material history of its domination. It is this form of hegemonic and mythic understanding that Engels was attempting to track in *On the Origin of Marriage, Private Property and the State* (1884), that an economic way of thinking (comprising notions surrounding scarcity, private property, and family unit-oriented social organization) comes into being with the adoption of a patrilineal societal formation and its concomitant structural frameworks.

If a heteronormative logic of intimacy is linked at a deep biopolitical level with economics and extant class and gender structures, then as one of the macro structures that we have constructed within that field of influence, non/monogamy, must be structured by that logic. However, if we are to step outside of the presumption that we live in a monogamous society, then we reach an impasse. Under the dominant logic, monogamy is the normative state of affairs, and yet the reality of human romance and sexuality is peppered with a wild non-monogamy that cannot be fully contained within an understanding of human relations as tending towards monogamy. Or can it? Enter adultery, that slippery state of clandestine intimacy. It is the non-monogamous form that is contained almost entirely *within* a heteronormative understanding of intimacy.

We could even push this a step further. André Béjin traces the formation of what he terms “juvenile cohabitation”, the modern romantic form of non-marital “living together” (which is neither necessarily destined for marriage, nor as fleeting or socially taboo as adultery or “sleeping around”). He argues this form of intimacy is a hybrid social form which borrowed from other social forms, such as marriage, adultery, and “promiscuity”, seemingly incompatible aspects—the domesticity of marriage, with adultery’s lack of formality; infidelity’s focus on love-unions, but with the societal

sanction of marriages (160). Seen this way, as opposed to its erosion, extramarital relationships can be seen as in-part constitutive of modern heteronormative coupling—part of both its practical and discursive backdrop and history.<sup>66</sup>

Taken together, this framing of adultery collapses the above impasse. As it is part of a system of dominant social relations in line with, among other things, economics and the heteronormativity—partially since it is in part constitutive of them, and partially because there are fundamental links in their mutual structuration—adultery’s prevalence is evidence of that broader non/monogamy being embedded at the root of societal structures. Rather than a subversive force eroding away at a supposedly-monogamous society, adultery, existing as it does both temporarily and autonomously from our societal narrative of dominant monogamy, can be seen to subtend both that presumed dominant monogamy as well as heteronormativity broadly.

Like Foucault’s repressive hypothesis,<sup>67</sup> this is to a certain extent counterintuitive. But also like that hypothesis it is only counterintuitive because of the well-worn track of narrative “truth” that attends adultery and figures it as an exception to normal sexuality, rather than the hidden side of the rule.

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<sup>66</sup> Kipnis touches on this as well, though doesn’t explore it, when she asks rhetorically what people are escaping *to* when they pursue infidelity as an escape from the strictures of love (i.e., more love) (*Against* 31).

<sup>67</sup> *In History of Sexuality, Vol. 1* (1978), Foucault forwards his “repressive hypothesis”. Basically, he reflects that the assumption that Victorian society’s mores with respect to sexuality hindered the development of sexual discourse and culture is false, and in fact the very attempt to suppress sexuality created a climate in which sexuality, and sexual discourse, became central topics of public concern, causing an explosion in sexual discourse. He calls this “the incitement to discourse” (17).

To flesh out these arguments we now return to the connection between economics and infidelity, one most strongly embodied in the industrial production of infidelity discourse. If adultery does in fact have a strong affinity with normative reality, then the dominant mode of social relation (i.e., late capitalism with its assumed postmodern cultural logic) should reflect this. Fredric Jameson argued that postmodernism was the primary cultural logic of late capitalism (that of post-industrial, consumer society). Within this argument, postmodern societal structures are “a cultural dominant: a conception which allows for the presence and coexistence of a range of very different, yet subordinate features” (53). Within postmodernism, the opposition of monogamy and non-monogamy is no opposition at all. And within late capitalism, where production is no longer simply tied to reproduction of labour power to people industry, and culture in any and all forms can be produced as part of the machine of capital, discourse can easily flourish in opposing directions. Through looking at the language used in pro-adultery discourse, one can see the repeated theme of heteronormative capitalist autonomy at work.

### **Pro-Adultery Discourse and the Language of Affairs**

Is it a coincidence that the phrase “the language of affairs” refers to the language of the business world? The root of both is the fairly generic “affair” or “an event or sequence of events of a specified kind” or, alternately, “a matter that is a particular person’s concern or responsibility” (“Affair”). In addition, modified with the plural on the one hand it can mean either “matters of public interest and importance” or “business and financial dealings,” and with the lead-in “a love” on the other it means infidelity (“Affair”). These

meanings all derive from Old French through Middle English where they ultimately mean “à faire” or “to do” in the sense of being a “to-do”, which can mean both “much needing to be done” and “a commotion or fuss” (“Affair”). All of these elements—that of business to be done, public matters of importance, private burdens, interruption, and adultery—cluster around and inform each other in the light of our analysis. But even if it is a stretch of etymological reading to see a connection here, and the common root simply a coincidence of terminology, it is not insignificant that pro-adultery discourse is often couched in the language of business and venture in one form or another. The language of affairs is the language of heteronormative capitalist individualism. The space of affairs conforms to this; the self-renewing autonomous breach space of infidelity is a prop, an enabler of both heteronormative and monogamous practice rather than their opposite.

The remainder of this chapter will explore three texts in more depth, the popular and academic text *Against Love: A Polemic* by Laura Kipnis, the infidelity manual *The 50-Mile Rule: Your Guide to Infidelity and Extramarital Etiquette* by Judith Brandt, and the pro-adultery website *AshleyMadison.com*. Through a close discursive analysis of these three sites I show both how the discourse mobilized through these popular sites is couched in the language (and method) of business and how, in doing this, the type of intimate space being created and subtended is one of individual autonomy and consumption, rather than, as is sometimes claimed, of social change. To a certain extent the first part of this is almost too easy, or in places self-evident. For example Darren Morgenstern, founding president of The Ashley Madison Agency [AM], comes right out

and says that he is a businessman and that he is filling a need (AM, “Perspectives”).<sup>68</sup>

The thrust of my argument is really focused on a secondary question: the significance of a commodified discursive production around adultery at a time when discourses surrounding non/monogamy are so societally prominent and the heteronormativity (thus reified) under question.

*I – “The Fashionable Vice”: On Kipnis’s Against Love*<sup>69</sup>

Laura’s Kipnis’s *Against Love: A Polemic* (2003) grew out of an article named “Adultery” first published for a 1998 special issue of *Critical Inquiry* on the topic of intimacy, and the related *Harper’s* article “Dangerous Liasons: Public and Private” from April 1998.<sup>70</sup> It was almost immediately controversial, as was no doubt its intention. When the article was republished in the collection *Intimacy* (2000), it was accompanied by two letters to the editor responding to the *Harper’s* article, and a response from Kipnis to her critics. Both the letters and Kipnis’s response are informative as to the text’s discursive context.

Andrew Keegan writes that “the opening of Kipnis’s essay on adultery was very sexy; the wild excitement and the dizzying loss of control that accompany mutual lust

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<sup>68</sup> Another website, the *Alibi Network*, is similarly bold. This website sells complex alibis—including everything from forged plane tickets and fake conference programs to elaborate scenarios involving actors and faked material evidence—for multiple reasons, but chiefly to cover adulteries. In one article on this website the following quote appears: “‘I’m a businessman. I’m a capitalist,’ said Mike DeMarco, the marketing chief for the Alibi Network. ‘That’s really all I’m doing. I’m tapping into an existing market’” (Reynolds and Sowry).

<sup>69</sup> The term “The Fashionable Vice” is a euphemism for adultery originally used by *London Magazine* in 1780 (Andrew 23).

<sup>70</sup> Unless otherwise noted, citations in this section attributed to Kipnis are from the book version, *Against Love*.

were well conveyed” (“Letters” 433). But he then goes on to critique Kipnis’s characterization of marriage as “an emotionally dead, controlling, state-sanctioned existence” (“Letters” 433) and of adulterers as brave personal and social liberators as “a sad (and false) dichotomy” (“Letters” 433). He continues by further critiquing her sole focus on sex as “the sine qua non [sic] of existence” (“Letters” 433), and of her dismissing arguments against adulterers and the harm they might cause to others as hollow moralizing (“Letters” 433). Similarly, Eric Tadsen critiques her utopian language, pointing out the etymology of utopia as “no place”, and positing that escaping misery to a no place is “pathological”: “If anything is rancid in our sociopolitics it is the adherence to a morality of the ‘great beyond’—a metaphysical nowhere in which all our actions are held to a completely perfect (and completely invented) standard” (“Letters” 434). Kipnis’s response to these critiques is dismissive. She accuses the letter writers of confusing a piece of descriptive social theory for a prescriptive endorsement of adultery (“Letters” 434), with a justification based in the fact that people engage in adultery already without her endorsement (one she repeats in the book version of her argument (46)). She mounts a counter-argument that is based on this supposed-misrecognition:

To the extent that my respondents redeploy these very familiar languages—on the one hand, morality (people get hurt), and, on the other, disease (envisioning utopian futures: pathological!)—it’s as though the essay has taken on the stained identity of its subject. Not social theory, not an experiment in form, but itself a philanderer who needs to be brought into line with social conventions. Rest assured, it has been suitably chastised and will speak its name no more. Because surely, if the subject remains undiscussed, the activity will cease. (“Letters” 434)

That Kipnis dismisses these critiques as misrecognition does not address her own positionality as a writer engaging very publicly in non/monogamy discourse in the intimate public sphere. That the letter writers are taking issue with her theoretical position on adultery underlines the fact that in putting forward this position in such a public manner,<sup>71</sup> her writing becomes more than just “social theory” or “an experiment in form” but wrapped up in the subcultural discourse surrounding—and subtending—adultery.

Kipnis writes about adultery in her prologue as “alive” and “experimental”, almost theoretical (9). She goes on to contrast this to what she terms the “domestic gulag” (52) in a treatise that seems to make several assumptions. She speaks of domesticity as a “social machinery”, and figures adultery as a spanner that can make its gears grind to a halt. She also sketches the space of domesticity as confined and closed, and figures adultery as a wedge to open up new spaces.

And yet, she neglects a substantial discussion of the social and romantic speculation of other movements that have seen the same thing. In feminist, queer and polyamorous discourse and practice, for example, the problems and difficulties in what has been termed “compulsory heteronormativity” have been well addressed.<sup>72</sup> And while she touches on some of these voices, she divorces herself from any other proposed strategies for dealing with them. As the framing of her work as “a polemic” suggests, she is critical of the social and cultural fixation on the “love union”, but in vaunting adulteries

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<sup>71</sup> In addition to the Harper’s Magazine excerpts, this material was also featured in *The New York Times* and on the Canadian television program *Sex TV*.

<sup>72</sup> The one point where she overtly mentions “heteronormativity” she dismisses it as the jargon of queer theory and as simply signifying “the vanilla norms or heterosexual coupledness” (149) rather than a system of power and privilege.

as “paradigm shifts waiting to happen” her framing reifies the systems she purports to critique as oppressive, and favours a discourse that valorizes the practice of continually breaking the rules of that system, as opposed to trying to change it.

As an academic text, we can ask how it might lend a legitimacy to ventures such as *AshleyMadison.com*, and as a popular text it is important to explore how it could act as justification and vector of discursive propagation for the pseudo-movement of justifiable adultery.<sup>73</sup> *Against Love* makes adultery sound fun and daring, adventurous and reasonable.<sup>74</sup> Vaunting the “sexiness” of adultery in this way risks contributing to the reification of the power imbalances that make adultery possible or probable in the first place (such as the focus on the individual, power imbalances between sexes, and the societal invisibility of romantically loving more than one person).

That the sexiness of adultery is an important element of this book is even evident in the choice of cover art. The original hardcover edition of the book comes with a dust cover portraying a half-naked woman facing away from what is assumed to be a man, still wearing pants and shoes, lying on what appears to be a hotel bed. That the man is still dressed seems to imply that the woman is in the middle of undressing, and the black and red skivvies she is wearing (a colour scheme that matches the cover of the book

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<sup>73</sup> In addition to couching her argument in the language of (bourgeois) protest and revolution, as will be discussed below, she even rhetorically offers up potential slogans for such a movement, were it to exist concretely: “Fuck work” (meaning both the concept of “remaking the world through emotions and desire” (109) and, one can surmise, the disdain for putting effort into domestic life; and “stolen moments”, which speaks for Kipnis to the role of the adultery as a way of covertly seizing control of one’s own temporality (109).

<sup>74</sup> As Maria Nengeh Mensah points out, this brings it in line with the French linguistic framing of adultery that favours terms that highlight this adventurous aspect such as “*liason*” and “*aventure*”. Thanks to Dr. Mensah for this interesting insight.

proper) seem to indicate this might even be a strip-tease. The hotel motif and visible suitcase also underline the furtive sexiness of the encounter: this is a clandestine meeting, an enclave of temporary and secret intimacy, all the more heightened in its naughtiness by its clear breaking of the rules of propriety.

The theme of adultery as radical emancipation from the norms of domesticity continues throughout the book. At various times she refers to infidelity as “a critical practice” (28), as “a special brand of heresy in the church of modern love” (28), as philosophy/radical social theory (30), as “the sit-down strike of the love-takes-work ethic (31), as containing “critical ideas” (45), as a proto-movement (45), as a “private utopian experiment” (47), as “reinvention” (50, 106), as rebellious industrial sabotage (108), as “exploration” (109), and as “one step away from complete insurrection” (113).<sup>75</sup> This pattern of discursive hyperbole continues throughout this book, culminating in what seems to be the core point of this thread (one drawn from Adam Phillips): that adultery is “a drama about change” (165). And yet, is it? Going deeper into Kipnis’s metaphorical language and theoretical positioning calls this into question.

Kipnis extends a military prison metaphor to situate how she reads the relationship of adultery to “contemporary coupledness”. In her figuring we are the subjects of love,<sup>76</sup> and love’s hegemony is nigh-absolute, barring the “pocket[s] of resistance” or “protest movements” that challenge it (27): “Regard those furtive breakaway factions periodically staging dangerous escape missions, scaling barbed-wire

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<sup>75</sup> To be fair, she demures away from this last one, saying “Or maybe not” (113), but without abandoning the point.

<sup>76</sup> In the Althusserian sense (although she does not frame it this way) of being subject to an interpellating force that, in turn, grants us subjectivity as well as *subject-ivity* (Althusser, “Ideology” 44).

fences and tunneling for miles with sharpened spoons just to emancipate themselves—even temporarily” (27, emphasis mine). She goes on to set up adultery as a “de facto referendum on the sustainability of monogamy” (27), one that clearly, for her, “makes it the nearest thing to a popular uprising against the regimes of contemporary coupledness” (28). But does this argument hold water? It may certainly be fair to say that a pandemic practice of adultery is a sign that contemporary (Western) coupledness does not hold absolute sway, or even that many people are unable, or unwilling, to live wholly and completely within the precepts of monogamy, but to frame adultery *qua* movement as akin to a popular uprising seems to be a little off the mark. Might it not be more appropriate to figure adultery as a form of non-monogamous intimacy that is a core part of heteronormative contemporary coupledness—the very part that enables such a non-sustainable system to continue to thrive so hegemonically?

Put another way, if adultery is, as Kipnis suggests, a “critical practice” (28), what critical theory of practice might it be in line with? A Deleuzian “line of flight” might be one option. A form of tactical “making do” in line with de Certeau also seems to present itself. But one that maybe fits it best, and that is suggested repeatedly by Kipnis’s own language, is that of the TAZ.

The flagging of the temporary nature of this “emancipation” from coupledness seems to put Kipnis’s arguments in line with those of Hakim Bey and those who propose Temporary Autonomous Zones of action as political ends in themselves. But if the kind of critical intimacy Kipnis posits here is that of autonomous individualism, it must necessarily leave itself open to the same critiques as the TAZ: its a-political nature, its

only individually-critical social stance, its easy implicability within a consumerist framework of shopping-for-newness as identity.

Kipnis evokes the metaphorical language of autonomous individualism in her chapter ironically titled “The Art of Love”.<sup>77</sup> Like Bey, who vaunted “pirate utopias”, and in particular pirates’ ships, as TAZs *par excellence* (97), or Foucault, who similarly held up (pirate) ships as places of inherent possibility and freedom (“Other Spaces” 27), Kipnis calls “the love affair” “a rickety lifeboat from an entirely familiar unhappiness that you can’t bring yourself to do anything about” (106).<sup>78</sup>

Kipnis’s focus on the importance of autonomous individualism and freedom is also evident in questions she frames as important when she surveys people about adultery, all of which are concerned with “the conditions of liberty, mobility, freedom of association, or free speech” (83). She presents the responses to this as nine solid pages of things you, apparently, “can’t do because you are in a couple” (84), a expansive list that

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<sup>77</sup> Ironic because it invokes the title of Erich Fromm’s book *The Art of Loving* (1956) that, directly contrary to Kipnis, posits that love requires a skill set and, like art, requires dedication and practice. Kipnis highlights this irony by titling her next (and final) chapter “...And the Pursuit of Happiness”, implying that needing to work at love is anathema to being truly happy.

<sup>78</sup> This metaphorical connection between adultery and the TAZ as embodied in the figure of the pirate ship takes on a further textual dimension on the HBO show *The Sopranos*. The mafia boss Tony Soprano’s yacht, “The Stugots”, acts as not only a place where Tony goes to escape from his sometimes fraught family life, but also acts as the primary locale of his regular adulterous relations. In this temporary utopian space he is able to “float” with respect to his everyday commitments of family (and often even of organized crime), a fact driven home by his obvious displeasure at having that bubble of intimacy burst by other concerns infringing on his time there or, conversely, his “*goomahs*” demonstrating that they also have real-world needs that cannot always be fully bracketed. (The fact that the name of the boat, The Stugots, is slang for “the testicles” is perhaps a nod to this connection by the writers (“Mobspeak”).)

seems to imply that people should be able to exercise absolute freedom, even if that means such things as making plans without considering the other person (85), hiring domestic help when your partner thinks it's unethical (85), being rude to your partner's friends over the phone (87), or, one has to suppose, being adulterous.

But perhaps pro-adultery discourse does not even attain the promise of the TAZ, however limited. Bey discusses the application of the TAZ in various modalities. And yet, using his argumentation, adultery itself would only be an extension of the “negative gesture” of the TAZ’s refusal of the nuclear family (130). A true or fully realized TAZ would need to go farther, creating a “positive gesture”—a new space of intimacy that does more than just refuse the dominant paradigm but seeks to put something (or, more to the point, several somethings) in its place. Bey’s examples here range “from single parentage, to group marriage to erotic affinity group” (130), a set that suggests that pro-adultery discourse, if it is a TAZ, is not even a fully realized one, stuck in a primary mode of mere refusal. Seen this way, Kipnis’s purportedly scathing critique of heteronormativity can be seen as an apology; rather than promoting systematic change, Kipnis argues for the legitimizing of autonomous action with a sole view towards “reclaiming” individual freedoms.

This concept of reclaiming freedom is often framed in *Against Love* as an extension of a Marxian critique of working conditions and the work-ethic to the idea that “love takes work”. This argument grows out of a feminist critique of the history of marriage, and yet, combined with her libertarian and seemingly post-feminist approach to the material, it doesn’t go far enough, neglecting the constitutional link between adultery and the heteronormativity she critiques.

Kipnis, seemingly drawing on Engels, links the rise of love matches to the declining societal importance of aristocratic bloodline maintenance and the rise of bourgeois social organization:

Wives were a form of property; wifely adultery was a breach of male property rights, and worse, it mucked up the orderly transmission of property via inheritance. It was only with the rise of the bourgeoisie—whose social power was no longer based on landholdings and inherited wealth—that marriages based on love rather than family alliances became the accepted practice. In other words, love matches became socially accepted once they no longer posed an economic threat to the class in power. (60)

And yet, she seems to at least partially deconstruct this understanding of a bourgeois love relation freed from the strictures of the economic alliance when she goes on to say that “[e]conomic rationality was hardly eliminated when individuals began choosing their own mates instead of leaving the job to parents: [...] [d]espite all the putative freedom, the majority of us select partners remarkably similar to ourselves—economically, and in social standing, education, and race (63). She goes on to foreground this economic aspect of the bourgeois-tradition love relation, discussing how “we” all self-consciously appraise potential partners for their “assets”, as well as their and our own “exchange value” on the “open market” (63). All of this she links to her debunking of the purity of romantic love, and mobilizes it as alibi for adultery’s supposed love iconoclasm.

However, if we extend Kipnis’s logic here, it must include adultery as part of the system she critiques—that is, as an integral part of both heteronormativity and non/monogamy, adultery is guilty of the same calculating nature, and could even be seen as the epitome of

it. In this light, Kipnis's analysis, which does make some important points about the purity of romantic love, nevertheless remains foreshortened in that it fails to address how adultery itself is highly implicated in the process she critiques.

Kipnis's choice to ground her work in pro-adultery discourse and in the language of a polemic—even if it was merely a rhetorical choice—has a profound potential impact. A point of view that suggests a continuation (or escalation) of covert non-monogamy is conspicuous in its positioning when other points of view, and specifically ones that challenge monogamous orthodoxy, offer other designs, however fraught. If infidelity has indeed become an industry, what does that make or do to the production of certain types of discourse? A book coming out at a point in time when both the type of theorizing it is using and the topic it is writing about are popular makes it more than just social theory, it makes it implicated in the intimate public sphere, its own discursive intervention. Considering it in light of further, similar, interventions can help to flesh out the shape of this trend in discourse.

## ***II – “How Best to Stray So You Don’t Have to Pay”: On Brandt’s The 50 Mile Rule***

Judith E. Brandt, author of *The 50-Mile Rule: Your Guide to Infidelity and Extramarital Etiquette* (2002), has advanced degrees in education and business administration. She also has “extensive marketing experience” (168). I mention these credentials from the “About the Author” section of the book to underscore the fact that the author’s credentials in business and marketing are seen as relevant selling points for the book’s inside cover, and that the lack of any documented training related to, for example, sexuality or relationships, is not even notable enough to conceal. This second text offers further support for the notion that there is some link between pro-adultery

discourse and an industrial model of culture production. If Kipnis's engagement is one of social theory laden with a language of business and autonomous individualism (mobilized as a capitalist ideology), then this book is a more specific example: pro-adultery discourse specifically, and self-consciously, as business.

Right off the bat this book frames adultery as a business venture, as an acceptable part of autonomous individualism, and as a tactic for consolidating that individualism with the impossibly demanding strictures of what she terms "social monogamy" (an interesting framing that we will return to). For example, on the second page of the book Brandt writes:

[W]here in the annals of human intercourse—no pun intended—exists a contract so rigid, so one-sided, and frankly so absurd in all its parts as the marriage contract? Imagine owning a business and being confronted with a contract that:

- ❖ Restricted your company to using one vendor exclusively in perpetuity, even if quality and service diminish or disappear altogether;
- ❖ Made you legally and financially responsible for every act—good or bad—that occurred during the length of the contract;
- ❖ Baldly stated that, should the contract be dissolved, 50 percent—or more—of your personal and company assets could be assigned to the rejected vendor, in perpetuity.

You'd tell the jerk sales guy to take a hike, right? No wonder they call marriage an institution—you should probably be committed for buying into it. (2)

That this information is presented as bullet-points gives the book the tone of a PowerPoint presentation. Information is presented in this format thirteen times, including in the back cover matter, which also states, “A successful affair is an undiscovered affair. Let *The 50-Mile Rule* show you how best to stray so you don’t have to pay. If you’re not reading this book, your spouse probably is.” The format and language used here would not seem out of place at a business-oriented motivational seminar; even the words used mobilize the language of profit-loss management—“how best to stray so you don’t have to pay”, a catch phrase that contains the same sing-song “mantra”-like quality of the Ashley Madison slogan “When Monogamy Becomes Monotony.” This book is equally framed as a self-help book and as a form of “power manual” for the busy, on-the-go businessperson-*cum*-cheater. And we’ve barely scratched the shiny black and red cover.

In addition to the overall form and framing, the language Brandt mobilizes is closely tied to a discourse of cost-effective management. For example, one of the central themes Brandt discusses is that of the “opportunity cost” (15) of staying faithful with a person who no longer suits you. This opportunity cost is discussed at length, and treated as if it were a tangible economic cost that needs to be minimized in order to avoid incurring loss, or in her words, “‘Opportunity cost’ is a concept that applies as much to real life as it does to economics” (119). Her plan for effective “affair management” (83) is peppered with other allusions and language from the world of business and high-stakes venture. She speaks of marriages as “mergers” (14); accidental children had with lovers as a bad investment, “an annuity for the custodial parent” (28); about balancing the cost of adultery against the genetic benefits of fidelity (35); about wronged spouses attempting to assert “prior claim” to their partners (51); about affairs as “subsidies” to a marriage

(139); and, finally, leaving affairs gently and tactfully as “pay[ing] real dividends” (148). But beyond this language there is one financial theme that stands out due to its sheer prominence.

A recurring theme in pro-adultery discourse is that of avoiding expensive property and child-support settlements associated with divorce. Kipnis mentions such settlements four times (Kipnis, *Against* 129, 137, 138, 184), mostly in terms of one of the risks of getting caught, or catching your spouse cheating. Brandt takes it a step further, mentioning or alluding to property settlements or support payments twelve times (2, 6, 28, 52, 60, 62, 108, 113, 114, 117, 141, 159), and consequently holding up long term adultery (what she terms “shadow marriages”) as a cost-effective alternative to serial monogamy:

A shadow marriage lets you mimic the benefits of serial monogamy without sacrificing the primary socially monogamous relationship on which you might be financially or emotionally dependant. By superimposing this shadow relationship on top of your legal one, you can go through the motions of serial monogamy without formal sanction or financial commitments. (60)

This connection, as well as opposition, between serial monogamy and adultery is one also noted by Kipnis (*Against* 176), yet while Kipnis simply extols the latter as the breaking of the former’s mould, Brandt sees here an opportunity to circumvent potentially costly marriage dissolution while maximizing freedom and genetic variety.<sup>79</sup> But this is not the only place where Brandt’s argument, while seeming to critique normative coupling, in fact powerfully reifies heteronormativity.

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<sup>79</sup> The importance of genetic variety to Brandt’s argument is discussed bellow.

The title of Part One, “Wedlock, A Padlock”, echoes Kipnis’s framing of married life as a “domestic gulag” (52).<sup>80</sup> Within this section Brandt outlines her takes on adultery, sexual difference, love and marriage. Her perspective draws heavily on the sociobiological theory that there is an unconscious motivation for creating genetically diverse (as well as plentiful) offspring, and that this motivation has a determining effect on our sexual and romantic choices (21). This puts her argument in line with Helen Fisher’s *Anatomy of Love: The Natural History of Monogamy, Adultery and Divorce* (1992) which argues that adultery is a part of our inbuilt natural characteristics that we share with our closer animal relatives. Though biological and evolutionary arguments such as these can be useful (for example, in deconstructing the myth that we live in a monogamous culture), selective use of sociobiology can reinforce heteronormative discourse, and this is evidenced in Brandt’s mobilization of it.

Brandt’s argument mobilizes well-worn stereotypes about men’s and women’s respective desires in sexual relationships (such as how men only want sex and won’t pay attention to women until they have slept with them (22), or how women all want commitment and resources while men all want to spread their seed far and wide (21)), pinning these desires to respective reproductive facts, such as the relative scarcities of eggs and sperm (23). She then argues that such drives function in marrieds as well as

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<sup>80</sup> I don’t want to push a causal angle here, as with both books being published in 2002 – 2003 a direct line of cause and effect seems unlikely. Though it is curious that the same development of the “ball-and-chain” metaphor (from the figure of a wife as hindrance to individual mobility and freedom, to married domesticity as a closed space of anti-freedom) takes such a prominent place as section header, and dominant trope, in each book. It is always possible that Brandt took her cue from one of the earlier incarnations Kipnis’s book, or that both of them drew their inspiration from a third place. Regardless, the connection is striking.

singles, opening the door for adultery (24), reinforcing them with a borderline-eugenicist argument about a drive for adultery being implicated in the body's desire for "better" genes and even, in extreme cases, to wanting to insulate itself from producing "genetically inferior children" (29). Such arguments align adultery with heteronormative discourse, mobilizing the trope of biological drives to frame adultery as in line with the body's genetic reproductive strategy, which, within the reductive frame of heteronormativity, is both natural and the sole underlying reason for sexual and romantic affiliation.

Brandt goes on to argue that what she terms "social monogamy" can be practically and productively separated from "sexual monogamy", and that the contingencies of the first need not have an overall impact on the second: "Enter affairs, which offer both men and women the chance to pursue tactical short-term sexual and emotional agendas while strategically maintaining the long-term socially monogamous relationship on which they may be emotionally, financially, and genetically dependent" (7). This parsing of monogamy is a rhetorical one, conveniently redefining the word to fit the new meaning set she is endorsing, and opening the conceptual door to figuring adultery as a TAZ where sexual non-monogamy can be pursued without damaging one's home life or publicly departing from what she calls SIM (Socially Imposed Monogamy). On the surface this appears to be a critical position. And yet, if we look at what the argument does, it creates a script for the social maintenance of heteronormative appearances and just reifies adultery as a desirable breach to that system.

But even more telling than this book's investments in a business-oriented discourse and its relationship to heteronormativity is the importance it places on

maintaining autonomy and freedom above all else. Brandt argues that infidelity is not morally problematic as long as keeping “socially monogamous” benefits you *or* your kids (8, emphasis in original). Later, she argues that it is possible “to operate ethically within [those] two spheres” (122), and that “secrecy is a kindness” because the uninvolved spouse doesn’t really want to know if something is happening (108), and in fact wants you to deny everything to maintain the domestic status quo (111).

The majority of Brandt’s twenty “Rules of Affairs”, the discussion of which make up most of the last third of her book, further mark this text as promoting the idea of adultery as an autonomous space of intimacy. At least half of the twenty rules can be read as geared towards the maintenance of an autonomous zone of action and the separation of that space from “normal”, socially monogamous, life. They are:

1. Don’t get caught.
2. Safe sex, please.
3. Observe the 50-Mile Rule.
5. Compartmentalize your relationships.
7. No wholesale changes in your look or lifestyle.
8. Keep communication with your lover to a minimum.
11. Make no promises.
12. Keep your affairs secret.
16. Know when to call it quits.
18. If discovered—deny, deny, deny. (121)

This concentration of rules privileging autonomous individual intimacy indicates that in Brandt’s framing of relationships, this script is emphasized above almost all else.

Her vaunting of secrecy and compartmentalization is especially worthy of note. For example, part of Rule # 8, on keeping communication with your lover to a minimum, reads:

Ideally, your lover shouldn't have your home address, home phone number, fax, pager, primary e-mail address, or cell phone number. Get a P.O. Box and keep the key in your office. Use a false address when you get the box so that no mail will be inadvertently forwarded to your home, and get the box in a location *other* than your local post office. (132, emphasis in original)

Such a script goes beyond even the vaunting of a maximized personal agency that Kipnis advocates to an almost compulsively paranoid individualism—trust no one, neither spouse nor lovers nor friends nor coworkers. Compartmentalization is key, like for a spy, but without even a friendly government you can debrief to. Brandt calls compartmentalization—“keeping the worlds occupied by your spouse and your lover completely separate—[a] vital part of affair management” (72). She even names these two worlds “the Home Front” and “Affair World” and devotes a chapter to the management of each.

Affair World is the textbook definition of a TAZ: compartmentalized, discreet, autonomous and, above all, temporary. Brandt conceptualizes the space of adultery as able to be functionally and emotionally autonomous from the space of domesticity: “The secret fantasy life you create outside of marriage—we call it Affair World—is one where commitments and responsibilities are to another person alone, not to property and propriety and the forces of convention” (73). However, it can only remain this way if it is maintained as a TAZ. We have discussed the compartmentalizing aspect of this—the

absolute separation of these worlds—but the other prominent aspect is the emphasis on the affair’s temporary nature. Rule # 16, “Know when to call it quits,” begins: “An affair or shadow marriage has reached the end when the effort to keep it going outweighs the benefits received” (146). Note that that is not accounting for mutual benefit, but just “benefits received”. The underlining of the advice to “know when to call it quits” is always framed as a consideration designed to protect the adulterer’s interests, and never those of the other partner, something that further reflects the ability for the TAZ, *qua* space of intimacy, to be a rather selfish pursuit. The “USS *Affair*”, Brandt’s version of the adultery ship metaphor, “happily sailing off along the Extramarital sea” (86) on a pleasure cruise built for two—but with just one Captain.

Brandt dismisses an even basic consideration for other people, figuring “ethics” as an outmoded concept (with respect to which, for example, one needs to learn to ignore guilt as it is merely “a societal concept specifically designed to keep you in line” (9)). Her narrative can also be alienating along intersectional lines, containing sexist, fat phobic and heteronormative commentary.<sup>81</sup> Unlike Kipnis, whose rhetorical framing and investments in individualism truncate what, in some places, is a strong analysis of our mythical investment in the idea of “love”, Brandt’s work is merely a self-help book and lacks any form of methodological rigour. And yet... it is powerful discourse and highly prominent in the intimate public sphere conversation about infidelity specifically and non/monogamy broadly. This prominence makes it a significant part of the infidelity

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<sup>81</sup>Including a normative centering of the non-blended nuclear family. In multiple places she makes unsupported claims about the complete infeasibility of blended families and how no man would ever want to raise “another’s” child unless he was somehow tricked into doing so (e.g., 143).

industry's discursive production.

### **III – “When Monogamy Becomes Monotony”: On AshleyMadison.com**

From Kipnis's adultery-supportive social theory and philosophy, and through Brandt's specifically marketed social script for adulterous relations, we come finally to The Ashley Madison Agency and the discourse surrounding adultery itself as business. Both Kipnis and Brandt point to the Internet as a new space for the circulation of infidelity discourse, and even as a site for new adultery-related business ventures. Kipnis references the now-defunct website *Adulteryandcheating.com* that promoted methods for spouses to catch their dallying partners, such as satellite tracking and cyber-spying (*Against* 42), and Brandt writes about an un-named German entrepreneur who started a dating service for married people looking for other married people for the purposes of adultery, and posits that “this brilliant idea will find its way to the US soon” (65).<sup>82</sup> Through exploring *AshleyMadison.com* and the copious discursive material collected there,<sup>83</sup> I show both how this website manipulates critical discourse on intimacy to create

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<sup>82</sup> It is unclear in her passage if she is referring to an un-named German website, or to the then-president of Ashley Madison, Darren Morgenstern, who has a Germanic last name. As it is unclear if the writing of the book, which came out in 2002, preceded the 2001 launch of *AshleyMadison.com*, either is a possibility.

<sup>83</sup> So attuned is The Ashley Madison Agency to the importance of its own intervention in the intimate public sphere that since the site went online it has archived its own press clippings and advertisements, as well as links to segments about the Agency on television programs, including everything from news items to talk show interviews. Supplemented with other sources pulled from the Internet, television and newspapers, this material provided a substantial archive that I read as an interrelated “text”. In 2008 they appear to have begun a newer version of their online archive, but maintain a link to the previous one. All of the quoted material, unless

a space for the commodification of adultery, as well as how this commodification has moved beyond discourse to incorporate the commodification of adulterers themselves.

Established in 2001, The Ashley Madison Agency, named after the two most popular baby names of that year (“The View”),<sup>84</sup> is by far the most prominent online dating service specifically devoted to adultery.<sup>85</sup> It would be an exercise in self-evidence to attempt to “unmask” the way adultery is framed on this website and its related discourses using the language of business as such investments are right out in the open. Ashley Madison is vocally and specifically “[making] money from adultery.”<sup>86</sup> With a 2008 *Maxim* article noting that it is also the biggest and most profitable pro-adultery website (qtd. in “Death, Taxes”), part of their success could be attributed to the manner in which Ashley Madison mobilizes elements from critiques of patriarchal power dynamics

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otherwise noted, can be accessed from either the original Ashley Madison *Media Kit* archive, or the newer *Ashley Madison in the Media* archive.

<sup>84</sup> The use of popular female baby names to name the site can be seen as one element that points towards the Ashley Madison’s investment in framing themselves as for women, as will be discussed below. In contrast to, for example, using a male name—The Darren Morgenstern Agency, for example—using popular female baby names could be said to make the Agency’s name seem more familial and more women-focused, and certainly makes it more memorable. Thank you to Maggie MacAulay for directing me to this key piece of information.

<sup>85</sup> Though not the only one. Other such sites include *lonelywivesaffairs.com* and *meet2cheat.com*. It must be noted, however that some sites sporting a cheating-aesthetic may only be using the *idea* of infidelity as a way to promote online dating/pornography rather than be actual services like Ashley Madison. This itself is an intriguing discursive phenomenon.

<sup>86</sup> In one advertisement that appeared in the marketing magazine *Revenue*, and that was geared towards enticing new affiliates, a woman wearing a short black dress paints over a tablet reading “THOU SHALL NOT COMMIT ADULTERY” in red, changing it to read “THOU SHALL MAKE MONEY FROM ADULTERY.” This ad, archived prominently on their website, can be found in Appendix B along with further samples of Ashley Madison advertisements.

and compulsory monogamy. What happens when feminist and sex-positive arguments are mobilized in service of a commodified pro-adultery discourse? What is done to these arguments to make them fit a particular business model?

In its early advertising, Ashley Madison seemed to be mining non-monogamy discourse for arguments that deconstructed the notion that we live in a monogamous society. One of their early press releases contains the following passage: “As social behavior evolves, a percentage of the population is even questioning whether we were even meant to be monogamous. Maybe it is no longer a case of whether monogamy is right but if it is right for each individual” (AM, “Enrollment”). The form of rhetoric employed by Ashley Madison in such early promotions is one that employs synecdoche to couch the non-monogamy enabled by Ashley Madison (i.e., adulterous non-monogamy) within the terms of non-monogamy *in general*. As with a similar synecdochical use of feminist arguments, Ashley Madison’s promotional materials contain statements and questions that it would be hard for many to disagree with (such as “Maybe it is no longer a case of whether monogamy is right but if it is right for each individual”), with the added implication being that adultery, therefore, must be reasonable, natural and needed.<sup>87</sup> This same argument emerges in Ashley Madison’s infomercial “Perspectives on Infidelity.” Beginning with a full-frame shot of the

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<sup>87</sup> This rhetorical slight of hand has the additional effect of drawing in and implicating non-monogamy broadly with what Ashley Madison is promoting. A critique of societal investment in monogamy becomes, by extension, “the kind of thing they say on Ashley Madison”. Is it any wonder that in mainstream media representation any form of non-monogamy might be labeled “infidelity” indiscriminately (Barker, “Partner” 80). We will explore this connection more in Chapter 4 when we are looking at connections between and among discourses of non-monogamy.

question “As a Society, are we Meant to be Monogamous?”, this prominently-aired infomercial then moves into a word-on-the-street segment where individuals offer thoughtful responses to this question. While the infomercial ends with a similar word-on-the-street segment where individuals are asked specifically about whether they would use a service like Ashley Madison, the narrative being constructed is one that frames Ashley Madison as the solution to an oppressive and compulsory monogamy.

Within the same infomercial the company’s founder, Darren Morgenstern, asks “Is it true that some of us are incapable of being faithful? Were we ever meant to be monogamous?” (AM, “Perspectives”). This argument that people just naturally cheat and that, far from promoting adultery, Ashley Madison is just catering to a market that is already there (AM, “Perspectives”) is a mainstay of Ashley Madison’s public relations strategy to this day (e.g., see “The View”). Ashley Madison’s promotional material is drawing here on a line of argumentation found in Fisher’s *Anatomy of Love*. Fisher argues, citing both human and animal precedent,<sup>88</sup> that “*monogamy does not imply fidelity*” (63; emphasis in original). This statement, which Fisher contextualizes by presenting differing socio-cultural and zoological meanings for “monogamy”, is a broadly-Darwinian attempt to discuss the natural precedents of *both* monogamy and infidelity. But, despite some slippages, what she is describing is the naturalness of in-fidelity (i.e., non-monogamy), not our socially constructed notion of infidelity, adultery or cheating. This is, however, the spin that the Ashley Madison Agency and its representatives repeatedly put on it.

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<sup>88</sup> Which she often, and problematically, uses interchangeably when discussing infidelity among non-white cultural groups.



Fig. 1. "Ashley Madison Banner Ad." Advertisement. *Matchmaking.ca*. 2004. 22 Aug. 2008 <<http://www.matchmaking.ca/>>.

Ashley Madison's infamous slogan, "When Monogamy Becomes Monotony" (See Fig. 1) is telling for how it employs this manner of surface-level criticality. Monogamy is not criticized for potentially oppressive elements, such as its link to patriarchal structures, nor even its status as normative form of relationship within a hegemonic understanding of relationships. All that is emphasized in this much repeated slogan is that monogamy is not interesting enough. Other ad slogans for the company such as "100% of People Cheat",<sup>89</sup> "Make Tonight All About You", "Reach Out and Touch Someone's Wife", "What Part of 'All the Sex You can Handle' Didn't You Understand?" and, their new dominant slogan, "Life is Short, Have an Affair" demonstrate that the focus on the autonomous individual, and individual fulfillment and pleasure, is the most important aspect of their advertising rhetoric. It also shows that the success of the Agency over time has bolstered the specificity of their language, moving from the somewhat more ambiguous denigration of monogamy, to specific and explicit

<sup>89</sup> This ad continues "On Ashley Madison", negating the claim of the ad, but not the potential effect of it, as you would need to read the whole ad including the smaller print to get this context.

promotion of adultery.<sup>90</sup> Another prominent aspect of Ashley Madison's discourse that has changed over time, though without ever completely disappearing, is the site's mobilization of feminist language and a focus on women to attract them to use the site (e.g., see Fig. 1; Fig. 3 in Appendix B).

In the introduction to the "Perspectives on Intimacy" infomercial, Morgenstern follows an Engelsian progression of women's increasing freedom to its libertarian endpoint—increased freedom to cheat:

In the early part of the 20<sup>th</sup> Century, men were the predominant bread-winners. As they left the confines of the family farm to work in the anonymity of the city, they were better able to have affairs. After the sexual revolution of the 1960s, women too left home. The feminist movement allowed them the freedom to seek their own careers, thus paving the way for women to also have affairs. What does this suggest? Basically, that having an affair has less to do with gender, and more with opportunity. (AM, "Perspectives")

The fact that he is probably correct here in his identification of increased social mobility among women as a factor promoting their increased infidelity adds weight to what is still, in the final analysis, a rhetorical mobilization of feminist arguments, history and understandings to give a progressive frame to Ashley Madison's enterprise. Morgenstern continues: "Until recently, male-dominated thinking has dictated terms in Western society. At Ashley Madison, we've leveled the playing field. We provide men, and

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<sup>90</sup> Most of these examples were from the same page on *Ashley-Madison-Review.com* which seems to be a parasitical site that is either affiliated with Ashley Madison or is using the popularity of *AshleyMadison.com* to act as its own pro-adultery portal with links to Ashley Madison ads and news as well as other ads, such as for *Adult Friend Finder* and motels.

women, access to likeminded individuals unsatisfied in their current relationship—like our slogan suggests, when monogamy becomes monotony” (AM, “Perspectives”). In passages like these, Ashley Madison is taking feminist arguments, stripping them of their critical edge, and redeploying them to come into alignment with a view of feminist progress as increasing women’s individual “freedom to act”, as opposed to a more critical “freedom from oppressive structures.” This treatment is at times quite heavy handed.

For example, in one 2003 press release that discussed the popularity of the website when it reached 50,000 member sign-ups, the following passage appeared:

Even more compelling is the startling number of women joining the swelled ranks of men seeking love and romance from people other than their spouses. This development may be especially true for women that have never been treated as equals so they find themselves looking elsewhere for that respect. (AM, “Enrollment”).

This framing of “surprise” that so many women would chose to actively pursue cheating is a masking agent that conceals an advertising strategy specifically geared towards attracting women. Take for example the following passage from a 2004 press release:

The Ashley Madison Agency specializes in meeting the distinct needs of attached and married women wishing to meet single or attached men with a mutual desire to share novelty, excitement, romance and intrigue, and to provide these romance-seekers with a safe, discreet way to meet each other. Many Male and Female clients are in open or committed relationships and often have lingering needs inadequately served by their current partner. These individuals share a common

desire to engage in a secret romance or simple casual encounter that will not compromise or replace their primary relationship. (AM, "Dating")

Their framing of the site as being predominantly "for women seeking romantic affairs and the men who want to fulfill them" (AM, "Print Ad 3") is belied by their quoted figures that show the balance being closer to 70 percent male clientele and 30 percent female clientele ("Good Morning"). This marked contradiction between rhetoric<sup>91</sup> and reality bears further analysis.

This instrumental use of feminist discourse mobilizes its epistemology and reading of history to create a progressive slant on a business enterprise that requires the participation of many women to make it viable. Howard Rheingold, writing at the dawn of Internet social networking, reflected that the most interesting (and potentially profitable) thing about commercial virtual communities was that, rather than site administrators providing content and selling that to users, the members were the ones

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<sup>91</sup> But perhaps just labeling it rhetoric here is too easy. Is there a way that these arguments might actually be seen as feminist, or perhaps post-feminist? The uncomfortable answer is that, though clearly mobilized for rhetorical purposes, the comments contained with the Ashley Madison promotional material and parroted by their spokespeople are not antithetical to feminist understandings of sexuality. Even though there is absent here any substantive critique of patriarchal power structures (that would, of necessity, have to explore how adultery as a practice of power is an often damaging activity that can harm women and families in numerous ways), there are facets of Ashley Madison's discourse that could be read as having an affinity with some broad feminist goals, as well as some forms of feminism. In a way such a service can, in fact, be a boon (for example, for a woman seeking to find an alternative to an abusive relationship). The technologically-mediated communication space that Ashley Madison supplies is certainly compatible with a stark form of feminism that is perhaps also worthy of critique: a libertarian "equity feminism"/post-feminism where gender-equality-of-opportunity is valorized as the comprehensive goal of feminism, and more critical or structural feminism is seen as excessive or misguided (Marshall 37).

who generated the content for each other. Economically, the business of Internet communities was selling users to each other (28). From this standpoint, Ashley Madison's mobilization of a feminist framing can be read as arising from the economic motivation of attracting women, whose potential availability and desire to engage in adultery is being sold to other users.<sup>92</sup>

If this interpretation holds, then this form of intimacy moves beyond intimate discourse, beyond creating autonomous space, even beyond an a-critical capitalist individualism. It is implicated in the commodification of adulterers themselves, making them akin to deliverable content, merchandise to be browsed and ordered, a virtual

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<sup>92</sup> The hypothesis that attracting women to the site is a key marketing goal for *AshleyMadison.com* is further bourn out by the different user experiences designed for men and women on the site. In conducting research I logged in as both an "attached man seeking women" and as an "attached woman seeking men." For men, every feature of the site cost "credits" (which may be bought in lump sums of 100, 500 or 1000 via online payment). As a man, to initiate mail messages, send a "virtual gift", or have an online chat session costs credits. Logging in as a woman, however, more of these options are free (such as the giving of most "gifts"), or are more open to sending "collect" than they are for men. For example, logged in as a woman I could initiate a chat session with either credits, or by having the man on the receiving end to pay to open the chat, whereas logged in as a man there was no collect option. Also, female-identified members receive a follow up membership email with a password reminder, alerts to highlight new male members in their geographic area, as well as daily notices of who has messaged them or added them to their favorites list. Men on the other hand receive no follow-up email, though they do receive other alerts. The intensity of interaction is also very different for those who identify as women and men. Within the first five minutes of being logged-in as a female member, I received two chat requests, one message and virtual "key" to view on person's private profile. Twenty-four hours later I had eight messages and two keys. Taken together, this is added evidence that *AshleyMadison.com* is particularly invested in the retention and active participation of its female membership.

catalogue to be thumbed through.<sup>93</sup>

The sheer success and staying power of Ashley Madison's business model—over 3.5 million users signed up by 2009 (“Good Morning”)—seem to indicate it has hit a nerve: the commodification of adultery, streamlined into an easy and efficient model that can be accessed through the web, has become part of intimate culture, without any necessary deconstruction of heteronormativity. In the final analysis, most users probably don't resent being turned into commodities if it means that their online self-mediation continues to deliver adventures with temporary autonomous intimacy.

### **Autonomous Capitalist Individualism as Privileged Intimacy**

“The power of the culture industry lies in its unity with fabricated need” (Horkheimer and Adorno 109). This insight about the dynamics of the culture industry raises the intriguing question of whether or not a perceived need for commodified adultery discourse and

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<sup>93</sup> The “catalogue” analogy is also borne out by the site's “Terms and Conditions” which set-up all user-generated content as under the ownership of Ashley Madison:

By submitting any content (including without limitation, your photograph) to our Site, you [...] waive absolutely any and all moral rights to be identified as the author of the content, including your photograph, and any similar rights in any jurisdiction in the world. By submitting any content [...] to our Site, you automatically grant [...] to us, and our licensees, affiliates and successors, a perpetual, worldwide, non-exclusive, royalty-free right and license to use, reproduce, display, and modify such content or incorporate into other works such content, and to grant and to authorize sub-licenses of the foregoing. (“Terms”)

It also states that they have “the right to assign any or all of its rights and obligations under this Agreement or to the Service to any third party” (“Terms”).

services—or even adultery itself—is in part fabricated or manufactured. While such a claim might be impossible to prove, the last two case studies at the very least demonstrate that the promotion of adultery is profitable. There is a slippage between claims such as Morgenstern's that people selling discourse around infidelity are "filling a need" and the notion of "creating a demand". When the impetus for the circulation of intimate discourse becomes, for non/monogamy discourse-producers, a profit-making venture, when, as Horkheimer and Adorno wrote of the captains of the film industry they were critiquing, "their ideology is business" (109), does the intimate public sphere get pushed into a mode where capitalist individualism and heteronormativity are being privileged as intimacies and zones of temporary autonomy being privileged as an important form of intimate space?

A possible counter-argument to this line of reasoning could come from Viviana Zelizer who, in *The Purchase of Intimacy* (2005), argues that an intimacy increasingly mediated by capital is simply reflective of capitalism being part of a global order that, even if we don't like it, we are stuck with because it could only change through totalitarianism and "we" value our freedom and choices too much to really want that (16). This more (neo)liberal perspective is not intrinsically critical of the effects of capitalism's admixture with intimacy, and in turn critiques those who are as overly reductionist (Hou 312).<sup>94</sup> But this is perhaps less a counter-argument in content than in form, for Zelizer also argues that "people often mingle economic activity with intimacy [...] the two sustain[ing] each other (1). Her perspective differs however in that she does not see "the

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<sup>94</sup> She is in fact critical of both perspectives on this argument, i.e., that economic matters infiltrate negatively into matters of intimacy and that intimate matters pollute the "rational" realm of the economy (Zelizer 1).

penetration of an ever-expanding market” as a threat to “intimate social life” (3); rather, she sees intimacy as resilient and adaptable, and people as able to use the economic within intimacy to shape and renegotiate intimate relations (3). Which is all to say that the two are related on a deep level, something she explores at length through one example where that intersection is particularly evident: legal battles concerning questions of money and linked to matters of intimacy. But despite the difference in ideological perspective on the power and connotations of capital,<sup>95</sup> this study too points out the deep structural link between intimacy and economics.

Is capitalism a form of intimacy? Despite the fact that it is a troubling concept, given our expanded conception of intimacy it would be hard to argue the case that it is not. As the structure of late capitalism has moved so many of the close connections that

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<sup>95</sup> Zelizer’s position that the “antagonistic worlds” hypothesis is reductionist is an important check to this work, because there is a danger that drawing the connection between autonomous capitalistic individualism and the discourse surrounding adultery falls into that reductionism. For example, one area that I could have explored at greater length (but chose not to) is the relationship between sex-work and adultery. That a good deal of heteronormative adultery likely takes place via sex-work is undeniable, but I chose not to focus on this aspect because the sex-work industry is not solely devoted to the maintenance of adultery. There are other issues at play as diverse as the broader commodification of women’s bodies; the importance of seeing physical intimacy as a personal need; and the attempt, by many sex-workers, to reclaim the industry as a site of empowerment through strategies such as forming collectives and the drive for sex-work decriminalization. To reduce the sex-work industry to a simplistic understanding of it as “commercialized intimacy” (and therefore problematic) would indeed, along Zelizer’s lines, be reductionist, and yet the fact that money is a key aspect in the sex industry does create many issues within that industry (especially when poverty and /or racialization and patriarchy interlock creating situations of exploitation and misogyny directed towards sex-workers and reinforcing the privilege of others). Money complicates matters, and its saturated presence in a field of human endeavor raises a critical flag alerting us to the fact that it is a factor that needs to be taken into account. Thanks to S. for her critical insights into this complex intersection.

matter and that subvert our lives and experiences into the structure of capitalist exchange and accumulation, money now underwrites, controls access to, and/or mediates so many forms of intimacy that it becomes difficult to think of many intimacies outside of a capitalist framework. Capitalism, also, creates and conditions a certain type of intimate space, one that is pushing to be ubiquitous, to occupy all available space (concrete, conceptual and virtual), under its banner. There is even intimacy with money itself—that object of profound emotional weight and connection, even fetishization.

Capitalism and intimacy have become fused and interpenetrated. Some of the implications of this with respect to how infidelity is framed in mediated publics have just been explored, but we will see this connection hold true for other forms of non/monogamy, as well as for intimate and sexual discourse broadly. Without resorting to the argument that we need to return to some mythical “authentic” intimacy outside of capitalism—as Zelizer points out we are implicated within it unless there are grand systematic changes to the structural order of the world—it is still important to be aware of the implications of this fusion and how it might come to structure other parts of our intimate lives and subjectivities, affecting what we come to privilege, and what we reject as outside of the realm of important intimacy.

### CHAPTER 3

#### OVERDETERMINING THE MAP OF POLYGAMY: THE DISCURSIVE RETERRITORIALIZATION OF PLURAL MARRIAGE

*A map is not the territory.*

~ Alfred Korzybski, *Science and Sanity*, 750

*We say the map is different from the territory. But what is the territory? Operationally, somebody went out with a retina or a measuring stick and made representations which were then put on paper. What is on the paper map is a representation of what was in the retinal representation of the man who made the map; and as you push the question back, what you find is an infinite regress, an infinite series of maps. The territory never gets in at all. [...] Always, the process of representation will filter it out so that the mental world is only one of maps, ad infinitum.*

~ Gregory Bateson, "Form, Substance and Difference", 454

*We often want more than one sexual partner for any number of reasons. Structures for those sexual relations shouldn't be drawn to a flat world when we inhabit a round globe. [...] The marriage model isn't an accurate map for the heart's terrain.*

~ Donna Alegra, "Rhomboid Pegs for Oblong Hearts," xvi

#### **Introduction: Approaching Polygamy Through Theory**

For many socialized in Western cultures,<sup>96</sup> the public sphere understanding of polygamy as a practice (and of the cultures, subcultures or groups that practice it), gravitates around

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<sup>96</sup> Though I discuss the bounded nature of my approach in the Introduction, it bears repeating that, for this chapter especially, my location as a Dominant-World subject, writing in a Dominant-World institution on topics of central importance to polygamy in Canada especially creates limitations both to my project's scope, and its consequent applicability. Whereas I believe the problematics I'm identifying here are of key importance, those writing about polygamy in different circumstances might identify quite different areas of importance, and this is especially the case for women writing about, and often strongly against, conventional polygamy in specific

one narrative, one discourse. There are inescapably problematic issues attached to polygamy, especially the dominance of patriarchal structures in most instances of its practice, but the overriding assumption that all of polygamy's narratives are reducible to the master-narrative we have constructed about it does a disservice to everyone associated with plural marriage, those people within polygamous families and communities whose experience of it finds it more problematic than positive, those within those same families and communities who find the opposite, and to those (regardless of position) for whom polygamy is already an indelible part of their lives.

The complex and complicated, fraught and frustrating spaces of intimacy surrounding polygamous non-monogamy are foreshortened, encircled and oversimplified by reductive discourse, often on all sides of the discussion—from within communities that practice polygamy, from law and policy makers, from journalists and documentary filmmakers, from within the discourses of other forms of non-monogamy like polyamory, and from politicians and pundits whose rhetoric drags polygamy as allegorical limit into discussions about everything from same-sex marriage rights to things as mundane as how a politician caters to multiple interest groups.<sup>97</sup>

How do we frame our thoughts, understandings and decisions about the concept of formalized plural partnership when so much discourse gets in the way—so many stories, so much text, so many words? Approaching polygamy and trying to deconstruct the engagement we have with it in the mainstream public sphere is a daunting prospect. On the one hand, there is an ongoing need to engage with the structural inequity of a non-

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Peripheral-World contexts. It is my hope that this study can add to these voices, to continue the complex conversation about polygamy and privilege.

<sup>97</sup> See Note 107 on Jacob Zuma, below.

monogamous system that, as it is most often practiced, is strictly polygynous. But the way this structural inequality is approached discursively is often a gross caricature that does not address the subtleties and complex dynamics of polygamy. The dominant narrative about polygamous families can be safely characterized as the view that they are patriarchal, exploitative, backwards, regressive and (often) cult-like. The men prop up this system to have harems and sex-slaves and the women (who are mostly born into polygamy), suffer from false consciousness brought on by pandemic abuse from childhood and are in need of saving—as are the children of these unions for the same reasons. This narrative is totalizing, it leaves no cracks, no margin of interpretation, no compromise. It is all or nothing. Any information that does not fit this narrative is discounted, attributed to either rhetoric, false consciousness, or both.

And yet, the counter-narratives put forward by some polygamous individuals or groups are often equally unsatisfactory. This disconnect between discourse and reality, on both sides, is noted in *From Monogamy to Polygyny: A Way Through* (2003) by Umm AbdurRahman Hirschfelder and Umm Yasmeen Rahman:

It is very common to see this matter discussed with one of two extremes. One extreme being that polygyny is loved and anyone who doesn't love it is an impious, neglectful woman; and the other extreme being that polygyny should not be practiced because women are worth more than that and any woman who does practice it must be forced to do so. Clearly neither of these opinions is helpful, and in most cases [they are] very damaging. (14)

That this book is written by polygamous women, for women in polygamy speaks to a need to deconstruct these narratives in nuanced ways.

The challenge of this chapter will not be to separate fact from fiction—to discover the narrative “truth” about polygamy, if there could even be said to be one other than maybe that it can be as individual and complex a form of intimacy as monogamy.<sup>98</sup> What it *will* do is explore this space of intimacy in its overdetermination,<sup>99</sup> to explore sites in

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<sup>98</sup> Such is the broad conclusion of Angela Campbell’s cross cultural study of the lives of women and children in polygamous families. In her words:

[G]iven the diversity within the global community of women in polygamous marriages, it is extremely difficult to draw a single, unqualified conclusion as to how women experience polygamy. While some women might suffer socially, economically and health-wise as a result of polygamous life, others might benefit. The way in which a woman experiences polygamy will depend largely on a number of social and cultural factors, such as the number of co-wives she has and her relationship with them, cultural perceptions of polygamy, and her role and responsibilities within her marriage and family. (Campbell, “How Have Policy” ii).

<sup>99</sup> It is useful to situate the term “overdetermination”, as it has several differing (though related) usages throughout theoretical literature. In “Contradiction and Overdetermination: Notes Toward an Investigation” (1969), Louis Althusser mobilizes the concept of overdetermination (*surdétermination* in the original) to discuss Marx’s appropriation of Hegelian dialectic. Althusser posits that those building on Marx’s writing must strip his use of Hegelian contradictions of their totalizing philosophico-methodological shell, or else risk transporting the vestiges of an inadequately-subtle Hegelian dialectic into further work (94)—the most significant of these Marxian-Hegelian understandings being class relations *qua* core contradiction of capitalist society. For example, beyond a simple contradiction, antagonistic class relations affect all other structures built upon them in different (but in each case, fundamental) ways. Simultaneously, these variously-determined structures are affecting (and constituting) class relations in turn (104). Understanding this relationship between classes so-constituted as a simple “contraction” of already-existing elements forecloses on an important degree of subtlety. “Overdetermination” is presented by Althusser as a keener instrument for understanding the relationship of the form in question within its broader context as both affected and affecting (101). Overdetermined structures are structures that are at once determined by, and determining of, affects folded in upon themselves.

which normative understandings of intimacy may be at work in pre-figuring how we approach conventional polygamy in the public sphere.

Just as polyamory is not experienced the same for all of its subjects, neither is polygamy. Depending on where individuals are located with respect to other regimes of privilege, their experience of polygamy can be quite different. The most obvious of these differences in situatedness with respect to polygamy is that of conventional polygamy's (i.e., exclusive polygyny's) shoring up of patriarchal power and privilege. While this is a factor that can not and should not be ignored, it is important to note that the discussion about gendered power in conventional polygamy is so often foregrounded in the public sphere that it has become totalizing; the narrative of coercive patriarchal privilege has become *the* dominant Western narrative about polygamy. Without abandoning this

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It is here where the two major readings of overdetermination in the literature bifurcate and, unfortunately, muddy its specificity. The term overdetermination can be taken to mean *either* that there are multiple determinants coming from all levels, internal and external that determine a given structure (what the term "overdetermination" reveals), *or* that a failure to take this complexity into account leaves structures over-determined—seemingly more one-dimensional than they are in reality (what the term "overdetermination" critiques). But it's possible to take a synthesis of this two senses, to work the threads back together, which is the sense in which I am using the term. To speak of overdetermination in this manner is therefore to speak, not only of a figure that foreshortens, truncates or reifies certain aspects of life to such a degree that the emerging construct becomes naturalized or even essentialized, but at the same time to see those reified life dynamics as affecting the figure itself, feeding back into its complex of affects as evidence, influence, material. For example, patriarchal structures are at one and the same time affected by the myriad mobilizations of the patriarchal in life and the world and, in turn, those mobilizations affect and reify those structures anew. To say something is overdetermined is to say that it is a construct that has a certain hand in (re)determining itself through the medium of its affects in the world. (Thanks to Zahra Murad for pointing out the conceptual links between overdetermination and reification.)

crucial critique it is useful to decentre it for a moment to see what other forms of privilege might be at play with respect to polygamy when it is taken on in its full complexity. A key part of this will be to challenge the normalized use of the term “polygamy” to mean exclusive polygyny, as this lexical slippage is symptomatic of a broader epistemological confound between the notion of plural marriage in general and the practice of polygynous plural marriage. I will therefore use the term “conventional polygamy” to refer to exclusively polygynous plural marriage while retaining “polygamy” and “plural marriage” to signify a broader type of union with a view to both troubling and re-signifying how we use these terms.

The signifier “polygamy” is the edge of a semiological map of a territory, the borders of which need to be problematized. We approach territories through the maps we have of them: the lay of the general landscape, sites of interest, relationships with other territories (or, at least, *their* maps). In a very real way, powerful maps determine territories, or at least our relationships with them, signifieds coming under the signs of their signifiers (Lacan 274). The reterritorialization of polygamy in the public sphere is such a mapping; it informs the relationship between polygamy and the world, a discursive space-making that overdetermines how we represent the intimate spaces of polygamy.

### **On Maps, Discourse and Overdetermined Reterritorialization**

Maps are seductive, enthralling, practical, and highly useful devices. But they can also be misleading, incomplete, biased or inscribed with the workings of power. In “Rethinking Maps” (2007), Rob Kitchin and Martin Dodge call into question the ontological status of maps, and of representational solutions broadly (343), with a view to

recasting the process of map-making as processual, as “always *mappings*” (335, emphasis in original): “Maps are of-the-moment, brought into being through practices (embodied, social, technical), *always* remade every time they are engaged with; mapping is a process of constant reterritorialization” (335, emphasis in original). As such, according to this strain of critical cartography, maps and mapping must be examined not as stand alone artifacts but within their contexts of production as the result of “privileged and formalized knowledges [that, in turn] produce knowledge about the world” (Kitchin and Dodge 332). In that they “have literally and figuratively over-coded and overdetermined the worlds in which we live [...] [m]aps and mapping precede the territory they ‘represent’” (Pickles qtd. in Kitchin and Dodge 334). Mapping, therefore, can best be understood not as a mirror of nature, or even as a socially constructed representation, but as an emergent process of creative, reflexive reinscription (Kitchin and Dodge 340–341).

We use discourse like a set of maps. In *Science and Sanity: An Introduction to Non-Aristotelian Systems and General Semantics* (1958), Alfred Korzybski repeatedly returns to the connection between maps and language and how they can both function as overdetermined stand-ins for a polysemic objective reality, creating representation that might be overly-static, misleading or just plain wrong (750, 753, 758). In his words: “A language is like a map; it *is not* the territory represented, but it may be a good map or a bad map. If the map shows a different structure from the territory represented [...] then the map is worse than useless, as it misinforms and leads astray” (498, emphasis in original).<sup>100</sup> Discourse allows us to navigate social and cultural space just like maps

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<sup>100</sup> He uses this metaphor to point out that one of the fundamental premises of Aristotelian logic—and therefore of all knowledge based on such logical frameworks, from Mathematics to Philosophy—is flawed in relation to its over-reliance on *identity*, the “is”

allow us to navigate physical space. When interacting with socio-cultural realities we turn to discursive maps to orient us, inform us, and guide us through these spaces, and through the forms of intimacy these spaces engender.

Korzybski's notion of the relationship between maps and the territories they purport to represent will serve as a way into discussing the relationship of the discourse of polygamy to the practice of polygamy. How do we approach a territory if almost all we have to go on are maps of various scales and unknown degrees of accuracy? Heteronormativity gives us such a map for polygamy, and an overdetermined one, but so do many of our other discursive frames for it, and they are overdetermined in differing ways. On a finer scale, some tell a story of polygamy that is set in a white, Christian frame that posits it as anathema to civilization (Willey 531), while male Fundamentalist LDS polygamists tell another story based on divine revelation of the key role of plural marriage in ascending to dominion in Heaven (Van Wagoner 56). *Big Love* tells yet another tale, one that is more subtle but still tinged with a civilization narrative, and legal scholars construct other narratives, bound to issues surrounding legislation and policy. In the journalistic sphere, articles, editorials, opinion pieces, book reviews and letters to the editor about polygamy create an ever-present background of narratives. In 2008 alone

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function. If we assume the map *is* the territory, the word *is* the concept, the signifier *is* the signified, then we become blind to operations of reality that escape this logic and cling to irrationalities in the guise of logic (such as the law of contradiction that states that a thing either *is* or *is not* and cannot be both, or the law of the excluded third that states a thing either *is* or *is not* and cannot be neither of the two) (Korzybski 749). The point of a General Semantics built on a rejection of identity becomes, then, not the rejection of all abstraction (as it would be difficult to function without it), but the ability to become self-reflexive about the process of abstraction and specifically that there may be multiple possible abstractions for any given piece of reality (753).

there were over a thousand individual articles or pieces about polygamy from mainstream and local news sources.<sup>101</sup> This great cacophony of polygamy discourse is a mighty map thrown over what is a nuanced territory with quite disparate elements that are too-often flattened out and simplified in their representation. In Deleuze and Guattari's concept of reterritorialization, we can find a model of abstraction and intimacy that can serve as a key to unlocking the kinds of intimate space produced by polygamy's overdetermined mapping.

Deleuze and Guattari's *Anti-Oedipus: Capitalism and Schizophrenia Vol. 1* (1983) can be read as a complex multi-layered trope, one that will carry us through a discussion about polygamy and discourse. This trope comes in two parts, the first being concerned with the notion of "Oedipus", and the second being concerned with the structure of "capital". Underneath the joint and individual critiques of the Oedipal family drama in psychoanalysis, and of capitalism, is an underlying theme of overdetermination that is carried in these two critiques but also extends beyond them, as if these immediate problematics were themselves a residual condensate of a deeper issue. Within Freudian psychoanalysis, Oedipus comes to stand in for desire in a way that raises one form of desiring structure up as normative while others descend into the mire of perversion and maladjustment. To use the analytic frame of the Oedipal is to overdetermine desire, to try to fit an essentially infinite and agglomerative "desiring-production" into a set frame that does not accurately represent it (Deleuze & Guattari 24). Similarly, a world system predicated on the notional concept of "capital" (in which trade, production, consumption, and even the creation of cultural forms that record the reality created-thus are seen to

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<sup>101</sup> And this only includes sources that left an electronic trace on the Internet as indexed by *Google's* news feed. The actual number is no doubt even higher.

emanate from capital itself—capital as both cause and effect, beginning and end of all production, all culture) is also such an overdetermination, one that through sheer motion and growth manages, however precariously, to still be read by many as a workable overarching societal ideology.

Oedipus and capital are at one and the same time real problematics worthy of address and allegories for a world rife with overdetermination. Many Deleuzo-Guattarian figures and concepts are mobilized to address this, that of desiring production and of the schizophrenic that together explode the concept of Oedipal desire,<sup>102</sup> that of the body without organs that serves as an infinitely resectionable cadaver upon which every desire could be inscribed, that of flows and of flux, and, finally, that of territorialization.

Deleuze and Guattari refer to heteronormativity (or “the rules of familial reproduction” in their terminology) as “a regime for the pairing of people” (71) that replaces an open desiring production with a closed one, which, under psychoanalysis, is characterized as “Oedipus”. Deleuze and Guattari note that one of the overdetermining effects of a reliance upon Oedipus within psychoanalytic therapy is its reductive nature. If the assumption is that all formulations of desire are in some way conditioned by the Oedipal ideal, then Oedipus becomes the assumed frame and schema for interpreting and

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<sup>102</sup> Of particular note in this connection is the work of Guy Hocquenghem who, in *Homosexual Desire* (1993), uses Deleuze and Guattari’s conceptual frameworks from *Anti-Oedipus* to figure what we world now term heteronormativity (with Oedipus as its symbolic stand in) as a ideological apparatus for reproducing both capitalism and society. According to his argument, heterosexual reproduction and domesticity are the acme of Althusserian “reproducing the means of production,” as broader societal recognition and practice of homosexual desire would be a wrench in then the machine of labour reproduction and, hence, of capitalism (Hocquenghem 106).

relating to desire, or in their words: “Oedipus [...] becomes at this point the crucial premise in the logic of psychoanalysis” (46). Desire in Deleuze and Guattari is infinitely productive—a machine, it combines and recombines in a way exemplified by the expression “Infinite Diversity in Infinite Combinations” (Penley 149).<sup>103</sup> To reduce this infinitely productive desire to variations on one triangular theme is therefore inadequate. And the imposition of this frame, its assumption and its unvarnished application within psychoanalysis to matters pertaining to desire is an overdetermining force, a *reterritorialization* of intimate space that imposes this presumed map and schema of desire as an overlay on the actual territory of desire, one that becomes, through this operation, occluded.<sup>104</sup>

The real writing of desire would be, according to Deleuze and Guattari, “transcursive” rather than discursive, “real” and inorganized rather than organized:

If this constitutes a system of writing, it is a writing inscribed on the very surface of the Real: a strangely polyvocal kind of writing, never a biuninvocalized, linearized one; a writing that constitutes the entire domain of the “real inorganization” of the passive synthesis, where we would search in vain for

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<sup>103</sup> This expression emerges from Star Trek lore as a philosophical position attributed to the fictional Vulcan race in that universe. Referred to by the shorthand IDIC, it has been taken up by writers of Star Trek slash fiction, especially K/S writers, those who write sexualized pairings of characters Kirk and Spock, as a canonical justification of their narrative conceit. It can also be seen as having theoretical affinities with queer theory, as well as with “a peculiarly American brand of libertarianism” (Penley 149).

<sup>104</sup> In their words: “Under what conditions does this triangulation divert desire so that it flows across a surface within a narrow channel that is not a natural conformation of the surface?” (47).

something that might be labeled the Signifier—writing that ceaselessly composes and decomposes the chains into signs that have nothing that impels them to become signifying. The one vocation of the sign is to produce desire, engineering it in every direction. (39)

Anything less than what we could call this natural writing of desire—less a real formal writing than an endless chain of signification—would be a form of “forced reterritorialization” akin to the “violent and artificial” (34) reterritorializations of desire brought under the total sign of capital, where flows of desire originating in life and the world are deterritorialized and decoded—laid bare—in order to be reabsorbed whole into a system where “[money is substituted] for the very notion of a code” (32).<sup>105</sup>

It is the generalized idea of a forced reterritorialization of desire (or, for our purposes, of spaces of intimacy) that is significant with respect to our discussion of discourse surrounding polygamy. Utilizing Deleuze and Guattari’s understanding of the structure of intimate space explodes the question of the narrative truth of polygamy. There is no one, simple, narrative truth—or coherent map—of polygamy (let alone any other form of non/monogamy); polygamy simply *is*.

The following three sections will explore the overdetermined reterritorialization of discourse mapping polygamy. Through examining the discourses and language mobilized in three key sites—those of social conservative discourse, journalism and popular culture—we can observe both how certain overdetermined narratives on polygamy are privileged, but at the same time how privilege within those narratives is

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<sup>105</sup> This notion of violent capitalist reterritorialization is useful to think about some sites of non-monogamy discourse that have become more fully inscribed and encoded within a capitalist framework, such as those of the adultery industry discussed earlier in Chapter 2.

often shaped and modified by other intersecting factors.

### **The Discursive Reterritorializing of Polygamy in the Public Sphere**

Exploring the discourse of polygamy in the public sphere is a project that approaches infinity, especially in the electronic age. Every day, somewhere, polygamy is being discussed, portrayed or debated. From pieces on local television news and in local newspapers in Texas, Utah and B.C., to prominent pieces in national newspapers in countries including South Africa, Dubai, Pakistan, India, Thailand, the UK, US and Canada, to posts or segments in law blogs, political blogs, local newsletters, news aggregator sites, radio programs, television programs, books, podcasts and other places on the Web, polygamy discourse is being created. In 2008 alone, numerous separate issues surrounding polygamy have been prominently and repeatedly discussed—and in every case in multiple countries. Mormon Mitt Romney’s run for the Republican Presidential nomination attracted a flurry of press coverage, the vast majority of which addressed the role of polygamy in Mormon history, even though Romney himself is monogamous.<sup>106</sup> Much political intrigue followed the occasion of South African ANC presidential candidate Jacob Zuma taking a 4th wife, including an oft-repeated sound-bite accusing him of, in addition to marital polygamy, “political polygamy”.<sup>107</sup> The popular

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<sup>106</sup> The Latter Day Saints (LDS), or Mormon, Church officially began to discourage polygamy in 1890, and began to excommunicate polygamous members in 1904 (Van Wagoner ix).

<sup>107</sup> On Zuma’s marriage (CBC News, “South African”). The notion that Zuma was a “political polygamist” was coined by Democratic Alliance leader Helen Zille, who criticizes what she calls Zuma’s “flip-flopping” political style, saying that he “[tries] to satisfy many different political bride[s] simultaneously”. The moniker appears to have a certain currency for a South

and celebrity press became, for a while, fixated on French President Nicholas Sarkozy's supermodel girlfriend and then wife Carla Bruni's public declaration that "monogamy bores [her] terribly" and that she "prefer[s] polygamy and polyandry" (qtd. in Bauer). The British and then world press reacted strongly to the renewal of British legislation allowing some polygamous families in Britain to collect welfare appropriate to their plural marital status, as well as the linking of this to the Archbishop of Canterbury's defence of some aspects of Shari'a law.<sup>108</sup> And all of this in addition to the most prominent ongoing media events: the growing discussion of the HBO program *Big Love*; FLDS Prophet Warren Jeffs's arrest, trial and conviction; the removal of over 400 children<sup>109</sup> from the FLDS's Yearning For Zion (YLZ) ranch by Texas's Child Protections Services (CPS) and its fallout; and the resulting rumblings—now reality—that B.C. Attorney General Wally Oppal would attempt to lay criminal charges on counts of polygamy in Bountiful, B.C. Quite the year for polygamy.

And 2009 already proves to be no less prominent. The polygamy charges laid against Bountiful faction leaders Winston Blackmore and James Oler on 7 January 2009,

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African media already fond of discussing his marital polygamy (e.g., see also "Zuma a 'Political Polygamist'" and Vos, "Zuma 'Just Tells People What They Want to Hear'").

<sup>108</sup> On the government's decision and the linking of this decision with Archbishop of Canterbury Rowan Williams's previous statements of support for the integration of some Shari'a law into British common law ("Britain Clears"; Barry; Sieghart); on reaction to this in the world press, especially in relation to it happening in further countries (Bramham, "U.K. Pays"; Martinuk, "Polygamous").

<sup>109</sup> The actual number is hard to track as it fluctuated throughout the case and reports. In the earliest reports, on or soon after 31 March 2008 it was 52 ("Texas Removes"), and 137 by 6 April ("More Raids"), growing to 401 by 7 April (AFP), and 416 soon after ("FLDS-Raid"). The number then grows on recounts of children in custody to be 437 and then 462, though some were subsequently declared to be (no longer) minors as the case proceeded ("Timeline").

and their stated intention to fight these charges on the grounds of freedom of religion protections, have already sparked a massive domestic debate about Canada's anti-polygamy statute, s.293 of Canada's Criminal Code, and about the legality of polygamy globally.<sup>110</sup> If non/monogamy is at a particular point of prominence in the public sphere, this cascade of court cases, constitutional challenges, public reflections, and representations surrounding polygamy can be seen to be its crescendo, a cusp that proves to influence all that comes after it.

Within this public sphere reflection on polygamy are three prominent moments. The first is the repeated use of the rhetorical figure of "the slippery slope", both to frame a legalized polygamy as a dire consequence of same-sex marriage legislation, and, in turn to frame increased Muslim immigration as a dark portent for a Canada that tolerated plural marriage. The second is the overdetermined manner in which the FLDS raids, and those linked to them (including residents of Bountiful, B.C.) are figured discursively, both with respect to the language used in much of the journalistic coverage, but also to the discursive framings those reports reveal as at work within the play of the events themselves. The third moment is that of HBO series *Big Love*, and its impact both as a text and as an incitement to discourse, one that at once challenges some stereotypes about conventional polygamy, while at the same time reinforcing a civilization narrative that pervades polygamy's representation in the public sphere. Together this chapter

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<sup>110</sup> On the arrests ("Charges Laid"; Matas, "Polygamy Charges"), on the defence of religious persecutions and intended constitutional challenge (Lewis; Matas, "Polygamous Leader"), on the public discussion with respect to s.293 (Breakenridge, "Can Section 293"; Hutchinson and Kari), on the global reaction to the Canadian case (Connolly; Moulton; AP, "Polygamist").

investigates how an overdetermined discursive frame risks flattening a complex landscape of intimacy, privileging overly-simple narrative maps that often fail to represent the complexity of polygamy's territory.

***I - The Figure of the “Slippery Slope” in Polygamy and Same-Sex Marriage Discourse***

During debates about same-sex marriage legislation in Canada, as well as in other countries (notably the US), the figure of the “slippery slope” has been prominent in the public sphere discussion. An idiom that, by definition, means “an idea or course of action which will lead to something unacceptable, wrong, or disastrous” (“Slippery Slope”), the figure of the slippery slope is often used rhetorically to conceptually link situations through the argument that allowing one will ineluctably bring about a dire other. In “Polyamory, Social Conservatism and the Same-Sex Marriage Debate in the US” (2007), Edward Ashbee traces the emergence of this rhetorical strategy to a change in tactic by elements of the US Christian right and other social conservatives who, faced with a declining moral outcry against homosexuality in general, coupled with the 2003 *Lawrence* ruling's legitimation of “sexual liberty”,<sup>111</sup> sought to ground their anti-same-sex marriage lobby efforts in something which still had the ability to cause moral outrage:

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<sup>111</sup> The US Supreme Court's 2003 ruling in *Lawrence vs. Texas* struck down state sodomy laws. Also, due to the wording of the majority opinion, it expansively made a case that individual sexual liberty should take precedence over community or society moral standards (Ashbee 102). Also significant is the minority opinion (which can be seen as the first substantial instance of this slippery slope argument), that posits the distancing from morals-based laws embodied in *Lawrence* opens the door the invalidation of “State laws against bigamy, same-sex marriage, adult incest, prostitution, masturbation, adultery, fornication bestiality, and obscenity” (qtd. in Ashbee 103).

polygamy (106).<sup>112</sup> In particular, Ashbee identifies the writing Stanley Kurtz, who in a series of prominent journalistic articles that appeared following *Lawrence*, linked what he termed the “Supreme Court’s ringing affirmation of sexual liberty” (qtd. in Ashbee 104), with an eventual legalization of same-sex marriage, and then—as both a direct and indirect<sup>113</sup> consequence—of both polygamy and polyamory, putting traditional marriage at risk. In Kurtz’s words:

Marriage will be transformed into a variety of relationship contracts, linking two, three, or more individuals (however weakly or temporarily) in every conceivable combination of male and female [...] Once we say that gay couples have a right to have their commitments recognized by the state, it becomes next to impossible to deny that same right to polygamists, polyamorists, or even cohabitating relatives and friends. And once everyone’s relationship is recognized, marriage is gone, and only a system of flexible relationship contracts is left. (qtd. in Ashbee 104)

In Kurtz’s cartography of the legal issue, social conservatives had found a new more transportable energy: same-sex marriage was no longer about denial of rights to a specific minority group, but about the protection of society from the “inevitable consequences” of

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<sup>112</sup> Ashbee quotes figures showing that while national opinion condemning same-sex unions outright had dropped significantly (from 76.3 percent in 1990 to 57.5 percent in 2004, according to one set of statistics), opinion considering polygamy immoral was still strong (93 percent according to a separate 2006 poll) (106).

<sup>113</sup> One strand of his argumentation is that recognition of bisexual rights would directly lead to a necessity to legitimize group marriage, as “for what gay marriage is to homosexuality, group marriage is to bisexuality” (qtd. in Ashbee 104), while same-sex marriage would indirectly lead to the same thing because the “promiscuity” of the “homosexual lifestyle would undermine [marriage’s monogamous] foundation” (Ashbee 104).

de-enshrining marriage. This powerful line of argument was soon transported to the Canadian context.

In 2005, directly before the Canadian Liberal government passed same-sex marriage legislation, Stephen Harper, then Leader of the Opposition Conservatives, argued that “the Liberals’ support for same-sex marriage could evolve one day into support for polygamy” and that “the traditional definition of marriage should be enshrined in law or Canada could be faced with more radical demands, such as legalizing polygamy” (“Martin Would”). At the same time, the Liberals proposed a ministerial study of polygamy, prompting political blogger Bradford Short to comment:

Apparently Paul Martin and his band of tradition-smashers [...] have decided to have a minister perform a study on whether or not polygamy is a good thing (that is to say, they might very well find that polygamy *is* a good thing). [...] And now the moderate conservative voters of Eastern Canada can see what their silly bias against Alberta’s politicians has gotten them: the first step towards not only gay marriage (which Paul Martin’s Party and the New Democratic Party are going to make the law for *all of Canada* in about a month) but now polygamy as well. [...] If they keep on with that cold-shoulder policy they may also see Alberta secede to boot, and then their old, glorious Crown Federal constitutional Union of Canada will be dead too. And men with four wives each will be there to perform the burial. (Short; emphasis in original)

Multiple levels of a slippery slope argument are evident in this text. First, there is the premise (though stated as fact) that a legalized same-sex marriage will ineluctably lead to a legalized polygamy. The second level is that opening this door will also lead to the

destruction of Canada itself, with a cryptic allusion to an encroaching presence of polygamous Muslims (“men with four wives”<sup>114</sup>) being the reason for its “death”. The hidden second premise in this argument is that a decriminalized polygamy would make Canada more attractive for Muslim immigration, a position that can also be read as evidence of a “slippery slope” argument taking place. This hidden premise is often voiced outright, such as in the following letter to the editor in response to an article about the January 2009 polygamy charges against Blackmore and Oler:

Consider this: If the polygamists win in Bountiful, what will be the reaction of Canadian Muslims? Many Muslim countries allow polygamy, though Canada currently does not allow Muslim immigrants to bring multiple wives into the country. But if polygamy is recognized as a constitutional right in Canada, there’s nothing to stop Muslim groups from demanding recognition of their polygamist marriages and suing to have their multiple wives and children allowed into the country.

Is that what Canadians want? Will that stop the exploitation of women and kids? Wally Oppal should be careful what he wishes for. (Smyth)

Some take this argument further, dropping the reference to protecting women and children altogether and making the desire to keep certain things out of the intimate space of Canada the prime argument, such as in this statement by *Edmonton Sun* writer Michael Coren:

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<sup>114</sup> Four wives being the maximum a Muslim man may be married to simultaneously under Shari’a law, and, interestingly, a statutory limitation on a more open polygamy that existed previous to Islamic law (Phillips and Jones 35).

Let's be candid here. This has little to do with breakaway Mormon sects but everything to do with Islam, which is growing at an exponential rate. Elements of Sharia law were almost introduced in Ontario four years ago and Muslim groups are using human rights commissions, the courts and media to influence and change society. [...] In Europe there are legions of polygamous marriages and they exist here too. It is being chosen and indifference is simply not sufficient.

We need to close and lock the door right now. (Coren and Tandt)

This progression of slippery slope arguments (in which legalized anal sex leads to legalized same-sex marriage which leads to legalized plural marriage which leads to an increase in Muslim immigration which leads to a destruction of “Canadian values”—or even of Canada itself) has multiple, interacting, components.

The first component is the application of a feared extension to the issue being argued (i.e., introducing polygamy into arguments about same-sex marriage, or Muslim polygamy/immigration into arguments about Bountiful) in a manner that attempts to leverage an acute fear of the second part of the set into an affective amplification of support for the arguer's position. We can see this again in the more recent arguments of US Pastor, and pro-Proposition 8 campaigner, Rick Warren's comments that same-sex relationships are akin to pedophilia, polygamy and child abuse.<sup>115</sup>

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<sup>115</sup> Proposition 8 was California's Constitutional amendment to limit marriage to opposite sex couples, overturning a previous California Supreme Court decision that legalized same-sex marriage. Rick Warren was Barack Obama's controversial choice to lead the invocation at his inauguration in 2009. On the critical response to this decision, and Warren's comments (Hallenbeck; Karger), on the response to the criticism (Reynolds; Stan). The amendment passed in the 2008 US Presidential election.

The second component is the expression of a desire to maintain a cordon of privilege around the intimate space of the nation, one that is related at a historical level to the origins of anti-polygamy laws in Canada and the US. Siobhan Somerville writes about how the US Immigration Act of 1891<sup>116</sup> codified the exclusion of polygamists (366), and Beverly Baines notes how Canadian anti-polygamy laws were also originally written to specifically deter immigration of Mormon polygamous families shortly after they began coming to Canada in 1888 (qtd. in Cosh). Canadian anti-polygamy laws<sup>117</sup> were put in place in 1892 to stop polygamous Mormons fleeing to Canada from the US to escape new anti-polygamy laws there (Bailey, Baines, Amani and Kaufman 23).<sup>118</sup> This policing of the intimate space of nations bears further consideration in the context of tensions between the more radical elements of this slippery slope narrative and the discussion and debate over the continued criminalization of polygamy under s. 293 of Canada's Criminal Code.<sup>119</sup>

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<sup>116</sup> A significant date in that it occurred one year after the mainstream Mormon Church began to officially discourage polygamy (Van Wagoner ix).

<sup>117</sup> Canada has two provisions that address non-monogamy. "Anti-bigamy" laws make illegal anyone who is a party to a marriage when already married, while "anti-polygamy" laws target anyone who is living with multiple "marriage-like partnerships", which formally targets anyone in multiple committed relationships regardless of marital status. See also Note 118 below.

<sup>118</sup> The original form of the Canadian anti-polygamy legislation in fact contained "a clause explicitly referring to Mormons [...] [which] remained in the *Criminal Code* until it was amended in 1954" (Bailey et al. 23).

<sup>119</sup> Such is the complexity of the current Canadian debate on the polygamy charges mounted in Bountiful in particular, and s. 293's status as law in general, that some articles have included long excerpts from the code or even links to the online version of Canadian Criminal Code (e.g. Breakenridge, "Can Section 293 Survive? Should It?"). The full text of Canada's

The immigration statutes excluding polygamous kinship connections, purportedly there to protect women and children, are not designed in such a way as to alleviate harmful aspects of polygamy, but rather just to make sure it doesn't happen *here*, marking such statutes as in line with a similar totalizing view of polygamy to that evidenced in the slippery slope argument. If individuals need to abandon polygamy—and sometimes literally, in the form of abandoning husbands, wives or children<sup>120</sup>—to *become* Canadian then what does this “Canadian-ness” signify if not, at least partially, an exclusion. Since conventional polygamy never occurs in a vacuum, but implicates the lives of subjects who are variously located along multiple axes of privilege, issues such as status are deeply imbedded in the lived experiences of polygamy. It is therefore important to acknowledge that a privileged cartography of personhood is being articulated by these legislations, as well as often in their discussion at the policy level. For example, s. 293 of Canada's *Criminal Code*, a broadly-worded anti-polygamy law that in fact makes illegal any form of simultaneous multiple conjugal union (Campbell, “How Have Policy” 1), applies equally to those in domestic polyamorous arrangements, those in conventional polygamy living domestically, and foreign polygamous subjects;

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Criminal Code statutes on both polygamy (s. 293) and bigamy (s. 290, 291) can be found in Appendix C.

<sup>120</sup> Campbell notes this form of abandonment as being a central result (and, in fact, sometimes a requirement) of immigration to nations where foreign polygamous marriages are not recognized. In particular she notes the strange irony that legislation designed supposedly to protect women and children can in certain contexts allow a man seeking immigration to simply “pick” a favorite wife to fit a host-country's monogamous understanding of marriage, such as is the situation in Spain, where the legislation also encourages women to abandon custody of their children as they can only be sponsored for immigration if those children are solely the applying male resident's children under the law (“How Have Policy” 32).

however, it is only the latter subjects that are commonly targeted by this law, and usually only those who are simultaneously interacting with Canadian immigration laws. Until very recently, there has been a reticence to apply polygamy laws to non-immigrant Canadian subjects (such as the openly polygamous residents of Bountiful, B.C.), for fear of constitutional challenges (Campbell, “How Have Policy” 37; ACLRC 1).<sup>121</sup> As such, the practical major effect of such laws is to bar immigration to certain specific groups, which was the intended major effect of such laws when they were created—to keep certain groups out of the intimate space of the nation. That polygamy legislation has both its roots and major structural effects located within a logic of exclusion (one that has effects that deploy along racial, ethnic and gendered lines<sup>122</sup>), makes the influential slippery-slope narrative that plugs into this ideological state apparatus for rhetorical weight an object of deep and necessary scrutiny. This reterritorialization discursively marks polygamous space as “the outside that is trying to make its way in”, a threat not only to national values, but to the space of the nation itself.

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<sup>121</sup> Between the creation of the law in 1892 and the 1940s the law was applied actively only seven times to already-Canadian subjects. Since then, and until the two charges laid in January 2009, there were no charges laid on counts of polygamy in Canada (“Polygamy Debate”, *The Current*).

<sup>122</sup> Though there is no space to go into this in detail here, the gendered effects of anti-polygamy laws are pronounced when such laws intersect with immigration. Since conventional polygamy is in most cases polygynous, it is multiple wives that are most often the excessive bodies, rather than husbands. In privileging heteronormative framing, men are then reified as the central focus points of polygynous unions, regardless of the dynamics of such relationships on the ground.

Returning to the connection between arguments against same-sex marriage and the question of a legalized polygamy, the simple deployment of this rhetorical argument becomes complicated by the consequent attempts of people in polygamous unions to use same-sex marriage legislation to mount a constitutional challenge to the illegality of polygamy, such as in the cases of Blackmore and Oler. What is further overdetermined in the discourse surrounding this dizzying turn of events—it would have seemed unthinkable even ten years ago that same-sex marriage would ever be so enshrined in law as to be able to use it as a legal precedent for something else—is the question of whether polygamy’s legalization *should* be an outcome of legal precedents set by Canadian same-sex marriage. When those in polygamous unions raise the possibility of using same-sex marriage legislation as legal precedent for decriminalizing polygamy, this argument is sometimes framed as a corruption of same-sex marriage legislation;<sup>123</sup> just as when the argument is linked via a slippery slope figure, the placement of polygamy in that figure (as the “unacceptable, wrong, or disastrous” consequence) begs the question of it ever being a positive outcome.<sup>124</sup>

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<sup>123</sup> For example in the *Globe and Mail* letter “Equality vs. Subservience”, where Lydia Lange argues that “Extending marriage to include same-sex unions is an extension of rights and equality. Polygamy is a reduction of the rights and equality of women; a wife who is one in a group of wives is clearly not the partner and equal of the husband.” Though it must be noted that this view is not the only one, and in fact some argue that the overturning of overly broad anti-polygamy laws in Canada might be an important consequence of same-sex marriage precedent (e.g., McCann).

<sup>124</sup> Just as increased immigration rights to Muslim families (or family members) who are linked through polygynous ties is also simply assumed in many narratives to be a negative consequence.

Taken together, the figuring of a legalized polygamy as a legislative bogeyman has important discursive ripples, not the least of which is a strengthening of the conceptual connection between same-sex marriage and polygamy in law and policy that can be taken up to forge actual legislative motions (both for polygamy and against same-sex marriage). Regardless of whether this connection was initially formed as rhetoric or not, the connection has become part of the world. And regardless of overdetermined elements, it continues to affect and shape discourse surrounding polygamy, a significant part of a more general overdetermined language that shapes this discursive landscape.

## *II - Overdetermination in Coverage of Bountiful, B.C. and the FLDS Custody Battle*

On 31 March 2008, Texas Child Protection Services (CPS), based on a call from a person who identified herself as “Sarah” and claimed to be the victim of abuse from her 50-year old polygamous husband,<sup>125</sup> began removing women and children from the Fundamentalist Church of Latter-Day Saints’ Yearning For Zion (YFZ) ranch. After the removal of over 100 women and over 400 children, a series of court cases and rapt public sphere coverage followed over the two months the children were held until the Texas 3<sup>rd</sup> Court of Appeals and then the Texas Supreme Court overturned lower court rulings, “finding that there was not enough evidence of immediate danger to support removing the children” (Ward).<sup>126</sup> In addition to the surge in media attention devoted to FLDS issues in general (one already higher than average due to Warren Jeffs’s arrest, trial and

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<sup>125</sup> On 24 April 2008, it was revealed that the call might have been a hoax, and that it appeared to have been placed by Rozita Swinton, a 33-year old Colorado woman who had been previously investigated for placing similar calls (Ward).

<sup>126</sup> For useful timelines of the raids and subsequent court cases and developments please see “Timeline of Raid on FLDS-owned YFZ Ranch” and Ward, “Timeline: The FLDS Case.”

conviction), this event triggered a renewed Canadian public sphere scrutiny of the town of Bountiful in British Columbia, where FLDS and breakaway FLDS individuals openly practice conventionally polygamous lifestyles.

Within this media coverage of (and public sphere response to) FLDS polygamy, there is often a reliance on overdetermined language. This section will explore some of these forms of overdetermination as they pertain to the journalistic coverage of the FLDS custody battle,<sup>127</sup> in conjunction with the contemporaneous and subsequent media coverage of the community in Bountiful, B.C.<sup>128</sup>

Overdetermination can often be seen at the level of language use in discussions about polygamous individuals or groups. In line with an overall discursive rendering of intentional non-monogamy that frequently frames it as beyond the realm of rational or

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<sup>127</sup> In keeping with an understanding of discourse as both object itself and analytic framework, my analysis will address both the language of the public sphere coverage, as well as language used within the events themselves as evidenced within that public sphere coverage.

<sup>128</sup> It is important to be mindful of how Bountiful specifically (and Fundamentalist LDS generally) are framed in this discussion. For example, it would be overdetermining to refer to Bountiful as a “polygamous community” since, as pointed out by Angela Campbell, three quarters of Bountiful couples report that they live monogamously (“In the Name”). Likewise, even at the height of polygamous orthodoxy in the early Mormon church (the public declaration in 1852 until the beginning of polygamy discouragement 1890), only a small percent ever took to conventional polygamy, with estimates of 20% of Mormon families or fewer living polygamously on average (Van Wagoner 103). The percentages now are no doubt higher, especially since many FLDS groups emphasize polygyny, but as a practice it is still not ubiquitous, even within FLDS enclaves such as the YFZ ranch, as evidenced in the high profile media coverage of some of its non-polygamous residents who nevertheless had children removed. For example, one member whose children were removed was a divorced single mother (AP, “Sweep of Polygamist”), and monogamous couple Dan and Louisa Jessop had three children taken into custody during the raids (along with Louisa, who was pregnant at the time and assumed to be underaged) (Garrett, “Polygamist Sect Member’s”).

legitimate choice,<sup>129</sup> conventional polygamy is often discussed in the journalistic sphere using a vocabulary of either loaded or “set apart” terms that can prefigure subsequent discussion.

For example, one article discussing the Blackmore/Oler arrests reads: “Winston Blackmore, 52, is charged with having had conjugal relations with 19 women. James Oler, 44, is charged with having two ‘wives’” (Bramham, “Polygamy Court Case”). Both of these framings, the deliberately vague “conjugal relations” and the term “wives” set off in quotes, call into question the marital status of polygamous wives. This heteronormative framing, that recurs often in media coverage of polygamy (as well as polyamory), implicitly posits that only monogamous wives are true wives, and occurs surrounding key terms such as “wives” (e.g., Burgess; Herrmann), “husband” (e.g., Louise), and “married” or “marriage” (e.g., Hamilton; Herrmann). There are also more complex formulations, such as referring to sisterwives as women who “consider themselves ‘married’ to the same man” (“Polygamy a World”). Finally, this framing also extends to parent child relationships, with formulations such as “two people claiming to be her parents”, “man who claims to be the Canadian girl’s father” and “supposed brothers” (CTV News, “Officials”) all used to linguistically call into question the validity of family relationships, a connection that will be explored below in connection with the deployment of DNA evidence to (over)determine kinship structures.<sup>130</sup>

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<sup>129</sup> Something we will return to when discussing polyamory discourse in Chapter 4.

<sup>130</sup> In addition, some argue that this form of positioning, when it becomes the focus of jurisprudence, is at risk of muddying more important issues such as the possibility of coercion and abuse in conventionally polygamous communities. This is the position voiced by Denise Darrell, executive director of the South Fraser Women’s Services Society. Her reaction to the Blackmore/Oler arrests is that the “polygamy charges [...] send the wrong message—one that

Another type of wording often deployed to discuss polygamy is the loaded description. Examples of this range from simple word choice, such as the widespread use of the term “cult” to define the FLDS or Bountiful religious communities (e.g., Sinoski, “Children”), or “compound” to define the YFZ ranch (e.g., Sinoski, “Children”), and sometimes Bountiful (e.g., Hutchinson and Kari), to broader descriptions that treat as fact assumptions or arguments about lives lived in conventional polygamous arrangements. Such framings beg the question of the nature of these groups and the intimate space they dwell in. Discursively, there is no such thing as a “good cult”, or a “normal compound”. Using these terms frames the rest of the discussion, prefiguring the discursive map before any substantive information is even presented. As sensational, these terms are often part of headlines themselves, which has the ability to accentuate this process of overdetermination.<sup>131</sup> The media’s use of these types of terms are also a site of intervention for those in polygamous communities. In one of a set of much-circulated interviews with three mothers of children taken in the YFZ raid, when an interviewer asks a question about life on their “compound” they seem visibly exasperated, and one of

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implies sexual exploitation of women and children is a lesser issue” (Holmes). It is intriguing though that even this re-framing of the issues assumes issues of coercion and abuse are inherent to Bountiful due to its patriarchal structure, though her statement nuances the argument by locating those structures as part of society broadly, rather than simply as a function of polygamy (qtd. in Holmes).

<sup>131</sup> It is interesting to note that when these loaded terms are present in headlines, their use can sometimes shift across papers carrying essentially the same article, and sometimes even within the same article across difference days. For example, the title of the article “B.C. Kids at Cult Compound” from Victoria’s *Times Colonist* was changed to “Children from B.C. ‘Were at Texas Compound’” when updated the following day. Such differences and changes could reflect many factors such as external protest to the headline’s wording, and differences in, or changes to, editorial position.

the mothers, Marie, retorts: “It’s not a compound. It’s our ranch and it’s our home” (qtd. in Wallace).

Some even argue that the active use of the term “polygamous” to define the FLDS is overdetermining news coverage—notably other polygamists. In a press release aimed mainly towards media outlets covering the FLDS case, the pro-polygamy rights organization *TruthBearer.org* released a statement and links to further documents outlining their organization’s stance against Warren Jeffs and the FLDS on the issue of child abuse (“National Polygamy”). Their founder, Mark Henkel, states:

[D]espite the fact that most Texas law enforcement in the case—and even some ex-FLDS activists—have all correctly said the raid has nothing to do with polygamy, many in the media have still routinely sensationalized the story exploiting the “polygamy” angle. Thereby, such sensationalism libelously implies that supposedly “polygamy equals child abuse.” Yet it is precisely because consenting adult polygamists oppose child abuse that the national polygamy rights movement for consenting adults has always stood against the FLDS. (qtd. in “National Polygamy”)

Based on this figuring of “polygamous” as an intentional political identification that is premised on the actions of consenting adults only, the press release and accompanying material argue that, as “the FLDS have never been part of the polygamy movement [they] are, therefore, more appropriately identified as a ‘Mormon Sect’” (“National Polygamy”).

Though the panoply of discussions on polygamy (especially at the current moment) is so broad that the above overdetermined framings are not always present, and when present are mobilized to varying degrees, their presence is significantly peppered

throughout public sphere discourse, marking what is already an overdetermined intimate territory with hyperbolic signifiers that further blur the nuances in the discursive maps we use to navigate it.

Moving now to overdetermination occurring *within* this discursive territory, we can look at one framing in depth as it speaks to broader issues at play in the FLDS custody case. One discursive framing that became a key hinge in the CPS's child custody case was the legal definition of the term "home". When CPS was building a case to retain the custody of the over-400 removed children, they attempted to mount the argument that collective living on the YFZ ranch should equal collective responsibility, and, therefore, any proof of child abuse found on the ranch should be the legal responsibility of all the parents residing in the collective "home". As one reporter put it:

A major issue will be how a home is defined—whether by the individual house each child lived in or by the larger ranch, lawyer Susan Hays, who represents a two-year-old child, told the Associated Press. Under Texas law, if sexual abuse is occurring *in a home* and a parent does not stop it, then the parent can lose custodial rights. (CBC News, "Polygamist Sect's Court", emphasis mine).

If the legal understanding of home could be found to encompass the larger commune—an interlaced intimate unit—then one count of child abuse would arguably have been enough to remove the children of an entire community from their parents.

Though the situation in this compound is no doubt exceptional, would other forms of community (or even communal living) be subject to this level of accountability? Or is this a further example of the overdetermination of intimate space, an attempt to address structural oppression with an problematic mixture of over-broad punitive reaction,

arguments of “false consciousness”, and top-down authoritarian measures. The legal expansion of the term home was a key part of the FLDS mothers’ challenge to continued CPS custody, with one article noting: “Texas RioGrande Legal Aid attorneys representing the mothers argued in an 30 April 2008 court document that the state’s ‘expansive definition of “household” defies common sense” (MacLaggan).

That this argument failed at the level of appellate court,<sup>132</sup> and then the Texas Supreme Court (Ward) is significant as it speaks to the argument that the CPS’s actions, as well as the discourses summoned to legitimate them in law, were overdetermined—too broad and insufficiently focused to address what are legitimate concerns (such as the possibility of underage marriage and sexual coercion). The desire to flatten the intimate space of the YFZ ranch into one space, one home, one monolithic family speaks to a desire for a simple and effective discursive map or schema to apply to polygamy, but also to an overall focus on general contours and features over specific lives and narratives (one that might well speak to an equally fraught—but more complex and nuanced—situation on the ground). This flattening of complexity, as well as reliance on top-down knowledge production, is also in evidence in the discursive figuring of issues of kinship and agency in FLDS and Bountiful media representation.

A final node of overdetermination is worthy of note in the FLDS and Bountiful press coverage; related to a top-down paternalistic form of regulating intimacy (as discussed previously with reference to Berlant’s notion of “infantile citizenship”) are the way the women and children in conventional polygamous families are respectively

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<sup>132</sup> “The appeals court said the state was wrong to consider all the inhabitants of the ranch as one household, ruling that any claims of abuse could only apply to individual households” (CTV News, “Officials”).

framed in discourse, both within specific legislative and CPS narratives, and within the broader discussion of these and related rights issues in the public sphere. In discussions of the “women of polygamy” there are overriding assumptions made about levels of agency, awareness, reason, choice, intelligence and a more nebulous constellation of traits that could be called “modern Western female subjectivity.” In discussions of the children there seems to be a desire to somehow “fix”—both in the sense of repair, and in the sense of “fasten securely”—the kinship arrangements of the children. The first of these nodes can be read from the way the “women of polygamy” are framed in a preponderance of the journalistic coverage of the FLDS and Bountiful, the second from discourses and narratives deployed by the CPS, and particularly the valuation and deployment of DNA evidence to “rationalize” family relationships of the children in the FLDS case.

The assumption that a woman could only choose conventional polygamy through either lack of choice, or ignorance, or both is almost ubiquitous within coverage of polygamy. Angela Campbell addresses this media framing in her *Globe and Mail* article “In the Name of the Mothers...”:

Women in the polygamous sect of Bountiful, B.C., are exploited and trapped.

They require the state’s salvation. Or so say the men in government.

This week, the government of B.C. charged two men from Bountiful with the crime of polygamy. The province’s Attorney-General, Wally Oppal, justified the charges on the basis of his long-standing commitment to ending the “exploitation” of women in Bountiful.

That's consistent with the earlier call by a member of the legislative assembly, Bill Bennett, for action to support women "trapped in this polygamous cult." It's too bad, though, that nobody checked first with community wives and mothers.

The stories of Bountiful's women are rich, complex, sophisticated and diverse. I learned this last summer when I traveled to this community to interview women living there. No one description of "the woman of Bountiful" is possible. She might be mother to many children or just one or two. She might dress traditionally in full-length dresses or she might sport T-shirts and jeans. It is mistaken to view all the community's women as a homogeneous oppressed group. The difference between accounts such as these, and ones that flatten the complexity of the life of women living in polygyny is vast. On the one hand there is scholarly work that addresses the complex lives and relationships of women living in, or choosing to join, conventional polygamous arrangements, such as the books *Women of Principle: Female Networking in Contemporary Mormon Polygyny* (1998),<sup>133</sup> Campbell's own study

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<sup>133</sup> In this ethnographic study of women that convert to the Apostolic United Brethren (a patriarchally organized and polygynous fundamentalist LDS community in the US, also known as the "Allreds"), Janet Bennion writes that:

1. Women are attracted to Mormon polygynous fundamentalism because they experience extreme deprivation in the mainstream, and, in general, women are seeking alternative forms of sex, marriage, and family in response to the decline of the nuclear family and the growing poverty of the mother-child unit.
2. For the most part, women find surprising sources of power and autonomy in the Allred group, although these advantages are laced with certain serious compromises to their ultimate freedom and human rights.

produced for Status of Women Canada, and interviews with women from polygamous communities who proclaim their agency, and general frustration about being spoken for.<sup>134</sup> On the other are accounts such as those of former polygamists Dorothy Solomon and Elisa Wall,<sup>135</sup> or the sensationalist journalism of figures such as Daphne Bramham,

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3. Women are much better suited to succeed in fundamentalism than are men; they differ in their motivations and strategies for kingdom building in the system. (2)

She further notes that the large number of female converts to lifestyles such as these occurs for complex reasons, including a seeking out of “tight-knit religious and economic solidarity with other women who have the same standards and desires” (6), and the desire “to be connected to, though not dependent on, a man who honors his ‘priesthoods’ and can enable them to bear many children” (6) For another feminist perspective that explores consensual polygamy see Patricia Dixon-Spear’s *We Want For Our Sisters What We Want for Ourselves: African American Women Who Practice Polygyny by Consent* (2009).

<sup>134</sup> For example, outside the 2008 polygamy summit in St. George, Washington County, where both legislators and representatives from polygamous communities in Utah and Arizona met to discuss strategies for moving forward together in the wake of the massive apprehension caused by the Texas raids, Beth, a polygamous teenager donned in business-casual apparel and a black leather jacket told reporters “We do have a voice. We want people to know that we are educated and that we have a choice” (NECN), while she and other teens handed out pamphlets they made themselves titled “Speak Out” (Hunsaker; NECN).

<sup>135</sup> Elisa Wall, whose book, *Stolen Innocence: My Story of Growing Up in a Polygamous Sect, Becoming a Teenage Bride, and Breaking Free of Warren Jeffs* (2008), is a girl who was an FLDS forced to marry her 19-year-old cousin in 2001, when she was 14. Her testimony was the determining factor to the arrest and conviction of Warren Jeffs. According to her lawyer, Wall, now 21, “is trying to empower other FLDS girls” (qtd. in Adams) and writes that “her goal is to help young girls and women in the sect ‘cry out against injustice’ and reclaim ‘the power of choice’” (Adams). Written with the aid of a ghostwriter, it is sometimes difficult to discern whose words are whose, and how much of what was said is patterned on expectation and assumption on the part of the co-writer and editors that are, no doubt, choosing, filtering or adding to her words. Her compelling and disturbing tale shows that coercion and patriarchal structures can be disturbingly present in conventional polygamous networks, yet one wonders if

and the many other reporters and commenters who assume that no agency could exist in such arrangements. That these vast differences exist speaks to the complexity of intimate space surrounding polygamy, both the concrete space engendered by polygamous intimacy and the discursive space that maps it. Discounting either side of this de facto debate collapses this complexity, and renders representation hollow and two-dimensional.

For example, even when polygamous women demonstrate substantial agency it can sometimes be discounted or undermined in the public sphere. In Canada, polygamous women from Bountiful spoke at a conference against child brides in support of the notion of raising the age of consent from 14 to 16, in an attempt, not to break with their community, but to address issues within it (Campbell, "How Have Policy" 8). And yet, rarely is this mentioned in the majority of subsequent news coverage about the women and children of Bountiful that typically present them as "brainwashed" (e.g. Coren and Tandt; Hudson). In the US, the work of those members of polygamous communities who, through the efforts of polygamous women storming an anti-polygamy conference in 2003, were able to get representation as part of one state's strategy for addressing polygamy, and who worked with state officials on eliminating issues such as coercion, child abuse and fraud in their communities, were disempowered by Texas's top down response at YFZ (Winslow). Members of the Safety Net program in Utah, made up of both state officials and polygamous community members attempting to build bridges and address these issues, were dismayed by the Texas raids. Both polygamous and non-polygamous members worried that a fear of such heavy-handed top-down intervention would prevent or discourage individuals who *are* suffering abuse within polygamous

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her voice has been co-opted with respect to exactly how that important tale is told in the public sphere.

communities from coming forward for fear that their entire community might be targeted (Winslow). In responding to the suspected abuse of one individual in such an overdetermined manner, the frameworks put in place by other state officials in partnership with members of polygamous communities, including polygamous women, may have been seriously compromised (Winslow).

A more detailed example of this discounting occurs when several of the mothers in the FLDS case took to the media to make their plight public. These interviews were the focus of intense media fixation, with every element of the mothers' comportment and behaviour up for analysis, including their "remarkably sing-song voices" (Wallace), their "antique, matching wardrobe" (Bovell), their "hauntingly uniform hair" (Rhodes), their "robotic" expressions (Friedman), and even the fact that they were going public at all.

For example, one writer commented:

So, it's no surprise that over the past couple of days, mothers from Yearning for Zion ranch have been trotted out for media consumption by church leaders and their lawyers. The women, who know nothing other than polygamy or little of the outside world, say virtually the same thing—that their rights have been violated, America's promise of being the "land of the free" broken and that they "need" (not want) their children back. (Bramham, "Polygamist Turmoil")

In this passage from Canadian columnist Daphne Bramham,<sup>136</sup> several assumptions are in evidence: that the women themselves had no part in deciding to address the media; that

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<sup>136</sup> It is also worth noting that the author of this article, Daphne Bramham, is also the author of much-publicized exposé of Bountiful polygamy named *The Secret Lives of Saints: Child Brides and Lost Boys in Canada's Polygamous Mormon Sect* (2008).

they are ignorant of the world; that they have been coached as to what to say; and that they are like chattel, to be “trotted out” at will. This is despite several impassioned statements by some of the women, such as one identified as Esther who in one interview with Larry King, when asked if she “believe[s] these outsiders want to really hurt [them],” replies:

No, I believe they just don’t understand. I don’t understand them; they don’t understand me. And why—why do they want to do this? [...] I am an active mother, I’m busy and raising my children. I have not harmed anyone. Why do they want to just come in and take that privilege, and that God-given privilege and responsibility away from me. Why do they want to do that? My children love me. I love them. They are raised in a very safe environment. This—what is happening to them—is the worst *abuse* that they have ever had. And I just don’t understand why you would want to just come right in to our community and do this. I’m sure none of you would want anyone to just go and do it to you. (“Larry King Interviews”, emphasis in original)

Esther’s response to King’s initial question speaks to a nuanced understanding of the issues at play. Neatly dismissing the condescending presumption that, really, the CPS workers are not trying to harm them, she turns around the implication that the mothers’ reaction is simply an irrational one. In her response she argues that the families are reacting to real harm perpetrated on them and their children: the stripping of privileges,

the traumatizing of their children, and threats that they must either give up their children or their lifestyles.<sup>137</sup>

While there is substantial public sphere discussion about the raids that is very sympathetic to the plight of the mothers having their children removed,<sup>138</sup> much of the

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<sup>137</sup> Though the CPS repeatedly denies that the overall goal of the raid was to quash conventional polygamy, several sources report that mothers were told in private they had to choose between their lifestyles and their children, an allegation supported by claims from a Community Mental Health-Mental Retardation Center (MHMR) worker sent in to aid the families: “One MHMR worker’s claim agreed with information on an FLDS Web site. Both said that after the mothers were given a choice to return to the ranch or stay at a battered women’s shelter, most mothers went to the shelter, ‘because they were told they would be able to see their children if they did not return to the ranch,’ the worker reported” (AP, “Mental Health”).

Additionally one online magazine reported:

Although a CPS spokesman said the plan doesn’t say anything about religious beliefs or the group’s polygamy practices, lawyers for the [FLDS] sect “have criticized the state’s reunification plan, claiming it could require mothers to disavow their religious beliefs and could be read to mean that the mothers would not be allowed to return to their homes on the Yearning for Zion Ranch.” (Chapman)

<sup>138</sup> This aspect of the case is without a doubt the most controversial of all the polygamy coverage I examined, with countless individual postings both in support of the mothers, or condemning them. Prominent defences of the mothers worthy of note include that of the Texas ACLU, who issued a statement saying that it was “concerned that the basic rights of the children and mothers” were threatened by the raids (“ACLU Weighs”); that of several mental health workers that were originally brought in to aid the separated mothers and children and who subsequently signed a statement pronouncing that the removal of the children was “unnecessary and traumatizing” (AP, “Mental Health”); and that of Utah Attorney General Mark Shurtleff, who announced to a town hall meeting that there would be no Texas-style raid of polygamous communities in Utah and that he did not feel that was the right approach (“Utah Attorney”). Many commenters, while supportive of the raid in principle, felt that it was the men, rather than the children, that should have been rounded up *en masse* (e.g., see discussion threads of *CTV.ca* News Staff; and Chapman).

rest positions them as akin to the removed children, or even as “liberated” or “evacuated” themselves in some early reports (e.g., Agence France-Press). In fact, two weeks into the custody battle, after District Judge Barbara Walther ruled that the children should remain in custody for at least six weeks (Brooks), but before the appeals court reversal of this decision, a set of prospective conditions that would continue to treat these women as child-like was proposed. One article reported the following partial list of conditions:

Among the things that parents in the polygamist sect would have to do to regain custody of their children:

- Provide a home free of abusive persons.
- Tell the state who’s living on all floors of buildings they live in.
- Document their marriages and divorces.
- Attend parenting classes.
- Attend individual and family counselling sessions.
- Submit to DNA testing. (Garrett and Ramshaw)

All of these conditions are premised on an overdetermined understanding of all the FLDS parents being either child-like (mainly the mothers), or else abusive (mainly the fathers). As well, it overdetermines the experiences of the children, treating them all as if they were in the same situation. For example, responding to this list, some of the children’s advocates were “concerned that the one-size-fits-all plan does not treat each child as an individual” (Benton). The Associated Press also reported that those removed “have been treated as a single group of abused and at-risk children,” and that “the [reunification] plan does not give specific allegations of abuse of a particular child and repeats broad accusations made previously of the entire sect” (AP, “Polygamist Custody”). The last

condition is also worthy of particular note, as it speaks to the frustration felt by CPS agents in creating a definitive map of FLDS kinship links.

The lawyer for the mothers argued early on that the process the CPS was following was “painting with too broad a brush” (CTV News). The position of the Texas CPS on the other hand, was that their process was necessary for keeping families together. Their definition of family, however, is an overdetermined one, a fact spoken to by the heavy reliance on DNA evidence to construct a map of “legitimate” family relationships. One quote that speaks to this is from a member of Texas CPS: “We want to reunite the girls and boys with their mothers, but right now we don’t know who belongs with whom, so we’re asking for mothers to wait until we match up DNA samples” (qtd. in Harlow). This reliance on a scientific naturalism (that could only see a monogamous family structure as valid parenthood), and on forensic evidence of lineage echoes Willey’s reading of how monogamy and non-monogamy are figured in discourse. Willey shows how monogamy is often figured as natural, civilized and moral, and non-monogamy as un-natural, barbaric and immoral (531). In re-imposing a “scientific” framework for assigning parenthood, Texas CPS can be seen as trying to re-impose the same frame of moral civilization that often attends discourse on polygamy.

While the CPS insists that the DNA testing was merely to clear up family relationships that were deliberately concealed or changed by parents and children to thwart the efforts of the CPS, there is a conundrum between these claims and what might be a reflection of the attempt to lay a heteronormative map on a territory that does not match that map’s expectations. For example, we can take the following excerpt:

After the raid, many of the women who accompanied the seized children gave several different ages and names for themselves and their children, as well as conflicting information about which children were theirs.

Child protection workers found the children themselves to be little help in clearing up the confusion, as many identified several different women as their mothers and believed all the children living in their home were their siblings.

(CTV News, "Officials").

Within this quote there is a potential confound between what might be reflections of different kinship structures (including women who may have both a legal name, and a different name that reflects their religious marital status, as well as children for whom the parental position of "mother" has a multiple value, and for whom "siblings" means more than "the biological children of your biological parents only"), and a desire to thwart the "outsiders" removing you from your home. The recourse to DNA is more than just an attempt to neutralize the latter, but to "fix" the former, to give it a map-template that can show "what is really going on" with these families.

In all of these discursive figurings, the totalizing narrative of polygamy looms like a spectre. When taken up, it reifies assumptions and can make the territory seem bereft of a more complicated layer, one in which the question of polygamous women's agency is nuanced and multi-faceted; where children suffering abuse or who are under the yoke of coercion might feel both love for their parents and lifestyles *and* a desire to break with or make change within their communities; or where what a normative understanding of intimacy might see as a natural universal desire for monogamy might be complicated by

subjects who might actually desire a polygamous lifestyle, or be capable of living it without perpetuating abuse.

Berlant's paradigm of "infantile citizenship" can be applied to these conventionally polygamous individuals and groups, in that they are figured as partial subjects (especially the women and children, but the ubiquitous "lost boys" fit in here). Again, however, this figuring can only properly apply to those folded into this overdetermined system of intimate regulation and intimate space creation. On the other hand, those othered by this normative intimacy can also be absolutely placed outside of the spaces it governs. As discussed in Chapter 1, disconnected families split by immigration policy are an example of this, one that has a potentially severe impact under current policy in Canada.

Like with same-sex marriage, the amount of normative currency one has in addition to polygamous kinship ties also mediates the framing and impact of that polygamy on one's overall experience of intimate privilege. For a key example of this we can turn to our final discursive object, the HBO television series *Big Love*. The framing of the Henrickson family in *Big Love* as white, Christian, upper middle class, living in the suburbs, living a capitalist lifestyle, and being religious but not "fanatical" about it frames them as normative enough to modulate the dehumanizing stigma of polygamy. They are the modern polygamists who, with careful framing, can be read as an extension of normative intimacy rather than a break from it. Even if such an extension is a radical one—stretching the normatively privileged intimacy to controversial new spaces—they are still operating within a logic of privilege. Rather than a deconstruction

of the overall systematic power differentials around non/monogamy, *Big Love* creates a representation of polygamy that, despite its obvious and profound problematics, still mobilizes a lot of intimate privilege in the public sphere.

### ***III – Primetime Polygamy: Unpacking Big Love’s Prominence in the Public Sphere***

There is something to be very wary about in the fact that how we come to frame and approach polygamy within the public sphere could be so intimately related to the decisions of network producers, writers and directors to create a television program about it. In the same way that the world focused on CBC’s production of *Little Mosque on the Prairie* (2007) as a watershed moment for a more nuanced post-9/11 Western representation of Muslim people (e.g., Carter), this amount of discursive power shored up in a small collection of texts is reason enough to make *Big Love* a significant site of analysis.

One of the most striking things about the discussion of *Big Love* and its popularity in the media is the sheer incredulity that a show about polygamy even exists. Even one of the show’s creators, Rick Olsen, downplayed the polygamy aspect of it, albeit somewhat rhetorically, when in an interview he stated: “[I]t’s not about polygamy, it’s not about the salacious aspect of it, it’s not about the notoriety of it or the rip from the headlines. Although, the rip from the headlines does give us some story fire from time to time. But it’s always about family. It’s always about family. It’s always about marriage” (qtd. in Lee). This focus is picked up in the way that *Big Love* is marketed, in

everything from television ads,<sup>139</sup> to the design themes of the first and second season DVD Box Sets that emphasize motifs of wedding rings, family photos, home and hearth (*Big Love Complete Season 1; Complete Season 2*).

The public sphere presence of *Big Love* has had a significant impact on how polygamy is viewed and discussed in the public sphere.<sup>140</sup> But how do we take it into account? That *Big Love* is itself influenced by discourses concerning polygamy is evident, with references to LDS doctrine, historical figures such as Joseph Smith and Brigham Young, issues surrounding polygamy such as the “lost boys”,<sup>141</sup> and even named reports on polygamy making their way into the narrative in a majority of episodes.<sup>142</sup> The link between fiction and reality became even stronger when the FLDS raids and the capture, trial and conviction of Warren Jeffs (much of which occurred

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<sup>139</sup> Such as one promo spot for the television station Showcase, which uses the voiceover “He loves his wife, and his wife, and his wife. From HBO, a series about your everyday polygamous family” (Showcase).

<sup>140</sup> Such is the pervasiveness of its presence, that almost the most unrealistic thing about *Big Love*, diegetically, is that the myriad discussions of conventional polygamy contained within the show itself make no reference to *Big Love*!

<sup>141</sup> The “lost boys” are a collective label for FLDS boys who are pushed out of their communities to increase the ratio of women to men for older, more powerful, male members. Within the narrative of *Big Love*, the main character Bill Henrickson is eventually revealed as a former “lost boy”, ejected from his community by his father (“Viagra Blue”).

<sup>142</sup> In the first two seasons of the show, specific reference or allusion to actual historical figures, events or elements of LDS or Fundamentalist LDS sects and their political contexts, or specific texts or elements of discourse from those texts that address polygamy are made in episodes 1.1 (“Pilot”), 1.2 (“Viagra Blue”), 1.3 (“Home Invasion”), 1.5 (“The Affair”), 1.6 (“Roberta’s Funeral”), 1.9 (“BBQ for Betty”), 1.10 (“The Baptism”), 1.11 (“Where There’s a Will”), 2.1 (“Damage Control”), 2.2 (“The Writing on the Wall”), 2.3 (“Reunion”), 2.5 (“Vision Thing”), 2.6 (“The Dating Game”), 2.7 (“Good Guys and Bad Guys”), 2.8 (“Kingdom Come”), 2.10 (“The Happiest Girl”), 2.11 (“Take Me as I Am”), and 2.12 (“Oh, Pioneers”).

during the Hollywood Writers' Strike of 2007-2008 when *Big Love* was on hiatus (Friedman)), inundated the writers with new narratives, themes and visuals about contemporary polygamy, leading them to include both intertextual reference to these events, as well as plot elements based on them, into the 2009 season of *Big Love* (Friedman). At the same time, *Big Love* and its elements were used in the public sphere as touchstones in much coverage of actual polygamy (e.g., Martinuk, "Canadian"; Todd, "Polygamy"; and Downton). Seen as a text, *Big Love* is more than simply a fictional program about conventional polygamy, it is a significant site within polygamy discourse itself. And as such, the narrative within *Big Love* reflects and reifies a major thread of polygamy discourse, one that contrasts the notions of polygamy and civilization.

*Big Love* mobilizes forms of intersecting privilege to tell a different kind of mainstream story about polygamy. Through framing the lives of the main characters of *Big Love* as "civilized polygamists", the show works strands of both white and class privilege into a narrative that presents polygamy as a logical extension of libertarian white middle class values.<sup>143</sup> *Big Love* centres around the Henrickson family, the male head of which is Bill Henrickson (Bill Pullman), former "lost boy" and grandson of a previous prophet of the fictional Juniper Creek "compound", a small rural polygamous community that is an obvious allusion to communities such as Bountiful and the YFZ ranch. Bill, having been ejected from the compound by his father as a teenager, first rejects a polygamous lifestyle, only to return to it when his wife Barb (Jean Tripplehorn) contracts cancer and Bill must borrow money from the new Prophet of Juniper Creek, Roman Grant (Harry Dean Stanton), who in return asks that Bill also marry his daughter

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<sup>143</sup> In much in the same way that the Lifestyles Services Organization (LSO) proposes "the Lifestyle" as such. See also Note 22 in Chapter 1.

Nicki (Chloë Sevigny), who takes care of the family while Barb is in treatment. Having embraced the Principle<sup>144</sup> (somewhat reluctantly for Barb), the three of them (Bill, Barb and Nicki) eventually take on Margene (Ginnifer Goodwin) as a third wife. Though “living the Principle”, at the same time the majority of the Henricksons, as well as their eldest daughter, Sarah (Amanda Seyfried), actively reject Juniper Creek and the lifestyles there in favour of living in three side-by-side houses in a suburb of Sunny, Utah. The tension between the Henricksons’ separation from, and connections to, Juniper Creek runs throughout the series as one of its major plot elements.

That the modern and consumer-capitalist suburban lives of the Henricksons are set against the lives of members of the Fundamentalist LDS Juniper Creek compound situates *Big Love* as a civilization narrative. Although the compound the show represents is certainly one in which highly problematic behaviors run rampant, such as the shoring up of patriarchal power and the tacit condoning or promoting of exploitative practices, it is also interesting to note how the class dynamics play out in this narrative. The narrative is often constructed to imply a strong link between exploitative practices and a “failure to live in the modern world,” as if leading a simple and non-materialistic religious life is the reason for acquiescing to, or propagating, this behaviour, and the modernized, mainstream-educated city lifestyle the reason for leading a more mature, more civilized form of polygamy (i.e., fully alive to suburban, American, middle-class consumer capitalist values).

That these dynamics are also highly raced is even more evident, though subtextual. The existence of this show is subtended by—in addition to its glamorization

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<sup>144</sup> The FLDS term for their manner of polygamy, short for “The Principle of Plural Marriage”.

of class privilege, one that figures polygamy as an extension of middle class freedom—the white privilege that allows this narrative to exist in the public sphere at all. Important questions to ask might be: Who is the polygamous Other of *Big Love*'s discourse? Would a show like *Big Love* be even conceivable about a polygamous Muslim family?<sup>145</sup> Or even a black Fundamentalist LDS family? Asking these questions unfolds one of the hidden basic premises of the show's production: that they can “get away with” telling this narrative because the main protagonists are so “normal” (read: middle class, white, American, Christian, capitalist, moneyed) in other respects. In that mobilizing this privilege acts as a countervailing force to the break from heteronormativity, they can tell this story and even sell it as a civilization narrative. The structural racism of assumptions about men of colour in non-monogamous relationships are thus kept out of the foreground of the picture and are then free to assume their less-threatening habitual position as part of the backdrop, as part of the uncivilized forms of polygamous practice that this narrative (implicitly) distances itself from.

This is a specific instance of the logic of privilege at work, in that to increase the currency of this narrative of “civilized” polygamy, it needs to specifically distance itself from (and actively reinforce) the stereotypes about polygamy among people of colour and non-“modernized”, rural, white people. One example of this distancing is the use of the term “American Taliban” by a secondary character to refer to Juniper Creek, and the eldest Henrickson daughter Sarah using the term “Taliban princess” to refer to Rhonda,

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<sup>145</sup> Such a question is echoed in a quotation from *Little Mosque on the Prairie* writer Zarqa Nawaz. Speaking a group of BC students on the topics of racism and sexism, she remarked that she thought the only reason the community of Bountiful was allowed to continue their public polygamy unchecked was because “they’re not Muslims!” (qtd. in Todd, “Little”).

*Big Love*'s prototypical "child bride" character ("Vision Thing").<sup>146</sup> Examining Rhonda's characterization in depth is a further example of how this narrative framing is at work.

Over the course of the first two seasons of *Big Love*, a drama is played out in the character of Rhonda (Daveigh Chase), a fifteen year old girl who is pledged to be married to the prophet and Warren Jeffs-analogue Roman Grant. What at first seems to be a reversal of media portrayals of child bride victims, with Rhonda reveling in her position of power in the community ("Pilot"), as her character approaches the age of official consent and a fully realized marriage to Roman, she becomes more questioning and rebellious. After an alluded-to runaway attempt, Rhonda's mother instructs her daughter on the importance of becoming officially sealed to Roman, calling it "a great honour" ("Reunion"). And in a subsequent scene, Roman asks her quite explicitly if this is her choice, saying that "you must be certain that its absolutely of your own free will" ("Reunion"). Though she seems to assent, her subsequent running away to attempt to join the Henrickson family later in the same episode indicates the slippage between formal assent and power in such relationships. Interesting also is how her flight is framed, at least initially, not as a flight from polygamy but from a "backwards" polygamy

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<sup>146</sup> This trope was used again in Episode 1.11 ("Where There's a Will"), when a character relates watching a documentary about a polygamous compound. The documentary referred to the compound as "an American Taliban" in which women were prisoners and men tyrants, much in the same way the same figure was used in the *48 Hours* Special on the FLDS, *Polygamy: A World Apart* (2008), which further used such tropes as getting "behind the veil" of polygamy and linked a fight against American polygamy with the War on Terror.

to a more civilized one.<sup>147</sup> In subsequent episodes Rhonda is framed as a compulsive liar, as manipulative, as canny, as attention seeking, and as ignorant of the ways of the world off the compound (e.g., “Rock and a Hard Place”; “Dating Game”; “The Happiest Girl”). She is framed as the embodiment of someone in need of saving, not only from polygamy, but from the “uncivilized” socialization that has both corrupted her innocence, and deprived her of the status of modern Western subject.

The whole theme of a modernized polygamy is brought to the forefront—and into tension—in the final episode of the second season, “Oh, Pioneers”. Set with reference to the characters’ preparations for a local “Pioneer Week” parade, the elements of civilization narrative contained within the figure of “the pioneer” are brought out in the newly-minted polygamous aspirations of the family’s eldest son Ben (Douglas Smith). Ben challenges the parade’s exclusion of early Mormon leader Joseph Smith “and his 34 wives” (“Take Me as I Am”), and avows a desire to raise “sons and daughters [that] won’t be unhappy” due to being “born into polygamy”, saying “We’re pioneers too” (“Oh, Pioneers”). This message echoes the family’s private celebration of early Mormon

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<sup>147</sup> This aspect of the *Big Love* is interesting for how it frames the issue of consent. It invites the question of whether a privileging of a script of “consent” might conceal uneven power relations that can occur in intimate spaces where those interacting might be situated differently with respect to multiple forms of privilege, just as Rhonda’s character is situated differently with respect to Roman’s in terms of age, gender, experience, money and community power. Nuancing the notion of consent with the term “meaningful” is a partial measure, but also risks denying sexual agency to those under what is deemed the legal age of consent in various jurisdictions. The slippage between consent and coercion is also one that can occur under polyamory as well, which makes this text an important one for reflecting on the types of intimacy and space that flow across forms of non/monogamy. We will take up the issue of consent in polyamory in the next chapter.

leader Brigham Young, who they represent as “steadfastly lead[ing] [their] tired and hungry forefathers out of the wilderness” (“Oh, Pioneers”), an event which occurs just after Barb’s outing of the family to the neighbors in a effort to no longer be the “fearful closeted wife of a polygamist,” and Roman Grant’s arrest on the compound for “transporting women across state lines for immoral purposes” (“Oh, Pioneers”). These are shaky steps into a more public polygamy, “a narrative of ambivalent assimilation” according to one critic (Bellafante), one that does not just lurk in the suburbs or on isolated compounds but inhabits social spaces publicly, a goal that tracks with Bill’s attempt to bring his family out of the closet by moving investment money into the video gambling business, where prospective associates would be accepting of his family’s lifestyle choice (*Big Love Season 2*).<sup>148</sup> But all the while, the steps along the path to an increasingly civilized polygamy in *Big Love* track a gradual accumulation of other forms or signifiers of privilege, including increased upward mobility through capitalist business practices, a rejection of rural lifestyles for suburban culture; a hard break from communal religious living, and an almost clichéd white-American hearkening to colonial imagery and narratives.

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<sup>148</sup> In fact, Bill uses his polygamy as social capital in his negotiations for Weber Gaming, with potential business associates who saw him as a “squeaky-clean Mormon” (“The Happiest Girl...”). This problematic sequence highlighting male privilege being used as capital in the business world, is critiqued by Barb’s character in the narrative itself as “sabotage”, a fact nuanced by Bill then asking her to be on the Board of Directors for the company (“Oh, Pioneers”). This element of the narrative will no doubt develop in subsequent seasons.

## Reframing the Polygamy Debate

The notion of civilization runs like an arrow through all of these texts to a greater or lesser extent. In journalistic coverage, language that forecloses on the possibility of seeing polygamous intimacy as anything but a corruption of reality is paired with top-down narratives of saving individuals from themselves, and rationalizing their lives for them, tropes that are a direct legacy of civilization missions and modernist projects. At the same time, when issues surrounding polygamy are crossed with those of immigration, the dire-end of the slippery slope narrative often used in the public sphere tips toward that of civilization maintenance, of policing and punishing the bad subjects of polygamy by either excluding them from the intimate space of the nation, or else seeing them as non-integratable subjects that threaten the nation's space by their presence. Finally, as the most public and sustained exploration of polygamy in the public sphere, *Big Love* pushes on the more usual representation of the intimate space of polygamy as absolute Other to that of mainstream society by introducing a third space, that of a modern, suburban polygamy, but this space is one that still situates itself within that narrative of civilization, explicitly bracketing such issues as immigration exclusion and secular privileging by centering a white, American, middle class, capitalist, and not-too-religious Christian polygamy while problematizing other forms. What do these discursive maps of polygamy tell us? And what folds and furrows are excluded or distorted in this trend of representation?

The most significant major absence in polygamy's public sphere map is a sustained reflection on the possibility of other polygamies. Could a broader, more egalitarian polygamy ever exist, a plural marriage system in which consenting adults

could put together differing forms of relationship, including polygyny, but also including polyandry, lesbian polygyny, gay male polyandry or polygynandry (a group marriage involving multiple men and women)? Despite rare voices that do make this argument (e.g., Chandler), the majority of the public sphere discussion about polygamy is simply about its elimination. The notion of polygamy reform is almost entirely absent from this discussion, and even concepts that approach it are framed as oxymoronic, such as one throwaway reference to the “somehow wrong” notion of “feminist polygamy”.<sup>149</sup>

Assumptions like these lead to notions like the one that sees the intimate space of polygamy as unsalvageable, ready for the scrapheap of history, like slavery, one of the “twin relics of barbarism”.<sup>150</sup> Even if an underlying acceptance of the notion of consensual non-monogamy is allowed, it is located not with polygamy, but within polyamory. Often and specifically contrasted with both adultery and polygamy, polyamory has pride of place in the sexual revolution surrounding non/monogamy, but as Harsha Walia observes:

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<sup>149</sup> The article, an opinion piece pontificating about the possibility of a perfect women’s magazine, contains this notion only as a rhetorical figure of “wrongness” in a critique of the content of *Ms.* The full quote reads: “Which leaves *Ms.* But in its 35th year, Gloria Steinem’s feminist mag reads like the *Economist* for women: brief stories on abortion, polygamy, and female foreign politicians. It’s not as blasé as weight loss; but not as fun either, like an encyclopedic entry of everything enlightening, but somehow wrong: like feminist polygamy” (Dean). The importance of this quote is how it is both a conceptual framing of a controversial subject, yet also somehow not even really part of the argument, it is a backdrop only, a rhetorical figure pulled out the self-evident context that such a notion is, according to normative discourse, not even a possibility.

<sup>150</sup> As polygamy and slavery were called in the first Republican platform of 1856 (Bellafante).

One of the major problems with the distinction between polygamy and polyamory is that it relies on and perpetuates racist assumptions. While polyamory is used to define a relationship based on mutual negotiation between “independent people,” polygamy refers to a “cultural practice.” Such a dichotomy reinforces assumptions that women in racialized cultures are being more exploited and [are] less independent than “autonomous women” from dominant white cultures (qtd. in Carastathis).

Reframing both polyamory and conventional polygamy in this way points out the power divisions inherent in how the two discourses are framed in the Western public sphere.

However, Walia goes on to say that:

[t]his is not to suggest that polygamy cannot be critiqued; it is to highlight this double standard and how such differentiations are based on the premise that racialized cultures are inherently more hostile to women. The reality is that the practice of both polygamy and heterosexual polyamory exist within a global context of systemic discrimination against women and girls. (qtd. in Carastathis)

Opening up the discussion in this way—seeing all forms of non-monogamy as potentially critique-able, but also as real intimate spaces in which people live their lives—can lead us directly into our final major discussion, that on polyamory, and its privileged place within current public sphere and subcultural manifestations of non-monogamy.

## CHAPTER 4

### THE FRAUGHT PROMISE OF POLYAMORY: IS “RESPONSIBLE NON-MONOGRAMY” A NEW INTIMATE ETHICS OR HETEROTOPIAN ENCLAVE?

*Heterotopias are disturbing, probably because they secretly undermine language, because they make it impossible to name this and that, because they shatter or tangle common names, because they destroy syntax in advance; not only the syntax with which we construct sentences but also that less apparent syntax which causes word and things (next to and also opposite one another) to “hold together”.*

~ Michel Foucault. *The Order of Things*, xviii.

*If a given person identifies with the term “polyamorous”, chances are that she or he is a citizen of the United States, raised in a middle-class household by a nominally Christian family with moderate-to-poor communication skills, where folks were loving and supportive but not great at showing how they felt [...] He or she is most likely of high intelligence, has spent two or three years in college, is conversant in technology and the Internet.*

~ Anthony Ravenscroft, *qtd. in Noël*, 605.

#### **Introduction: Challenging the Notion of a Universifiable Poly Ethics**

In their introduction to the Polyamory Special Issue of *Sexualities*, Haritaworn, Lin and Klesse critique polyamorous discourse and its most prominent print medium, that of self-help literature:

We identify three problems with [polyamory’s] celebration and canonization of the self-help genre. First, the produced discourses are frequently unaware of their capacity for setting up their own regimes of normativity. Second, they tend to endorse an abstract individualism at the expense of critiquing the structural power relations around race/ethnicity, gender, sexuality, and class. Third, the posited universalistic model of affect ties in with an imperialist model of the West as sexually and emotionally advanced and superior. (519)

Together, these factors underlie their claim that “mainstream” polyamorous discourse has evacuated the question of power relations (519).

Like adultery’s willful yet crypto-normative discourses, and polygamy’s overdetermined public sphere representation, polyamory’s public sphere is one in which the question of privilege is under-addressed. Mainstream polyamory discourse is an intimate space shot through with a problematic disengagement, one that privileges a vocal and iconoclastic break with the heteronormative orthodoxy surrounding coupling over an active deconstruction of that orthodoxy in its larger socio-political context. Such one-dimensional critical practices can easily go on to reify other coefficients of privilege.

To many polyamorists such a claim might be very jarring. This is maybe especially true as polyamory likes to define itself against what it considers “less-ethical” or enlightened forms of intimacy, which include not just compulsory monogamy, but also other forms of non-monogamy—something that, as Christian Klesse argues, “hampers the potential of polyamory discourses for grounding a truly pluralistic sexual ethics that may embrace the diversity of non-monogamous sexual and intimate practices” (“Polyamory” 566). This critique is even more significant when one takes into account the thread of polyamory discourse that sees polyamory as a solid formation of a new sexual ethics—a new way to approach and live love, sexuality, and intimacy broadly. We can see such a poly world-building as similar to the project of queer world-building laid out by Michael Warner.

Warner’s *The Trouble with Normal: Sex, Politics and the Ethics of Queer Life* (1999) directly engages with our unproblematized valuation of normalcy. “Normal” (like its more frequently discussed cousin, “Natural”) is according to Warner not a category

that should be essentialized and held up as a societal ideal. He sees “normal” as a category of valuation that came to the fore with modernity and its hyper-valuation of categorization and statistics (53). In a telling quip he notes that “[by a statistical] standard, we might say that it is normal to have health problems, bad breath, and outstanding debt” (54), and in an even more poignant passage he notes that the only truly normal—in the sense of natural and transhistorical—sexual practice is rape (10).

Normal, he continues, is confused with proper and appropriate, a movement of identity that belies the constructed and problematic place conceptions of normal, and especially normal sexuality, hold in Western culture. His engagement becomes an explosion of conceptions of morally “normal sexuality”, and a search for a new grounding of sexual ethics in queer understandings of appropriate sexual behaviour, and specifically through queer valuations of notions such as “sexual autonomy” (vii), the recognition of sexual variance (4), choice (7), the “allow[ance] for change” (10), and, most importantly, a reversal of sex-negativity he shorthands as “dignity in shame” (37). He argues that in a cultural moment where sexuality and the public sphere have been so intertwined, and the politics of moralism and sexual shame are seen as increasingly inadequate (viii), that “those who care about policy and morality should take as their point of departure the perspective of those at the bottom of the scale of respectability: queers, sluts, prostitutes, trannies, club crawlers, and other lowlifes” (ix)—which is to say those on the margins, outside of Rubin’s “charmed circle” of (hetero)normative culture (25).

Warner’s writing is using propositional rhetoric—he is trying to refigure an understanding of queer ethics as progressive politics. In figuring ethics as potentially (and productively) “queerable”, he is also positing “queer” lifestyles as ethical—a move

that includes polyamory in principle and is reminiscent of the rhetorical trajectory of Easton and Hardy's *Ethical Slut*. But is Warner's "ethics of queer life" a politico-ethical vision that flattens out the intersectional complexities of privilege and oppression, in ways similar to those some, such as Ho, have identified in Rubin's earlier topographical categorization of intimate space?<sup>151</sup> And what of a more specifically poly version of the same argument? What are the contextual realities that face the notion of "an ethics of poly life" when a sometimes-unabashedly-utopian poly discourse is dragged back into the harsh light of contextual political reality? This has begun to happen now that more critical writing on polyamory is working its way into the public sphere. The landmark *Sexualities* Special Issue on Polyamory (2006) and Christian Klesse's *The Spectre of Promiscuity* (2007) have both handily challenged a largely celebratory poly literature.

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<sup>151</sup> In "The (Charmed) Circle Game: Reflections on Sexual Hierarchy Through Multiple Sexual Relationships" (2006), Petula Sik Ying Ho problematizes Gayle Rubin's concept of a moral sexual hierarchy from her seminal 1984 essay "Thinking Sex." According to Ho, Rubin's early topographical representation of sexual hierarchy (or, as we could frame it, of intimate privilege) saw those in the "charmed circle" as being "the heterosexual, marital, monogamous, reproductive and non-commercial" (qtd. in Ho 548), while those who violated those rules existed at "the outer limits" of society's moral code for acceptable sexuality (Ho 548). Adding to those voices who critique Rubin's topology for inadequately addressing intersectionality and "the matrix of different hierarchies along the axis of gender, race, ethnicity, sexual orientation, class, national origin and culture" (548), Ho goes on to further complicate this "two-dimensional" model (557) by introducing case studies of non-monogamous individuals living in Hong Kong whose lived experiences locate their intimacies neither wholly within the charmed circles of heteronormative culture, nor at the outer-limits of social respectability. Most significant to this analysis, she notes how some of her non-monogamous participants had created their own "charmed circles" through a process of iconogenesis, of working strands of what might otherwise be considered non-dominant forms of intimate expression into personal realities which were able to mobilize substantial intimate privilege (555).

This is a departure from two previous scholarly journal special issues that addressed polyamory (the *Journal of Lesbian Studies* 1999 double issue on lesbian polyamory, and the *Journal of Bisexuality* 2004 double issue on bisexuality and polyamory<sup>152</sup>), both of which were largely devoted to exploring the possibilities of non-monogamous lifestyles, rather than the limits of polyamory as a discourse and subculture, a trend present in the vast majority of the early published work on polyamory.<sup>153</sup> Meg Barker and Darren Langdridge's forthcoming anthology of scholarly writing on non-monogamies; *Understanding Non-Monogamies* (2010), provides new and different insights, though it remains to be seen what kind of reception it will have in the poly public sphere, especially with respect to some of its more critical content. The newness of polyamory discourse makes it a site of protean possibility, a text still in the process of writing itself and feeling out its margins.

In line with others who also hold a critical view of polyamory from within or close to its discourses (such as Klesse, Noël, and Sheff), this chapter acknowledges the vast potential in a discourse and attendant subculture that calls into question compulsory

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<sup>152</sup> Both of these collections were also simultaneously published as popular anthologies under the titles *The Lesbian Polyamory Reader: Open Relationships, Non-Monogamy, and Casual Sex* (1999) and *Plural Loves: Designs for Bi and Poly Living* (2004). A third even earlier edited collection, Kevin Lano and Claire Parry's *Breaking the Barriers of Desire: Polyamory, Polyfidelity and Non-Monogamy – New Approaches to Multiple Relationships* (1995), contained some more critical content (Noël 612), though was still largely in line with a celebratory model. That the more critical 2006 collection has not had a similar popular circulation is perhaps a testament to the tastes and subcultural desires that circulate within the polyamorous public sphere.

<sup>153</sup> Melita Noël's excellent critical survey of twelve texts on polyamory published between 1992 and 2004 concluded that "all of the texts present[ed] polyamory favorably, with little critical analysis" (608).

monogamy, while focusing on the concern that unless poly discourse develops its critical edge it will continue to replicate problematic structures, including dominant-cultural norms and systems of privilege. In looking at polyamory and poly discourses through the lens of Foucault's notion of heterotopian space, this chapter teases out how poly world-making, in neglecting a broader criticality, risks making itself into an enclave of intimacy where those with enough privilege to skirt the pitfalls of stepping outside of normative intimacy might be enjoying their own self-made "charmed circles" (Ho 551), but to the detriment of a more fully inclusive polyamory discourse.

### **On Heterotopian Space, Difference and the Politics of the Enclave**

In the influential paper "Of Other Spaces" (1986), Foucault experiments with the concept of the heterotopia.<sup>154</sup> Unlike the utopia, that political *pharmakon* of the perfect no-place that is at once the horizon of possible change and the rhetorical figure for its impossibility,<sup>155</sup> heterotopias (or "other" spaces) are spaces of difference or possibility that actually exist within the constraints of the world we occupy:

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<sup>154</sup> Though influential, as Arun Saldanha points out, this concept was hardly central to Foucault's own thinking. The paper itself was based on lecture notes from a talk given in 1967, as well as two radio discussions about utopia the year previously. After this he seems, despite brief mentions, to have abandoned the concept. Its later popularity is due to the lecture version's French publication in 1984, just before Foucault's death, and subsequent English translations that began to appear two years later (Saldanha 2082).

<sup>155</sup> The slippage of the word utopia between its two possible meanings stems linguistically and symbolically from its etymology in the Greek. It could either be a transliteration of *ou topos* (or "no place"), or rather of *eutopia* ("happy" or "fortunate place")

There are also, probably in every culture, in every civilization, real places—places that do exist and that are formed in the very founding of society—which are something like counter-sites, a kind of effectively enacted utopia in which the real sites, all the other real sites that can be found within the culture, are simultaneously represented, contested, and inverted. Places of this kind are outside of all places, even though it may be possible to indicate their location in reality. Because these places are absolutely different from all the sites that they reflect and speak about, I shall call them, by way of contrast to utopias, heterotopias. (24)

He goes on to delineate various characteristics by which a heterotopia can be identified, a systematic list that is maybe better thought of as possible facets of heterotopian space than as a list of characteristics all heterotopias must have,<sup>156</sup> and to explore various sites that he sees as potentially heterotopic. Peter Johnson presents a useful summary that tracks Foucault's use of heterotopia to "refer in some way or another to a relational disruption in time and space" (78):

Foucault outlines a number of these "counter-spaces" that are in different ways out of the ordinary, including cemeteries, brothels, prisons, asylums and holiday

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(Logan and Adams 1). Thomas More's play on these words figures the utopia as perfect but non-existent, a ideal model outside of the messy world of real space—pristine but, as such, forever non-inhabitable.

<sup>156</sup> This list is taken up to a greater or lesser degree in work that deploys the concept, though most often the concept is approached strategically, with authors deploying Foucault's identifiers in a loose manner, as best suits the particular analysis. The combination of this loose composition and loose application has left the heterotopia open for such critiques as being either "provisional, briefly sketched and at times confusing" (Johnson 81), and being overly structural (Saldanha 2080).

villages. Foucault goes on to explain that such sites can be found in all cultures. For example in “primitive culture” [sic] there are different spaces set apart for some form of rites of passage, or initiation, while in the 19<sup>th</sup> century, amongst privileged classes, this setting-apart can be seen in boarding or military schools. Modern heterotopian sites relate more to separating out some form of deviation rather than marking a stage of life. Foucault gives the rest home as an example, a place for the non-productive, for doing absolutely nothing. (Johnson 76)

The heterotopia is understood as a space of difference that has an actual existence in the world, and as such is often taken up to speak to the creation of practical possibilities for alterity within oppressive or hegemonic environments; this is perhaps closer to Foucault’s original conception in the radio version of the talk, where he reflects on “the possibility of studying systematically a range of ‘different spaces’ that somehow challenges or contests the space we live in” (Johnson 76), as well as to his more linguistic notion of heterotopia from the Preface to *The Order of Things* (1971), where heterotopias are figured as “disturbing” textual elements that “secretly undermine language” and “destroy syntax” (xviii).

Based in part on previous critiques that question its utility, but in conjunction with a methodology that attempts to wrest from it where it might still be useful, the next section will interrogate this notion of heterotopian space. In developing the concept of *discursively* heterotopian space, I deploy Foucault’s concept in a manner that explores the “other” space of intimate ethics polyamory is sometimes trying to be.

Isabelle Stengers demonstrates a particular methodology of imminent critique in her *Penser avec Whitehead* (2002). In this methodology, a conceptual framework is

pushed to its uttermost limits, stretching it as thin and as far as it can go using its own internal logic until it arcs into its own (inevitable) absurdity. It then maps out the covered theoretical ground and plots where the theory is still productive and where it begins to fall apart. Going through this exercise it becomes possible to salvage theoretical frameworks that are all-too-easy to deconstruct, that fall apart like so much wet paper under extreme conditions. It shows us how to work with theory contingently, and with an awareness of the flawed-but-productive nature of many methodologies and models.<sup>157</sup>

The following Stengerian critique of the concept of heterotopian space maps out both where this theory might be usefully applied, as well as where it becomes deeply flawed and problematic. This process will enable us to mobilize both its promising *and* problematic modes of space-making as a way to look at polyamorous discourse as a discursively heterotopian space of intimacy, and to engage with its fraught promise in ways that seek to simultaneously critique it as a discourse, while pointing out its still remaining vectors of possibility.

While Peter Johnson still sees a theoretical usefulness in the concept of the heterotopia, he is quick to point out that its “persistent association with spaces of resistance and transgression [...] is often asserted with little substantiation” in much of the writing that utilizes the concept (81). In fact, in Foucault’s original conception, a significant percentage of the examples he introduces to illustrate the heterotopia are of spaces whose existence as “different” function to maintain the status quo, rather than deconstruct it. Drawing on David Harvey, Margaret Kohn foregrounds this ambivalent nature of the heterotopia:

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<sup>157</sup> Thanks to Brian Massumi for introducing me to this fruitful methodology.

In *Spaces of Hope*, David Harvey challenges [a heterotopian] approach to theorizing the relationship between space and politics. He suggests that a position of alterity *vis-à-vis* the dominant social structure does not, by itself, nurture critique, let alone resistance. According to this perspective, the paradigmatic heterotopias of contemporary America could include shopping malls, gated communities, Disneyland, and militia camps. These too are places where some of our culture's other real sites are represented, inverted, sanitized or demonized in order to highlight their mythic properties. They are our "effectively enacted utopias." These counter-sites, however, employ their distinctiveness to perfect rather than to dismantle dominant patterns of consumption and distributions of power. (508)

From this perspective, heterotopias "*can* be the bases of guerilla struggles against normalization but they *can also* perfect more nuanced forms of social control" (508; emphasis mine). Kohn concludes that a more precise term, the "heterotopia of resistance" (508) could cut across this ambiguity and thus speak to spaces that's "function is social transformation rather than escapism, containment, or denial" (508). This first level of critique is useful for its acknowledgment that being set apart from "mainstream" forms of space creation does not, by necessity, equal resistance. A second level of critique pushes this insight even further.

According to Arun Saldanha, Foucault makes a structuralist misstep in his brief excitement about the concept of the heterotopia. In that heterotopias are "about the difference of one real place from *all* other places in a certain culture," writes Saldanha (2082, emphasis in original), the concept ignores "the multiplicity of (and within) spaces"

(2081) that marks an important post-structuralist turn in the conceptual figuring of space. Heterotopias are too static, too clunky, to truly account for a spatialization of “difference” when, due to the complexity of the actual lived world, “difference” and “sameness” are shot through space and time at multiple different scales and intensities (2081). Which is to say that beyond thinking of a macro difference between heterotopias of resistance and more status quo–reinforcing forms, it is important to think about space-making in more nuanced ways due to the actuality of how space is created, mobilized or maintained. In interrogating Foucault’s text with the questions “[O]ther to whom?” and “Different from what?” (2088) Saldanha reveals the absurdity inherent in proclaiming any space to be absolutely other, and invites a further line of questioning that might ask of any given heterotopian space how it might be, in fact, creating a privileged space of resistance based on a simplified understanding of space (2087). Noting that “no site can be ‘absolutely different’” (2087), Saldanha’s critique helps us see how what might seem a radically “other” space, might still be shot through with a normative sameness that makes it only accessible or inhabitable for some in its actual deployment.

And yet, this *reductio ad absurdum* of the concept of the heterotopia does not force us to abandon this theoretical tool. Our Stengerian critique allows us to take even these shortcomings and mobilize them to the advantage of the concept. If the *notion* of the heterotopia is flawed, it doesn’t necessarily follow that the form of space it identifies in the world does not exist, at least notionally, discursively.<sup>158</sup> It is in this sense that

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<sup>158</sup> That so many in the humanities and social sciences have latched onto the concept, and see it as reflected in a multiplicity of practices—Saldanha includes an extensive list of such mobilizations (2083)—can speak to it having an at least conceptual currency, if not necessarily theoretical rigour.

polyamory can be seen as *discursively* heterotopian, in all of its complicated glory.

Through being figured as a space of absolute difference from conventional intimacy, it can sometimes skate over a more complex figuring of its own affects—of what affects it and what it, in turn, affects. In setting itself apart as a revolutionary space of intimacy, it misses an opportunity to critically engage with aspects of its own formulation that risk its creation as an exclusive space of intimacy—an enclave.

An enclave is “a portion of territory within or surrounded by a larger territory whose inhabitants are culturally or ethnically distinct,” “a secured area within another secured area,” or else a place or group that is different in character from those surrounding it” (“Enclave”). Taken together, we can understand an enclave to be a real space, but one set apart in some form of secure manner from what surrounds it. Though Saldanha’s critique prevents us from seeing a radical socio-cultural space as absolutely set apart from mainstream socio-cultural spaces, it could allow for the apprehension that such a space exists, and, as such, for acting as if that radical break is a comprehensive one. Thinking about heterotopias this way brings back Saldanha’s nuancing—the world seeps back in to such spaces, along with the power dynamics of privilege. Not being conscious or attentive to these dynamics can make the space into a form of enclave: self-consciously heterotopian but along lines that can reinforce it as a privileged space of intimacy.

There are many similarities between the notion of the Temporary Autonomous Zone and the notion of the heterotopia.<sup>159</sup> Both are forms of action that are enclaved and

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<sup>159</sup> For more a more detailed elaboration of this connection, and of the following argument, see my “Is Slash an Alternative Medium? ‘Queer’ Heterotopias and the Role of Autonomous Media Spaces in Radical World Building” (2007).

separate but are sometimes simultaneously attempting to be radical—to engage directly with the world at its very roots. Spaces that are set apart in this way are spaces of possibility, spaces that may be used for tactical cultural engagement, or not, depending on how they are mobilized. Perhaps this is a pivot on which the Autonomous Zone and the heterotopia part ways conceptually; while the Autonomous Zone is a space of possibility where individuals or groups can temporarily break with normative frameworks, without necessarily a view to deconstructing them, perhaps heterotopian space is that same space of possibility but one that seeks a reality beyond a temporary status, beyond a simple existence as enclave.<sup>160</sup>

And yet, in order to achieve this potential, heterotopian spaces must, of necessity, be self-conscious of their own positionality, or else risk breaking out of one normative framework only to reinforce others, often along lines of privilege that make it possible to expand certain freedoms by foreclosing on that space of freedom to others. Who has enough privilege to inhabit heterotopian spaces of intimacy? In what ways are the politics of discursively heterotopian spaces implicated with a problematically enclaved form of intimacy? How might this form of intimacy be an unintended offshoot of polyamorous discourse creation? These are the questions explored in the remainder of this chapter, which examines not only how polyamory is not as distinct a space of intimacy or non-monogamy as it might like to frame itself to be, but also how the assumption that it is can reify other forms of privilege that intersect with it. Using the figure of intimate privilege, I attempt to unravel these sticky threads.

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<sup>160</sup> Though as Sandra Jeppesen demonstrated in her paper “Vomiting up Queer Consumerism: Montréal’s Panthères Roses, Direct Action and Radical Queer Counter-Publics” (2009), Autonomous Zones can also be more radically critical and strive for inclusion as well.

### **Intersections in Non-Monogamous Space: Polyamory, Polygamy and Adultery in the Intimate Public Sphere**

One of the most significant aspects in discourse that espouses polyamory is the notion that polyamory is as distinct from other forms of non-monogamy as it is from monogamy itself. Christian Klesse in particular notes this in his article “Polyamory and Its Others: Contesting the Bounds of Responsible Non-Monogamy” (2006), and in *The Spectre of Promiscuity: Gay and Bisexual Non-Monogamies and Polyamories* (2007), where he recapitulates and extends the same argument. He posits that: “Even if the definitions of polyamory as ‘responsible non-monogamy’ differ in detail, they have one thing in common. The presentation of polyamory as ‘responsible non-monogamy’ inherently evokes other forms of both monogamy and non-monogamy that are less or not at all responsible” (*Spectre* 106). He goes on to examine how an “etymological privileg[ing of] the notion of love” (*Spectre* 111) in the term “polyamory”, and an attendant discursive privileging of love-centred non-monogamy over sex-based non-monogamy, feed into sex-negative stereotypes about gay and bisexual men (in particular), as well as act as a barrier for some who would otherwise identify with polyamory as a discourse (*Spectre* 108,111).

Polyamory’s focus on the notion of “responsible non-monogamy” does not deconstruct privileged hetero- and mononormative assumptions about non-monogamy in general, but rather carves out a space of acceptability *within* non-monogamous intimacy—an enclave. Discursively, the “responsible” does not transform the negative valence of “non-monogamy”, it qualifies it, in one move justifying its own practice and marking other forms of non-monogamy (from the more sex-focused non-monogamies

Klesse identifies, such as swinging and casual sex, to polygamy and adultery) as less than the polyamorous ideal.<sup>161</sup>

One could argue, though, that Klesse does not push his analysis far enough. In addition to considering how polyamory defines itself against sex-based non-monogamies, (and other forms of non-monogamy broadly), it is also crucial to consider how such a definition does not adequately address how discourses of non-monogamies are mutually constitutive, and how, as such, cultures subtended by them have many points of similarity, in sometimes uncomfortable, sometimes illuminating ways. For the purposes of drawing in some of the threads from the two previous chapters, it is informative to explore how the discourse of polyamory intersects with those of adultery and conventional polygamy.

There are many connections between discourses of non-monogamy. From the internal emotional work needed to negotiate emotions surrounding love, lust, and jealousy, to the nitty gritty of time management and making sure you remember everyone's birthday. There are also the commonalities that arise from producing discourses that are always formulated in relation to monogamy, and to all of monogamy's societal articulations. What follows are some more specific points of connection that

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<sup>161</sup> Though I must join Klesse in qualifying this statement by saying that there is significant variation and debate within polyamory discourse as to what "polyamory" includes, as well as exceptions to the exclusivity of its discourse even in canonic texts. For example, in *The Ethical Slut* there is a mention of Mormon plural marriage that could be read as including it as part of polyamory's sphere of resistant intimate politics (208). More subtle analyses of non/monogamy and relationships between non-monogamies can also be found in rare early more-critical texts such as Judith Stelboum's "Patriarchal Monogamy" (1999) (41).

speak, beyond commonality, to a mutual constitution, to an interpenetrated field of discursive creation.

The vaunting of polyamory over adultery—because polyamory is open and honest while adultery is dishonest, closed or hidden—belies a few very important contextual realities surrounding polyamory. The first draws on Fisher’s insight that adultery needs systematic monogamy in place to function. Unlike Adam Phillips’s position that adultery is the true cultural opposite of monogamy (10), Helen Fisher argues that socio-biological monogamy does not imply fidelity (63), but sets up a condition for the breach of fidelity to occur. When seen as a contract, polyamory can also set up the possibility of infidelity. One can as easily (perhaps even more easily) cheat on a polyamorous arrangement as on a monogamous one.<sup>162</sup> Seen in terms of ethics or agreements, one would be hard-pressed to find an agreement that one could not breach in some way. A second important contextual reality goes beyond this and calls into question the assumption that honesty, on its own, absolves poly relationships of unfairness. If we look at adultery ethically, as opposed to morally, we have to push past the common understanding of adultery as problematic “because it’s wrong” to a more nuanced reading. As I began to develop in Chapter 1, one of the main reasons we may want to view adultery as a problematic form of intimacy is because it sets up an unfair power differential between those in the relationship. In a couple, if one partner is engaging in adultery, that partner knows more about the actual state of the relationship than the other, which is a form of power. To say this using the language of privilege, the cheating partner has a more privileged

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<sup>162</sup> Though the ability to cheat on polyamorous arrangements is acknowledged in poly discourse, e.g., in *The Ethical Slut* (62), its positioning as alternative to adultery in a more general sense sometimes ignores this.

understanding of the actual state of the relationship, in that their increased position of knowledge (power) is based on the corresponding denial of that knowledge (power) to the other partner.<sup>163</sup> Seen this way, however, we can see that polyamory, just due to its openness, does not fully escape these dynamics.

Just being honest does not put partners on a “level playing field” with respect to power dynamics within a relationship.<sup>164</sup> Since forms of power and privilege have affects across different realms of personal and social interaction, honesty (though extremely important) does not on its own flatten out those relationships, and a polyamory that does not take this into account often does little to address those unfair relationships, and can in fact conceal their unfairness under the banner of being open and, therefore, equal. Just as an intimacy in a state of adultery cannot, on its own, devoid of context, be immediately read as unethical due to dishonesty, neither can polyamory be immediately read as ethical

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<sup>163</sup> One of the most disturbing aspects of pro-adultery discourse is the vaunting of this power as something worth developing or extending (as in Ashley Madison’s rhetorical spreading of the “power to cheat” to women, as well as men).

<sup>164</sup> In his interview with Dossie Easton, Klesse highlights this fact of poly relationships in a passage that is worth quoting at length:

Honesty, communication and negotiation are central values within polyamory. A practice of open negotiation is supposed to safeguard a democratic and egalitarian relationship practice. People frequently come up with rules and agreements in order to make their non-monogamous relationships work. In my understanding the ideal of negotiation is strongly dependent upon—or at least framed within—the logic of the contract. This logic, again, is based on the assumptions of liberal individualism. Material and emotional dependencies seem to be played down in this language. People do not necessarily enter relationships on an equal footing. [...] [H]ow do social divisions such as class, race/ethnicity, gender, and sexuality complicate people’s attempts to lead and develop alternative non-monogamous ways of life?

due to an honesty about engaging in multiple relationships. There are also many points of connection between polyamory and conventional polygamy.

Within polyamory culture, closely knit as it is with neo-paganism and a certain European esotericism (Klesse, “Polyamory” 566; Daum 78), there is a trend of creating symbols or logos for polyamory and poly groups using woven Celtic knot work motifs, often comprising hearts, infinity symbols and or “male” and “female” symbols, all woven together (with the idea of multiple threads of love and lives coming together to form a diversity of complex and beautiful patterns).<sup>165</sup> In the symbolism-laden opening credits of *Big Love*, as the credit title appears on the screen, threads wind around the “o” in *Big Love* making a Celtic knot design evocative of interlaced hearts and that is repeated elsewhere, such as in promotional materials and on the second season DVD case. This use of an iconography reminiscent of designs from polyamory discourse could be read as a wink to polyamorous individuals on the inter-relatedness of discourse surrounding conventional polygamy and that of polyamory, a connection not missed by polyamorous individuals and communities.<sup>166</sup>

Within discourse on polygyny in Islam there are also links to polyamory that many within poly discourse-culture would likely not expect. One book, for example,

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<sup>165</sup> A Google Image Search on the term “Polyamory” reveals that the new preferred icon of the movement is a red heart symbol with a superimposed blue infinity symbol (sometimes on a black background, or with a black frame) that one site describes as “Polyamory Symbol – A blue [loyalty & honesty] infinity symbol superimposed over a red heart on a black [solidarity] background” (Theophanes).

<sup>166</sup> It is also possible that this symbolism was intended to point polygamous individuals in the direction of (an assumedly more open and egalitarian) polyamory discourse, though this is perhaps less likely, as the words “polyamory” and “polyamorous” have not, by the close of the second season, been mentioned within the scope of the show.

*From Monogamy to Polygyny: A Way Through* (2003), is thematically very similar to vaunted polyamory tomes such as *The Ethical Slut*, for example in its overall self-help tone; its focus on self-care, addressing jealousy and working on patience (Hirschfelder and Rahman 103); and on its reliance on personal narratives to inform it (Hirschfelder and Rahman 165). Another book, *Polygamy in Islam* (1990), contains a complex critique of compulsory monogamy, and the notion of finding “the one” (Phillips and Jones 33) that are, again, strikingly similar to critiques in poly discourse. The two are of course situated very differently in terms of the cultural values and perspectives they are embedded in and forward, but, contrary to polyamorous orthodoxy, many of the discursive elements are very similar—so similar that it makes one question the genealogy of some of the forms of relationship work that are held up as so distinct and novel within poly discourse, as well as the discursive barriers that mark writing from within polygynous and polyamorous culture as being different in kind, as opposed to related matter. For example, the notion of negotiating one’s time so as to be fair and just to one’s partners is a notion that is canonic in Islamic tracts on polygyny (e.g., Phillips and Jones 50), part of Fundamentalist LDS practice (e.g., Bennion 141), and a prominent facet of polyamory discourse (e.g., Easton and Liszt 127).

Finally, when polyamory and polygamy are discussed in the public sphere, there is sometimes a fundamental slippage that makes them nigh-inseparable. Polygamy is sometimes included under the umbrella term “poly” in discussions of polyamory,<sup>167</sup> or

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<sup>167</sup> This is a more casual slippage that is harder to document but one that I have often encountered during discussions surrounding polyamory. For example, my first introduction to Bountiful, BC was through someone telling me they saw a news report on an entire community of polyamorists in British Columbia, and, while tabling for the Trent Polyamory Society during a

discussed using the same language and discursive frames. For example, in his condemnatory articles on the slippery slope from same-sex to plural marriage, Kurtz uses the same bracketed heteronormative language discussed in Chapter 3 as being a significant part of many media discussions on polygamy to discuss polyamory when he refers derisively to a “a woman living openly with two ‘husbands’” (40), and to the social dynamics of people with more than one “spouse” (40).

Taken together, we can read points of overlap such as these as evidence that non-monogamies, in addition to being intimate spaces inhabited by individuals having varying amounts of intersectional privilege, are also discursively linked, prone to intersectional forces at work in their mutual constitution. Given this complex and layered discursive field, to truly address non/monogamy, non-monogamies and ultimately polyamory with respect to their intimate space creation and issues of privilege we need to mobilize the more active formulation of intimate privilege that we have been building throughout the previous chapters.

The language of heteronormativity has served us fairly well in the preceding chapters. The discourses surrounding both adultery and polygamy can be read as highly implicated within heteronormative logics of privilege. However, even throughout that discussion, a tension was developing, with “heteronormativity” as a conceptual frame on its own not robust enough, or comprehensive enough, to encompass all of the normative power differentials at play. It also failed to fully address where subjects that challenge heteronormative frameworks (in their sexual practices, embodiments, or identities), fit

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Clubs and Groups day during Trent University’s orientation week, one individual came over to my information stand (between the Trent Queer Collective and Pagan Circle tables) because he “heard Trent had a ‘Polygamy Club’.”

into this picture of intimate space. And though supplements with additional vectors of specificity (such as class, male and first-world privilege) were applied to nuance the discussion, the discussion still took place in the somewhat molar mould of interactions with heteronormativity and a broadly rendered heteronormative privilege. In mobilizing the simultaneously broader and finer notion of intimate privilege to discuss the emergent discourse of polyamory we can explore how the heterotopic intimate space polyamory creates is fraught with problems largely due to how it seeks to deconstruct compulsory monogamy without necessarily addressing other intersecting forms of privilege.

### **Polyamory Through a Lens of Intimate Privilege: Challenging the Politics of the Heterotopia as Enclave**

The following three sections will take a deeper look into public sphere discourse surrounding polyamory. Due to its newness and still-highly-protean nature, polyamory discourse in the public sphere has shifted even over the time of writing of this project. I have already commented on how a more critical thread of poly discourse has begun to weave its way into the intimate public sphere, nuancing a more initial and inadequately-contextualized discourse of polyamory focused on sexual identity politics without their broader implications. A further change is that an earlier, immediately heteronormative, and reactionary public sphere reception of polyamory (e.g., Kurtz's rhetorically apocalyptic legalized polyamory), has shifted due to poly's subcultural popularity and, dare I say, "trendiness". Meg Barker notes the speed of this shift when, throughout the process of writing one article on polyamory, she observed a sea-change in public attitudes towards it. Near the beginning of the article she characterizes mainstream public response to polyamory as one that constructs it as "evil or, at best, strange" ("Partner"

80); lumps it in with infidelity, or with weird and “New Age” behavior; and that is often, in fiction particularly, framed by characterizations of openly non-monogamous characters as wicked and diegetically punished for their behaviour (“Partner” 80). By the time of the article’s publication, however, she notes a marked change in attitudes:

During the preparation of this article there has been something of an explosion of media interest in polyamory in the UK. Members of the communities from which my participants were drawn have been approached to speak to journalists from British newspapers (*The Guardian*, *the Sunday Telegraph*), magazines (*The Big Issue*, *Red*) and TV companies (BBC 2, Channel 4). I myself have taken part in several interviews on my research and my own polyamorous relationships. On the whole the resulting depictions have (sometimes grudgingly) presented polyamory as a viable alternative (e.g., Jenkins, 2004) rather than demonizing or problematizing it as previous media coverage has done. (“Partner” 87)

This insight is echoed in the recent upsurge in high-profile positive articles on polyamory such as Monica Hesse’s 13 February 2008 article<sup>168</sup> on polyamorous lifestyles “Pairs

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<sup>168</sup> The publication date of this article, just in time for Valentine’s Day, both marks and echoes the first prominent public sphere mention of polyamory eleven years earlier on 14 Feb. 1997 in *The New York Times*. This brief article, “They Call It Polyluv,” is much snarkier in tone than Hesse’s, with one choice passage reading: “‘One person is not going to meet all your needs,’ declares Brett Hill, a co-editor [of the magazine *Loving More*], sounding as brisk as a mayor preparing to privatize sanitation services. ‘If someone is in a bad mood one day, you can spend time with your other partners while they snap out of it’.” The changes in both length and tone between this article and the more recent *Washington Post* feature can be read as evidence that polyamory discourse has become significantly more prominent in the intervening decade.

With Spares” in *The Washington Post*,<sup>169</sup> and the panoply of high profile reviews (e.g. in *The Guardian*) of Jenny Block’s *Open: Love, Sex and Life in an Open Marriage* (2009) (France).

Clearly, it would be inappropriate to discuss polyamory as a suppressed or oppressed discourse when it is riding a crest of popularity in the public sphere. And yet, there is still an uneasiness about it, and still some who are taking part in it who face oppressive situations due to their polyamory.<sup>170</sup> How to address this tangle? Discourse on polyamory for the most part still frames it outside of the “normal”, but discourse from within polyamory still tends to be celebratory, addressing others’ issues with polyamory but not issues with polyamory itself. The nuances of privilege are complicated within poly discourse—what seems to be privileged above all else is the concept of polyamory itself, the idea that poly, *qua* framework, contains the possibility of a novel sexual ethics. The concept of intimate privilege can help untangle these threads, as a central part of polyamory discourse is devoted to fleshing out the unproblematized position of “the person who is able to embrace polyamory,” a position that comes into being within interstices of privileged and marginalized discourses. As such, the relation of polyamory to privilege has multiple dimensions, with its position with respect to heteronormativity being only one of them, and it is through a discussion of what types of intimate privilege intersect with polyamory that this will be made manifest. Through exploring texts clustering around poly discourse, from its science-fictional inspirations in *Stranger in a*

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<sup>169</sup> A trimmed-down version of the same article appeared a few days later in *The Toronto Star* as “For Polyamorists, Three or More is Never a Crowd.”

<sup>170</sup> The most high profile case likely being that of April Divilblis, a poly woman from Memphis who lost the custody of her daughter after discussing her lifestyle in an MTV Documentary (Hess, “Pairs”; Daum 85).

*Strange Land*, to the intimate model laid out in *The Ethical Slut*, and finally the vicissitudinal public sphere manifestations of the concept, the remainder of this chapter explores the challenges that face non-monogamous individuals invested in poly discourse, both from mainstream publics and a sometimes insular poly discourse itself.

### ***I – Problematizing Heinlein’s Stranger in a Strange Land as Precursor to Poly Discourse***

Some parts of this project came as a surprise to me, and an analysis of Robert A. Heinlein’s classic science fiction novel *Stranger in a Strange Land* (1961; 1991)<sup>171</sup> is one of them. But, just as an analysis of the discourse surrounding polygamy would have felt incomplete without a discussion of *Big Love*, as the project progressed I realized that to talk about discourse, polyamory and privilege without discussing *Stranger* might be adequate, but not satisfying, not complete. There is something about this text at the very roots of poly discourse that is worth looking at in a more sustained manner. This is, on the whole, odd. As, though the text is ubiquitously mentioned as one of the literary inspirations for polyamory (e.g., “Polyamory Fiction”; Barker, “Partner” 75; Patterson and Thornton 83), and though some poly individuals and groups have adopted it as a central text organizing their lifestyle, practices and even spirituality,<sup>172</sup> on the whole the

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<sup>171</sup> *Stranger in a Strange Land* was first published in 1961, but with a version that was cut by about 70,000 words for reasons of both economy and propriety (Vonnegut and Nicholls). After Heinlein’s death, his widow, Victoria Heinlein, sought to have the original uncut version published, which it was in 1991. All references in this chapter are to the uncut 1991 version.

<sup>172</sup> The most renown Heinlein lifestylers are likely the extended Ravenheart family, a polyamorous nest and originators of the Church of All Worlds (CAW), a neo-pagan church based in part on the church of the same name in *Stranger*. For a detailed biographic interview with the Ravenhearts see Baum, “Husbands and Wives,” and for an overview of the CAW, see their website at [www.caw.org](http://www.caw.org).

book is not even about polyamory *qua* polyamory, having been written between 1949 and 1960, almost thirty years before the term surfaced in the public sphere and the discourse-culture formulated.<sup>173</sup>

*Stranger* is the story of Valentine Michael Smith, a human child born to parents who died on the first expedition to Mars, and who was raised there among Martians who taught him Martian language and culture—a language and culture that together grant him superhuman physical and mental powers. When a follow-up expedition returns to Mars some twenty-five years later, Smith is sent back to Earth to try to grok<sup>174</sup> the human condition. Back on Earth, Smith finds himself embroiled in politics and conflict due to

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<sup>173</sup> Though Meg Barker traces a more direct lineage, identifying that “[t]he term originated in the 1960s to refer to the type of responsible nonmonogamy advocated in Robert Heinlein’s (1961) novel *Stranger in a Strange Land*” (“Partner” 75). Ve Ard also discusses a more direct link, though in her timeline the word “polyamorous” was coined in the late 80s by Morning Glory Zell-Ravenheart to describe her family’s Heinlein-styled nest relationship, with “polyamory” following in 1992 when Jennifer Wesp began the landmark *alt.polyamory* newsgroup. What is clear, however, is that *Stranger* was, and remains, a major node within poly discourse, with many mentioning that the reading of Heinlein works has been a direct inspiration for taking up polyamory (Barker, Personal communication; Voas qtd. in Ve Ard).

<sup>174</sup> The word “grok” has a special significance both within *Stranger* itself and to the cultural elements (both mainstream and countercultural) that grew out of it. A Martian word in the story, the word grok has multiple related meanings including “drink”, “fear”, “love”, “hate”, “identically equal” and “to understand so thoroughly that that the observer becomes part of the process being observed” (*Stranger* 266). For the characters, learning to understand the perspective on communication, knowledge and subjectivity metonymically contained in this word is the first step in learning the transformative Martian language. In the countercultural reception of the book, along with the notion of “Water Sharing” and the establishment of “nests”, this term gained a great deal of popular currency, and even in mainstream spheres grok established itself in dictionaries as a word meaning intuitive or empathic understanding (“Grok”). *Grok* was also the name of a journal of literary/culture criticism (Patterson and Thornton 162).

inheriting massive wealth from his scientist-explorer parents, and a dubious claim to “own” Mars, or at the very least be its political representative. The subsequent narrative finds him fleeing the government’s care once freed by one of his nurses, Jill (an independent-minded and gutsy woman who goes on to become the book’s leading female protagonist), and hooking up with Jubal Harshaw, a libertarian, writer and curmudgeon who lives in a fortified dwelling he calls Freedom Hall with his three precocious secretaries and other assorted householders. Throughout the story, Smith eventually comes to grok humanity, love and emotion and parlays his vast fortune into an organization called the Church of All Worlds (CAW), a Martian language school that seeks to pass on his unique cultural inheritance. The inner circle of the CAW, the Nest, form a “Water Brotherhood”, a connection of lifelong trust and intimacy closer than family or marriage, and engage in non-monogamous intimacy and sexuality with each other, though nominally along heterosexual lines. The story continues until the lavish—and planned by the victim—martyrdom of Valentine Michael Smith at the hands of an angry mob.

So why write about *Stranger* in a discussion of poly discourse? The first reason can be traced back to Christian Klesse’s insight that:

seeds for a [poly] movement have originated from within the intersections of a range of subcultures, including the bisexual and BDSM<sup>175</sup> scenes, the Pagan and new age movements, computer enthusiasts, the Science Fiction Fan scenes, and political or countercultural groups committed to communal living. From within

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<sup>175</sup> A shortened acronym that stands for “Bondage and Discipline, Domination and Submission, Sadism and Masochism.”

this diverse context, a small group of activists has started to do campaigning work around polyamorous relationship practices. (566)

This insight that “Science Fiction Fan scenes” were part of the formative contexts of polyamory discourse circulation and organizing, with Heinlein’s writing in particular having a formative influence (Ve Ard),<sup>176</sup> draws attention to the fact that something of the interplay of progressive and problematic aspects within poly discourse is strikingly similar to the interplay of progressive and problematic aspects in some science fiction and fantasy texts. Is it possible that a valuation of the radical intimacies contained in certain types of speculative or fantastic fiction, without, perhaps, an adequate attention to critiquing problematic aspects of those same texts, might have contributed toward the creation of a discursive climate where some of those same patterns of thought and action are sometimes reproduced? *Stranger* contains within it many of the hallmarks of poly discourse, such as discussions of, and explorations around, partnership, sexual ethics, honesty, intimacy, jealousy and sex, but at the same time it also contains some of the more problematic aspects within poly discourse, such as a fetishization of exotic otherness, a valuation of the enclave, and a belief in the radical social power of elites

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<sup>176</sup> Daum puts this connection even more forcefully in her piece on polyamory and the Ravenhearts when she reflects:

[W]hen I started researching a story about [The Ravenhearts], I considered their interest in science fiction and its sister genre, fantasy, incidental to the more unusual story of their numerous relationships. But when I met Oberon [Zell-Ravenheart] [...] the first thing I notice is his black T-shirt reading NEVER THIRST (one of the tropes from *Stranger in a Strange Land*). After that first clue, additional conversations quickly made it clear that there is no separating their prolific sexual activity from the fact that [...] they have culled the bulk of their personal philosophies from science fiction novels. (Daum 78).

(Patterson and Thornton ix). It is not as an example of poly discourse, then, but as a text that might, when read up against polyamory discourse, show us something worth noting about it, that we will now explore *Stranger in a Strange Land*.

Though in many ways sci-fi and fantasy discourse can be a venue for progressive prose-making and active engagement with oppressive discourses, such as in the work of authors such as Octavia Butler, Ursula K. LeGuin and Nalo Hopkinson, in other ways it can sometimes come up against a limitation due to its premised nature as fiction that takes place “outside” of reality. Sci-fi and fantasy are often popularly hailed as a way to address significant social issues—such as sexism, racism, totalitarianism, corrupt governments, drug abuse and war—in a way that is removed from actual political contexts, giving it the ability to have a freer hand, to tell its compelling stories at a remove. While there is no doubt some truth to this, and while sci-fi and fantasy texts have often been fertile ground for progressive and critical social thought, there are several elements of these genres that remain under-theorized and that can, unaddressed, lead to a reification of privileged representations of difference in the context in which these stories are written, told and received: the world we live in.

Though there are several such elements, one that is quite common is that of narratives involving interactions between humans and “exotic alien others” who possess a wisdom, intelligence, or powers beyond our own. Within these narratives the alien others are often constructed using Orientalist or otherwise exotifying racial or ethnic tropes culled from real world discourses and narratives in ways that often create fictions that can be alienating or frustrating to those who actually embody the positions these tropes are culled from. In *Orientalism* (1979), Edward Said explores how this form of discourse

creation can be oppressive, not simply when the constructions are negative ones, but in general, due to the effects of an external force gaining purchase on the construction of discourses and knowledge framing one's culture and identity:

[W]ithout examining Orientalism as a discourse one cannot possibly understand the enormously systematic discipline by which European culture was able to manage—and even produce—the Orient politically, sociologically, militarily, ideologically, scientifically, and imaginatively during the post-Enlightenment period. [...] [B]ecause of Orientalism, the Orient was not (and is not) a free subject of thought and action. (3)

In our enthusiasm for exploring the realms of human imagination, engaging with social issues at a remove, or just trying to tell interesting speculative or fantastic stories, what is often missed is that, in certain concrete ways (such as through discourse, language, and representation), such narratives, built as they are from real-world elements, can often recirculate and reify oppressive real-world power relations. One such element is the creation of an elite class of subject imbued with secret or esoteric knowledge gleaned from exotic others or places, who then applies that occult wisdom to “normal” life and situations. Such a pattern can be evidenced both in *Stranger* and in poly discourse.

*Stranger* culminates with the section “His Scandalous Career” where Valentine Michael Smith, much like Joseph Smith before him,<sup>177</sup> founds a church based on a

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<sup>177</sup> A connection both hinted at with respect to Smith's surname in the book, and winked at by Heinlein when he makes a passing comparison of the CAW to early Mormonism when he has two characters discuss the fact that the Fosterites (another fictional religious sect in the book from which the CAW borrows a great deal) “have demonstrated how to get by with almost anything [...] [c]ertainly more than Joseph Smith was lynched for” (407). This dialogue also foreshadows Valentine Michael Smith's eventual death at the hands of an angry mob similar to

transcendent wisdom which he, alone, has access to. However, though a church in every other sense, the Church of All Worlds is framed more as a language school than anything else, with both the methodology and the object being to learn to think in Martian (407). It is the concept of “thinking in Martian” that links *Stranger* with the discourse of polyamory more than any other single element, for Heinlein’s framing of the Martian language as beyond simply a new tongue, but a new mode of thought, a new understanding of relationships and ethics, a new fundamentally different and powerful way to be in the world, matches the deployment of polyamory not just as a new discourse of intimacy, but a transformative and revolutionary one (Noël 610).

In *Stranger*, it is the blissful naiveté of a child-like exotic other exploring human love and sexuality that unlocks the power of a more fluid and open intimacy. The figure of Mike as human, but not human, exotic, alien and wise, is eerily similar to some of the problematic aspects of poly discourse such as the fetishization of a mythologized version of “Pacific Asian and Islander philosophies and sexualities” (Haritaworn et. al 522), as well as of a de-geopoliticized and decontextualized “Eastern” sensibility.<sup>178</sup>

In *The Martian Named Smith: Critical Perspectives on Heinlein’s Stranger in a Strange Land* (2001), William H. Patterson Jr. and Andrew Thornton note that one of the hallmarks of Heinlein’s writing is his “persistence use of elites” (ix):

[H]is elect all have gone through a special process, an initiation, acquiring hidden knowledge, and they associate together in secret or semi-secret for the betterment

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the one who killed Joseph Smith (517). The allegorical connection between the Smiths is also commented on by Patterson and Thornton in their discussion of the significance of names in *Stranger* (174).

<sup>178</sup> The ubiquity of “Tantric sex workshops” at poly conventions speaks to this particular thread of cultural appropriation.

of humankind. This is not an accidental or incidental figure: Heinlein is here referencing a very ancient tradition among occult and esoteric religions and philosophies of enlightened masters (the “Mahatmas” in the Hindu traditions) who come together in secret societies (called by Theosophists the “White Brotherhood”) to work for the spiritual advancement or protection of the human race. Heinlein’s [elites] are not just “the best and the brightest.” They are illuminated. They are enlightened. They belong also to the occult and esoteric tradition of the White Brotherhood. (ix)

This reading of Heinlein in general, though not at all critical of the elite positioning of these characters,<sup>179</sup> draws an important connection. Patterson and Thornton continue: “The Nest, the highest circle in the Church of All Worlds, is just one in a long series of these miniature White Brotherhoods” (ix).

The notion of being “enlightened” or “illuminated” is laced throughout poly discourse. A survey of poly writings reveals this sometimes-heavy reliance on what is often termed a “new age” or “esoteric” sensibility, but is understood by other writers as a form of cultural appropriation,<sup>180</sup> often with Orientalist or colonialist undertones

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<sup>179</sup> Especially worrying are the un-complicated connections they make with this form of “enlightened elitism” and the Theosophical Society, most famous for the positing of the division of races into various evolutionary lineages, some being more advanced than others in differing ways. Aryanism, the philosophy later taken up by Hitler, is a derivative of these ideas (“Theosophical”).

<sup>180</sup> Adam Possamai, though not discussing polyamory in so many words, includes the Church of All Worlds as one example of “New Age” (or in his terminology, “perennist”) subcultures that appropriate cultural forms indiscriminately to create alternative lifestyles. In his analysis, this appropriation is not limited to indigenous, Islander, or Asian cultures, but could also include a selective reading of history and finding inspiration in science fiction and fantasy texts,

(Haritaworn, Lin and Klesse 522; Noël 611). Titles such as “A Glimpse of Harmony” (Anapol), and “In the Forecourt of Paradise: A Report on the Possible Love-Erotic Future of Mankind” (Kostanza), as well as the frequent use of terms such as “bliss” and “ecstasy” to discuss poly intimacy speak to an understanding of polyamory as both revolutionary and liberatory—with the sometimes conscious, sometimes unconscious implication that other forms of intimacy cannot achieve such plateaus of freedom, pleasure and fulfillment. This setting-apart of polyamory from a mundane world of monogamy also has parallels in Heinlein’s novel.

Creating an enclave of possibility in *Stranger*—the Nest, the Church of All Worlds, and even Jubal’s “Freedom Hall” could be seen as fitting into this category—is tied up in the narrative with being in an enclave of privilege. The plot devices of Smith retaining copyright on a device created by his mother to travel more rapidly through space, inheriting his parents’ considerable fortunes, and having a pseudo-land claim of ownership to Mars create Smith as an economically privileged subject. In the Nest, the patina of anti-capitalist sentiment (a bowl of money by the door that anyone can take from if they need to interact with the outside world (413)) masks the fact that such a thing is only possible due to the Nest and its inhabitants occupying such a privileged economic position that money is no object.<sup>181</sup> This positioning skates over the fact that these

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such as, in the case of the CAW, *Stranger* (204). Some strands of poly discourse are rife with this form of appropriation, as Noël notes with respect to the adoption of the terms “tribe” and “harem” by various poly writers and individuals to denote polyamorous groupings (611).

<sup>181</sup> A fact even reflected on by one of the characters, Ben Caxton, upon first visiting the Nest:

Ben dropped the matter, stonkered by the simplicity of the arrangement. He already has some idea, from Mike and second-hand from Jill and Jubal, of the moneyless

experiments with radical kinship and intimacy take place in a libertarian enclave *within* society, as opposed to in a radically different space. It is precisely because Smith et al. are privileged, wealthy subjects that they can so easily pursue a non-monogamous lifestyle within a heterotopian enclave of intimacy. But not many of those in the real world can as easily transcend the limitations and expectations of mainstream society.

In “Almost a Feminist: Robert A. Heinlein,” Diane Parkin-Speer repeatedly refers to the “utopian idealism” of the intimacy in *Stranger* (115, 116), sometimes in comparison to some of Heinlein’s other novels where experimental non-monogamies exist such as *The Moon is a Harsh Mistress* (1966) and *The Cat Who Walks through Walls* (1985). While Heinlein seems certainly interested in radical experimental sexuality, and in characters who have a fundamental equality, he sometimes achieves this through science-fictional measures that, though not inherently problematic, collapse the power dynamics of the real world to function, such as Martian discipline-wrought mental and physical powers that would make unwanted pregnancy or violence against women impossibilities (115). While such elements are interesting science fiction thought experiments, within the real-world forms of intimacy that are in-part inspired by the dynamics of novels such as these, unequal power dynamics can bleed back into the

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communism of the Martian culture, he could see that Mike had set up an *enclave* of it here—and these bowls of cash marked the transition point whereby one passed from Martian to Terran economy. He wondered if Patty knew that it was a fake ... bolstered up by Mike’s enormous fortune. He decided not to ask. (413, emphasis mine)

That this reflection is part of the text, though not necessarily significant to the story, further bolsters Patterson and Thornton’s reflection that Heinlein deploys elite characters in his utopian thought experiments without necessarily problematizing their elite status.

intimate spaces so-created.<sup>182</sup> In the actual world, some of the more overtly utopian elements leave their shadow as heterotopian problematics: an assumed absolute equality, or creation of a space of notionally flat power dynamics can, counterintuitively, reify unequal power dynamics in the underlying relationships that those exploring polyamory bring to it as individuals living in the privilege-riven intimate spaces of the Real. Parkin-Speer notes this ambivalence when she reflects that “In some ways, Heinlein never deeply questions some patriarchal values, but in other ways he overturns many assumptions of patriarchy” (Parkin-Speer 118).

In all, *Stranger in a Strange Land* is a complex and timely text. The development of the story—beginning in 1948 and culminating in 1960 (V. Heinlein)—is contemporary to the publication of the *Kinsey Reports* in 1948 and 1953,<sup>183</sup> and after it was first

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<sup>182</sup> One such problematic, based on the assumption of absolute individual autonomy and absolute gender equality, is the form of consent sometimes employed in poly spaces. A dynamic at risk of occurring in some poly settings is that of passive, rather than active, consent, in which men’s touching of women is assumed to be ok as long as the women do not say no, or otherwise pull away. This passive notion of consent, rather than a more active one in which women would only be touched if they indicated their willingness to engage in physical intimacy, is a manifestation of the discursively heterotopian dynamics of polyamorous space. The assumption that the heterotopian space of polyamorous intimacy is beyond sexism, and that an equality within the space inoculates against gendered power imbalances, can act as the very element that masks a subtle coercion, and that could create the space as one unsafe for women who might not want to be treated as objects of sexual attention without actively seeking it out. While a more active consent is discussed in *The Ethical Slut* as one important element within lesbian subculture (49), it is juxtaposed with what seems to be a more prized model gleaned from gay male subculture in which “It is always okay to ask as long as it is always okay for the other person to say no” (50), an idealized perspective once again marred by structural power differentials when “asking” becomes “touching” or “groping” previous to consent.

<sup>183</sup> Thanks to Anna Borstad for pointing out this temporal connection.

published in 1961, *Stranger* “took on a ‘cult’ existence in the following decade, acclaimed and damned as a virtual Bible” (Samuelson 191). That the rise of polyamory in the public sphere in 1990<sup>184</sup> is contemporary with the publication of the original un-cut version of *Stranger* in 1991 strikes me as a potentially important convergence for poly discourse.

## ***II – Unpacking “The Bible of Polyamory”: Reading Ethical Slut Against the Grain***

First published in 1997, Dossie Easton and Janet W. Hardy’s<sup>185</sup> *The Ethical Slut: A Guide to Infinite Sexual Possibilities* broke ground in bringing the discourse of polyamory to a broader audience. By the time the second expanded edition was released in 2009, it was not uncommon to find *The Ethical Slut* in mainstream bookstores and sex shops,<sup>186</sup> as well as on the bookshelves of almost everyone who has considered a polyamorous lifestyle (often well thumbed-through and passed from person to person). Even though there now exist many how-to or introductory manuals on polyamory,<sup>187</sup> *The*

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<sup>184</sup> As Melita Noël points out, the first public sphere mention of “polyamorous” is most often attributed to Morning Glory Zell and her 1990 article “A Bouquet of Lovers: Strategies for Responsible Open Relationships” (617).

<sup>185</sup> For the first edition Janet Hardy published under the pseudonym Catherine A. Liszt as she still had school-aged children. In the second edition, now titled *The Ethical Slut: A Practical Guide to Polyamory, Open Relationships & Other Adventures* (2009), she publishes under her actual name. Unless otherwise noted, citations and commentary refer to the first edition, and though I will refer to Hardy as co-author, I will maintain her pseudonym for the citation.

<sup>186</sup> As opposed to just in specialty bookstores and sex shops, such as GLBTQQIO-oriented bookstores or feminist sex stores, as is often the case with literature on “alternative sexualities”. The mainstream availability and popularity is, therefore, an important factor to note.

<sup>187</sup> Other introductory texts on polyamory include Deborah Anapol’s *Polyamory: The New Love Without Limits, Secrets of Sustainable Intimate Relationships* (1997), Anthony Ravenscroft’s *Polyamory: Roadmaps for the Clueless and Hopeful* (2004), Peter J. Benson’s *The*

*Ethical Slut* is still the one that is most mentioned, often with the aside that it is sometimes (perhaps jokingly) considered “the Bible of Polyamory” (e.g., Noël 603; Klesse and Easton 644; Ritchie and Barker 590). Calling *Ethical Slut*, “The Bible of Polyamory”, even if it is done in a tongue-in-cheek manner, is telling. It speaks of a certain poly orthodoxy, of an, if not dogmatic, at least scripted version of “what poly is”. This is particularly interesting in a sexual discourse-culture that often has proponents talking about getting outside of given romantic and sexual scripts (e.g., Easton and Liszt 29; *Unlikely Family*).<sup>188</sup> Taking a section of this discourse, a small but substantial slice that comprises *The Ethical Slut* and how it is discussed in poly discourse broadly, I unpack some of the more discursively heterotopian threads that make this kind of poly orthodoxy a problematic model for a broader ethics of intimacy. The three points of critique on *The Ethical Slut* will be its focus on liberal individuality, its positing of polyamory as enlightened/utopian/removed, and its representation of religion and

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*Polyamory Handbook: A User's Guide* (2008), Tristan Taormino's *Opening Up: A Guide to Creating & Sustaining Open Relationships* (2008), and Jenny Block's *Open: Love, Sex and Life in an Open Marriage* (2008). Others offer more specific introductions, such as Celeste West's *Lesbian Polyfidelity: A Pleasure Guide For All Women Whose Hearts are Open to Multiple Sexualloves, or, How to Keep Nonmonogamy Safe, Sane, Honest and Laughing, You Rogue!* (1996), Mystic Life's *Spiritual Polyamory* (2004), and Raven Kaldera's *Pagan Polyamory: Becoming a Tribe of Hearts* (2005).

<sup>188</sup> Also interesting is that in her review essay of three introductory polyamory books (including *The Ethical Slut*), Maria Pallotta-Chiarolli notes that Easton and Hardy's position is that they are not trying to create an orthodox script for polyamory and that they are aware that “their experiences are not universal—that they do not speak for all” (232). The tension between not actively seeking to create an authoritative text on polyamory, and a canonic uptake of that text within polyamory discourse, speaks to one of the complications of the public sphere, that, once made public, what is done with texts can be largely out of the author's control.

spiritualism, all of which together reinforce the notional placement of polyamory as an “other” space of intimacy.

The first significant thread of discourse that risks framing polyamory as set apart from “mundane” intimacy is that of a vaunted autonomous individualism built-up in *Ethical Slut* as a core value for polyamorists. This aspect of Easton’s approach to polyamory was noted by Klesse, Haritaworn, and Lin when, in the editorial introduction to an interview with Easton, they remark that they “are wary that her appeal to a psychologistic individualism and liberal contractarianism may ultimately work to increase the ‘sexual privileges’ of white, non-trans, middle-class people” as opposed to deconstructing these issues and endorsing the need for “structural changes in poly discourse and scenes” (644).

In a section titled “What We Believe”, Easton and Hardy discuss the personal philosophy upon which they base a substantial amount of their outlined poly ideals, that people are fully autonomous beings in and of themselves, or, as they put it:

We believe [...] that the fundamental sexual unit is one person; adding more people to that unit may be intimate, fun and companionable but does not complete anybody. The only thing in this world that you can control is yourself—your own reactions, desires and behaviors. Thus a fundamental step in ethical sluthood is to bring your locus of control into yourself—to recognize the difference between your “stuff” and other people’s. When you do this, you become able to complete yourself. That’s why we call this “integrity”. (35)

This slippage between “integrity” and autonomous individualism is a factor that positions an orthodox polyamory as accessible only to a certain kind of individual. Along these

discursive lines, those for whom a family unit or larger social structures (e.g., clans or cultures) hold an importance equal to, or higher than, that placed on individual sexual autonomy, might not be able to access the space of intimacy polyamory promises.

Equally, those who, for issues of structural oppression or disability, might not be able to meet the ideal of being completely in control of “yourself—your own reactions, desires and behaviors” (35) are also potentially excluded from this figuring of polyamorous intimacy. In another section subtitled “Owning Your Choices”, Easton and Hardy discuss dealing with emotions, but again this is framed through the lens of an absolutist liberal individualism where it is posited that “[w]e each own ourselves, lock, stock, and barrel” (117). “It is axiomatic in communication between intimates,” they begin, “that each person owns their own emotions, and that each person is responsible for dealing with those emotions” (118). This in itself is not problematic, and speaks to an oft-repeated and commonly held approach to acknowledging and directly engaging with emotionality, as well as to attempting to be honest with oneself about emotions. However, their interpretation of this method is framed using a limited understanding of affect and emotions, especially with respect to issues of structural power. They continue:

This means nobody “makes” you feel anything. If someone yells at you, for instance, you have emotional choices: you might feel afraid, or icy calm. You also have behavioural choices: you might decide to yell back, or leave, or get closer and resolve this problem right now because you can’t stand it. All of these, and the many other responses too numerous to mention here, belong to you. (118)

This perspective, one in which the locus of control of emotions is always within the individual, and therefore at the individual’s discretion and under the individual’s control,

is both utopian and heterotopian by turns. It is utopian as it is an idealized script, in which not only are emotional conflicts all soluble, but those having them always have the ability, resources, or control to address them in this way.<sup>189</sup> It is also heterotopian, because some individuals, for example, those with more intersecting forms of privilege, may find themselves with more ability, more resources, or more control over their situations and emotions than others. As such, this advice sets itself up to be more applicable to those with more privilege. The corollary to this logic then absolves those who might find such advice easier from taking care not to abuse their more powerful positionalities: “What you are *not* responsible for is your lover’s emotions. You can choose to be supportive—we’re great believers in the healing power of listening—but it is not your job to fix anything” (121, emphasis in original). While there is some more nuanced discussion on this topic (for example, on not invalidating others’ emotions by telling them what they should be doing, or thinking, in order to not feel a negative emotion (121)), the discussion is still along one dimension, with the understanding that if each party involved just focuses on their own emotions they can resolve conflict (121, 177). Issues such as uneven power dynamics, crippling negative affect from structural oppression, or the lack of emotional resources to engage in this fashion are absent from the discussion.

Through framing polyamory as a natural extension of a specific value set that is very Western in composition and not attuned to issues such as ability and structural

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<sup>189</sup> On how emotions might be better viewed less as individual or private experiences and more as global processes that speak to “how we inhabit the world ‘with’ others” (28) creating the very notion of relationships, selves, communities and feelings while simultaneously “defin[ing] the contours of the multiple worlds that are inhabited by different subjects” (25) see Sara Ahmed’s “Collective Feelings: Or, The Impressions Left by Others” (2004).

power, polyamory creates itself as an enclave of enlightened intimacy in a world that is for the most part governed by damaging myths about sexuality (29). While the myths they identify are very real and do reinforce normative discourses and behaviours, their vaunting of autonomy, like within pro-adultery discourse,<sup>190</sup> is also limiting and problematic.

The issue of polyamory being set apart as an enclaved space of intimacy runs throughout *Ethical Slut*. One way this takes place through is framing the intimate space of polyamory using specifically utopian language and tropes such as “abundance” (183), “living free” (133), “infinite possibilities” (71) and “polyamorous utopia” (193) (including in the Conclusion which is subtitled “A Slut Utopia” (265)). In some places this utopian framing is expanded upon; in one section where they are attempting to deconstruct a hegemonic sex-negativity, Easton and Hardy write:

Sex gets a bad rap from our anhedonic culture, whose Puritan roots have lead to a deep distrust of pleasure for its own sake. That distrust often expresses itself in concerns [...]. If there were no such thing as sexually transmitted disease, if nobody got pregnant unless they wanted to, if all sex were consensual and pleasurable, how would the world feel about it then? How would *you* feel?

(20, emphasis in original)

In this passage, strikingly similar to the utopian context of intimacy set up in *Stranger*, the authors seem to be asking us to enter into a notionally utopian space to reformulate or question sex-negativity. But this bracketing sidesteps that issues such as coercive sex, unwanted or unplanned pregnancy and STDs do not go away because of a sex-positive

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<sup>190</sup> See Chapter 2.

attitude. Not that they are saying they do, and in fact other sections do contain further discussions that do a good job of discussing topics such as establishing consent (259), birth control (218), and health concerns (213), but they are still framed within a utopian setting in which, if one follows the loose guidelines of what it means to be an ethical slut, such negatives should not happen. The inevitable risk of certain kinds of negative experiences occurring as part of polyamory's embeddedness in real-world relations is at times not given adequate attention in their discussion, a pattern continued throughout the book.

The discursive space of polyamory can also be positioned as set-apart and enclaved due to what gets left out of discussions. *The Ethical Slut*, as with much polyamory literature, relies heavily on personal narratives to inform it and to give examples. However, the subjectivities that seem to be overwhelmingly featured in such narratives are those of white, middle-aged, middle class, American individuals. As Melita Noël points out when she explores these issues in more detail, it is not possible to know “each author’s race, class, educational background, (dis)ability, gender or sexual orientation” (617),<sup>191</sup> though what can be definitively assessed is whether or not issues surrounding a diversity of positionalities are part of the personal narratives included in the book. While issues surrounding gender and sexuality are raised in *Ethical Slut*'s narratives multiple times (e.g., 9, 87, 123 and 6, 46, 89 respectively), issues surrounding other important positionalities are not present. What is present in these narratives however, is a positionality that might be alienating for certain subjects.

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<sup>191</sup> Though Noël continues that “through photos, interviews and self-disclosure, it is possible to get a sense of the overwhelming similarity in cultural lens of the current authors writing about polyamory” (617).

Narratives are often positioned from the point of view of individuals with middle-class mobility and concerns. Anecdotes about, for example, purchasing property as a polyamorous circle (83), or about having the time and resources to attend relationship retreats and couples counselors to help overcome conflict (181), could be alienating to those without such mobility, or with different concerns.<sup>192</sup> Passages such as: “Can we still have adventures and raise children, buy houses and develop our careers? You bet we can. Sluts can qualify for mortgages just like everybody else” (7) risk making the space of polyamory seem cut off for someone who, for example, does not have the luxury of qualifying for a mortgage. If issues were discussed in a more nuanced way (for example, by including a narrative about dealing with conflict arising from a polyamorous couple or grouping that feels like they need more space, but for financial reasons cannot afford it), these discourses might seem less cut off and removed. But unfortunately, while conflict does play a large role in the narrative of *The Ethical Slut*, such conflicts are only in relation to issues surrounding jealousy, negotiation and communication, as opposed to also addressing issues surrounding race, class and ability that play a large part in how individuals with less intersectional privilege often need to negotiate their lived intimacies. Suffice it to say there is no narrative in *The Ethical Slut* about how to approach conflict arising from having two partners of vastly different means, or about negotiating the legal

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<sup>192</sup> In other texts, similar possibly-alienating concerns or strategies are forwarded, such as in one account where, after seeing several couples therapists simultaneously, one couple decided the solution to ongoing conflict about non-monogamy was in renting two apartments to have more space (Gartrell 30). Being able to afford both multiple therapists and multiple apartments would likely be beyond the means of many who might be experiencing conflict over non-monogamy, and as such solutions like these would not be accessible options.

implications surrounding if one of your partners does not have status and is being deported.<sup>193</sup>

At other times elements of polyamorous discussion and narratives might be alienating, not due to positioning, but due to the language and discursive elements being used both by the authors and within polyamory discourse broadly. As discussed above, the issue of cultural appropriation within poly discourse is one that is possibly alienating, a use of language, dress, practice or behaviour that can mark poly space as one more designed for or attuned to those for whom cultural appropriation is either a-problematic, or attractive. For example, Noël discusses the potentially alienating use of the term “tribe” and “tribal language” to discuss polyamorous groupings:

Anapol notes that she not only experiences the benefits of creating [an] intimate network, but also benefits indirectly as others begin to create their own multi-partner relationships, families, tribes and communities. Here Anapol makes a clear link between issues of power in marriage and nuclear families within a capitalistic culture,<sup>194</sup> and yet does not acknowledge or examine her own

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<sup>193</sup> In this vein, Melissa Autumn White’s work on “Proof of Relationship” archives required by the Canadian government as part of a “Family Class Immigration” dossier is informative. In her research, she found that some non-monogamous individuals would re-narrate their personal stories to hide one relationship so that they could sponsor a second partner. Again though, further attention would need to be paid to who has enough intimate privilege to be able to follow such a strategy.

<sup>194</sup> Interestingly, the opposite view is expressed by Angie Young who attributes a capitalist impulse to polyamory when, in her review of *The Ethical Slut in Off Our Backs*, she writes: “[I]sn’t it curious how polyamorous relationships replicate the disposable throw away values of our capitalistic society, treating other people as objects to satisfy our cravings, interchangeable as we please, useful to us only as long as they work for our own purposes?” (39).

racialized, colonialist use of the term “tribe” or superficial appropriation of basing her polyamorous model on other cultural paradigms. (611)

Easton and Hardy deploy the term “tribe” or other tropes of “modern primitivism” throughout *The Ethical Slut* (45, 83, 161, 163, 169, 221). This practice, linked to (but not coextensive with) the strong affinities between polyamory and neo-paganism, creates a paradoxical climate in which there is a hearkening back to an idealized version of “simpler times” by a group that is by many accounts one of the most privileged and future-seeking. Such an appropriation, when stacked with other instances such as the frequent discussion of Tantric sex techniques (114, 130, 254), a fetishization of unnamed African cultural sex-practices (70), and a mention of “the temple whores of early Mediterranean Goddess worshippers” (55) makes *The Ethical Slut* a poly text fraught with a discursively heterotopian longing for “primitiveness” or “exoticness”. This neo-colonial pattern of appropriation risks alienating and/or objectifying those non-monogamous others for whom this form of exotification can be both frustrating and oppressive. Coupled with a perspective in which religious beliefs about sexuality are highly critiqued,<sup>195</sup> where there is a lack of attention to the complexities of religious family and community dynamics, and where issues surrounding race are dismissed as mere “biases” rather than important structural issues (263), polyamory is centered by

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The links between this perspective and the commodification of adultery discourse are striking, leading one to wonder how much of polyamorous discourse circulation might sync up with a model of discursive production influenced by the impetus of money.

<sup>195</sup> “Some people base their sense of ethics on what God, or their church, or their parents, or their culture, considers okay or not okay. They believe that being good consists of obedience to laws set down by a power greater than themselves” (26). Such perspectives are simply dismissed, rather than addressed in a nuanced way.

Easton and Hardy as a Western and secularist discourse, but one in which an exotic and sexual spiritualism is highly prized—a double edged sword familiar to racialized subjects in non-mainstream sexual communities.

Together, these examples add weight to Noël's claim that texts such as *The Ethical Slut*:

offer an individuality-based challenge to monogamy without closely examining systematic privileges and benefits, particularly around such issues as nationality, race/ethnicity, education, class, language, ability, age, gender, and sexuality. [...] [And] reveal that polyamorists [...] offer a short-sighted, isolationist alternative that serves to further solidify privileges for a few rather than realize an improved reality for many. (604)

But such texts are not the limit of polyamory discourse, which, though in need of a broader criticality, still mounts an important critique of compulsory monogamy and has the ability to become less enclaved and more broadly relevant as a discourse of intimacy. For example, despite its shortcomings, *The Ethical Slut* does contain useful strategies for dealing with jealousy (133), for approaching conflict and communication (173), for reconceptualizing ways to structure families and relationships (221), and for rethinking compulsory monogamy broadly. What is perhaps most significant to take from such broader critiques is that this work on intimacy does not exist in a removed space, and that treating it so is just a self-fulfilling prophecy that risks creating exclusive enclaves of intimacy. In this last section we will look at the multiple currents of normativity, privilege, and potential that make up polyamory's emergent public sphere.

### *III – Between Privilege and Marginalization: Reading the Polyamorous Public Sphere*

Within the broader publics of polyamory, intimate privilege plays out in ways that are nuanced by multiple factors. While there is still a normative narrative that condemns polyamory, this is counterbalanced by an increasing number of positive depictions of the lifestyle. When these two factors are explored together, and with an ongoing attention to elements that can create polyamorous space as discursively heterotopian, the status of polyamorous discourse in the mainstream public sphere can be situated with respect to highly singular and emergent levels of intimate privilege.

One space that has contributed to the growing public sphere presence of polyamory is that of periodicals. In addition to polyamory-centric publications such as the magazines *Loving More* and *Green Egg*, polyamory has been a regular topic of discussion in feminist and queer, as well as in sex- and kink-related periodicals. Finally, mainstream public sphere periodicals have occasionally taken up the topic of polyamory, and not just in sex columns (though, not surprisingly, it appears in those even more frequently). Though polyamorous periodicals are a complex site in itself that would need a much more thorough treatment than I have room for here, a look at a few selected texts from the broader intimate public sphere presence of polyamory can show how intersecting forms of privileging come together in discourse surrounding polyamory.

One representative example of polyamory's press is Andrew Herrmann's 2 April 2006 *Chicago Sun-Times* article "Hers, Hers, His and Hers." This article contains both heteronormative and polyamorous threads and voices, showing one way in which the texts of the poly public sphere can sometimes be, well, polysemic. Though published in reaction to the premier of *Big Love*, this article is not about polygamy but polyamory.

Nevertheless, it is presented in such a way that it draws on conservative voices from Focus on the Family who collapse the distinction between the two (Herrmann). In addition, Herrmann uses language and grammar that continually call into question statements polyamorists make about themselves. Passages such as: “They call themselves ‘poly people’ or ‘polyamorists’—people who *say* they have marriage-like commitments to more than one person,” and “Not all of the partners necessarily sleep with each other, but they do have *what they call* deep emotional connections” (Herrmann; emphasis mine), are constructed in such a way as to hedge the facticity of what is being said. This subjunctive construction, in Eric O. Clarke’s words, continually posits non-heteronormative subjectivities in the *as if* realm of politics (Clarke 27). They act *as if* they have deep emotional connections, *they say* they believe in commitment and family. Such a framing is a discursive foreclosure that frames only certain positions as coherent, actual or real. The article continues by quoting Bill Maier, Vice President of Focus on the Family: “For Maier, polys having children is horrifying. ‘Think about it from a child’s perspective: “Who is my mom? Who is my dad?” The kids need a family tree just to figure out who’s who”” (Herrmann). From this perspective, only heterosexual married families are even intelligible as possible parents. This is the same heteronormative logic we discussed earlier in relation to press coverage of polygamy in Chapter 3, and its circulation is a contributing factor to the forms of understanding that can lead to polyamorous or polygamous parents losing custody of their children, such as in the cases of April Divilblis and the FLDS raids.

But interestingly, though the article amplifies a mono- and heteronormative critique of polyamory by reproducing it in a mainstream newspaper, and though the

subjunctive language of the article itself at times reinforces this critique, it also presents poly voices and scenarios using representational techniques that, though they call non-monogamous lifestyle choices into question, do not efface them completely. In fact, the article even contains words created within polyamory discourse, such as “compersion”,<sup>196</sup> and a critical discussion of polys facing difficulty at work or having their children taken away (Herrmann).

Finally, in the representation of polyamorous individuals themselves, signifiers of class privilege in polyamorous narratives might make it difficult for others to identify with them. For example, one polyamorous triad is depicted as living “Just outside of French Lick, Ind. [...] on a 175-acre site dubbed ‘Our Haven,’ which will be the site of the Heartland Polyamory Conference scheduled for May” (Herrmann). The image of these poly individuals living on their sprawling retreat may make polyamory seem like an inaccessible intimate space, a heterotopian haven for the privileged to practice iconoclastic intimacies.

Another article looks specifically at the Internet as a vector of discursive propagation for poly discourse. In the 29 February 2008 *Wired* article “Internet Pushes Polyamory to Its ‘Tipping Point’,” Regina Lynn touches base with a number of prominent polyamory figures on the Internet such as Cunning Minx (host of the popular *Polyamory Weekly* podcast), and Anita Wagner (author of the blog *Practical Polyamory*), to discuss the roll of the Internet as provider of “a handy label for their lifestyle and a launch pad for injecting the concept into mainstream consciousness” (Lynn). As opposed

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<sup>196</sup> A expression coined to indicate something along the lines of “reverse jealousy”, or a feeling of joy that can be experienced from a partner taking pleasure from one of their other partners.

to the ambivalent above article, this one is purely positive, with no criticisms of non-monogamy offered by either the author or those she interviews. What is still present, however, is a perspective on polyamory that ignores how it is again being styled as a discursive space for a certain kind of elite subject, in this case those on the “have” side of the digital divide. Lynn writes: “Polyamory is just the kind of thing you’d expect in an era of love without borders, where time and distance no longer prevent us from finding true mates, and when no one has to live alone with their kink, desire, fantasy or love style—because someone, somewhere shares it.” Although Lynne is not writing (at least overtly) from within poly discourse, she nevertheless recirculates a prevailing myth that structures much of it. In positing that we live in an “era of love without borders, where time and distance no longer prevent us from finding true mates,” Lynne speaks to a perspective that sees power as flat, the world as smaller and more connected, with more permeable boundaries and only notional borders.

This privileged view is one that speaks to either an overly-simplified take on socio-political relations, or else to a perspective situated within enough intimate privilege that, for them, that is what intimate space truly appears to be. That polyamory discourse has used the Internet as one of its main discursive vehicles tracks the fact that the vast majority of polyamorists likely have the level of economic privilege that affords such things as computer ownership and domestic access to the Internet (not to mention living in a country where such resources are commonplace). Though Lynn is not speaking as a polyamorous subject when she draws this connection, the testimonials of polyamorists presented in the article suggest this perspective is one that is common in poly circles.

An early article taking a negative view of polyamory, and interestingly from a lifelong polyamorist and feminist, is Kimberly Kreutzer's May-June 2004 *Off Our Backs* article "Polyamory on the Left: Liberatory of Predatory." Kreutzer writes about how the new popularity of polyamory as a movement, combined with an underlying structural male privilege, makes polyamory an unsafe space for her:

I have been a polyamorist all my life, even before I had knowledge of the word polyamory. I am still a polyamorist today, but I cannot bring myself to practice anymore, because polyamory as a mutually fulfilling practice cannot exist in a society that does not see me as human. Some of us are capable of loving many people at the same time, and want to be able to have relationships with all of them, but love is not the basis for many current polyamorous relationships—the fuck is. (40)

In mounting this critique, Kreutzer draws a parallel between "the recent rise of polyamory as the preferred lifestyle of the radical leftist/anarchist circles" with "the 'sexual revolution' of the 1960s" (40). The notion of "liberated" women as being "open for the fuck" (40) invites the question of whose sexuality is being liberated or freed by these discourses. Combined with a climate in which activist men often seek out women's participation in campaigns or collectives to "enhance and fill their dating pool" (40), and where there is a social pressure upon women to be polyamorous or else be labeled "anti-sex" (41), she comes to the conclusion that despite poly ideals of "mutuality and respect", the persistence of real world gender inequalities makes an egalitarian polyamory impossible (41).

In “Poly-Hegemonic Masculinities” (2006) Elisabeth Sheff also explores the issue of male relationships to polyamory, noting of the respondents in a study she conducted that: “As a group of largely white, well-educated, primarily heterosexual, middle- and upper middle-class men in a patriarchal society, they benefited from the extensive privileges associated with their positions in social hierarchies” (625). She notes, however, that while some of these subjects displayed what she terms “poly-hegemonic masculinities” (625), this hegemonic maleness is nuanced both by some men’s active attempts to deconstruct this positionality, as well as by other intersecting forms of marginalization experienced by men who in one way or another embodied less privileged masculinities, such as those of working class, queer, of colour, or “womanly” men (623). Just as the term “slut” holds different connotations for women and men, the reclamation of “slut” as a positive notion, while easier to transform symbolically, is harder to bring about structurally, especially when patriarchal structures so invest socio-cultural spaces of intimacy. While not absolute, such structures create polyamory as already lopsided with respect to power, and intimate privilege (especially among heterosexual polyamorous relationships) a constant problem.

A final article worth looking at is Monica Hesse’s 13 February 2008 *Washington Post* article “Pairs With Spares: For Polyamorists With a Whole Lotta Love, Three, or More, Is Never a Crowd.” As noted earlier, this article can be seen to mark a significant moment in the mainstreaming of polyamory discourse in the public sphere. This article, also picked up in *The Toronto Star*, was discussed throughout the journalistic sphere (e.g., Lynn), blogosphere (e.g., Fyfe), and polyamorous public sphere (e.g., Wagner, “Polyamory”). The reception of this article in particular points to the ambivalent status

of polyamory as acceptable intimacy. While the article itself was generally quite positive, employing vignettes from the annual Poly Living convention to demonstrate the practical functioning of poly relationships (presumable for a skeptical audience), as was its reception within polyamory publications, beyond that it garnered a mixed reaction. One particularly vehement response came from Kristen Fyfe, who wrote:

In what can only be described as a Valentine to immorality and provocative behavior, the Post [sic] ran a 2554-word feature on polyamory that describes a practice most readers—even the liberal fans of the Post—would find disturbing. Sometimes called “swinging” or “wife swapping”, polyamory is the practice of openly having several sexual partners, regardless and sometimes in spite of, marital status.” (Fyfe)

In framing Hesse’s article as “public relations material for destructive behaviour,” and echoing Kurtz’s slippery slope argument that polyamory might become “a new front in the battle to redefine marriage,” Fyfe’s response to Hess highlights the persistence of privileged mono- and heteronormative perspectives in the face of polyamory’s popularity. The article itself portrays polyamorists as “hippies, retired science teachers [and] a high quotient of male ponytails” (Hesse), and notes the striking whiteness of some of the poly conventioners, making note of the “platinum blond hair and nearly translucent skin” of one set of partners and the “porcelain doll skin” of one poly. These odd choice descriptions seem to be geared towards portraying the mundane normalcy of poly individuals, yet even this marks polyamory as a discourse aimed at, or that attracts, a certain type of subject, one that may wear tie-dye and attend “tantric sex workshop[s]” but that, in other ways, is just like everybody else (which is to say, white, middle-class

and American).

### **Towards Spaces of Anti-Oppressive Heterotopian Polyamory**

Seeing polyamory through the lens of intimate privilege forces us to go back to Saldanha's critique of heterotopias to nuance our understanding of the kinds of intimate space polyamory discourse creates. If the subjective positions of those engaging in polyamory are modulated by their intersecting positionalities, and the spaces created by polyamory discourse are experienced differently by those differently-positioned subjects, then while the discourse of polyamory may be seen as discursively heterotopian in parts, the intimate space subtended by polyamory is going to be all over the place—sometimes quite countercultural, sometimes surprisingly mainstream, sometimes marginalized and sometimes riding a crest of privilege. In addition, the very same space could be multiply determined for different individuals (such as a sex party for women and men, or those with different levels of ability or differing levels of popularity), or even for the same individual by turns (such as how “outing” oneself as poly in, say, a newspaper article might make one simultaneously popular or interesting in subcultural groupings, but create tensions with one's family members). The intersectionality of privilege here is a cue to the intersectionality of spaces that, as Saldanha reminds us, are emergent phenomena shot through with variation and multiple scales of influence (2081).

Given this fluid and emergent notion of what constitutes the space of polyamory, how then might it be approached so that an important critique of mono- and heteronormative cultural forms does not go on to create its own orthodoxy—“non-mono-normativity”, “polynormativity”, the possible neologisms are worryingly grating. How

can one attend to the very real limitations placed on non-monogamies without doing so enveloped in a sometimes-exclusionary discursively heterotopian framework? Might there be a way in which a more broadly inclusive model of heterotopian discourse might be employed—one in which a view to creating “different spaces” of intimacy was alive to the ways in which intimate privilege can condition space differently for different individuals and at different times?

If poly discourse could work out some of its more deeply embedded issues, could it become part of something less oppressive? Perhaps one way would be to move away from the privileging of one discursive model of non-monogamy with a view to deconstructing mono- and heteronormative cultural forms without replacing them with another form of orthodoxy. The privileging of any single model of intimacy (be it monogamous, non-monogamous, heteronormative, queer, or poly), automatically places all other models and their adherents into a box labeled “problematic” and, as such, forecloses on the possibility of understanding any other model as other than less-than-ideal. If we begin with an understanding of how intimacies can be variously privileged or oppressed in nuanced and intersecting ways, maybe we can start to formulate discursive alternatives to oppressive normativities in ways that seek to actively avoid reifying privilege.

## CONCLUSION

### NON/MONO GAMY, PRIVILEGE AND THE SPACE OF DISCOURSE

*Most people would have never engaged in monogamy if they had never heard monogamy spoken of.*

*~ Adam Philips, Monogamy, 107.*

The goal of this project was to talk about non/monogamy in the space of discourse.<sup>197</sup> Such was its fortuity and its challenge. The protean space that is the intimate public sphere seems increasingly inundated with such discourse, popping up in the middle of the night as banner ads full of material when I least expected them, or staring at me from newsstands as I happened by. All of this discourse, all of this potential material was at times overwhelming, and the most difficult part was sometimes just to keep track if it all, to choose what threads in the unrelenting flow were most prominent, most significant. Non/monogamy in the public sphere is not the same object that it was eight years ago, when I first conceived of this project. Nor will it be the same eight years from now. But this is one of the very reasons why it was crucial to track non/monogamy discourse as it moved through this sustained period of significant change, taking up strange new spaces in the intimate public sphere.

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<sup>197</sup> Though, as Line Grenier so convincingly argued during my dissertation defence, I could have equally said, here and throughout, the “spaces” of discourse, as, if anything, this dissertation shows that when considering discursive space it behooves us to think about its multiplicity. My stubborn retention of the singular can be explained not as a rejection of this important rejoinder, but in a recognition that the multiple spaces of discourse are all vying to co-exist and propagate in a common discursive space—what Lacan might call the Symbolic, but that we can maybe just think of as the common space of discourse. Both its multiplicity and its singularity are crucial concepts for us to come away with when considering discursive space.

How does discourse take up space? Discourse is talk, conversation, texts, blogs, signs, documents, notes, files, lists, pencil scratchings, podcasts, fictions, gossip, categories, graffiti, laws, names, titles, whispers, tweets, headlines, webpages, archives, articles, and more. Bound and unbound, fixed and fluctuating, casual, formal, global and local, discourse extends itself into intimate space as the very lifeblood of human endeavor. Discourse is intimacy pulled into words. The space of discourse is that of human intimacies: of people talking, together. As such, the politics of space are omnipresent to the realities of discourse, if not always conceptualized this way, and have affects ranging from the casual and creative, to the maintenance of deeply ingrained oppression. This work has attempted to spatialize discourse in a way that highlights how privileging discursive space can “take it up”, leaving less room for other discourses that might seek to expand into those same occupied spaces.

But in bringing various theories of space together in this way with respect to a common base, there might be something missing in how “the spatial” ends up being theorized in this project. While spatial dynamics, such as space-taking, can be useful for discussing commonalities across different forms of space, and ways of theorizing space, one important aspect that this project does not discuss is how these different forms of space-making, and theories of space-making, also have important differences. Another way to say this is that in moving between different ways of thinking about, creating, or interacting with space, my project risks flattening out these important differences. A challenge for further work, and future iterations of this project, would be to reconsider

how these important differences could be mobilized within the project as productive tensions.<sup>198</sup>

It is no coincidence that the processes of ground-up space making we have discussed—autonomous space, heterotopia, and those of resisting reterritorialization—are all ways of making do with respect to hegemonic systems and top-down space-taking. It should be no surprise then that some of those strategies (all, in the end, about taking back space), might end up reifying some of those same dynamics they are critiquing, of taking up an intimate space so denied, but in ways that take up space, or deny space to others, in turn.

It is to this end that my project has also tried to show how, in considering such privileging in intimate space, it is necessary to take a broad view of how and when moments of intimate privilege come together, and what other intersecting factors they are coming together with in those moments. To consider non/monogamy in its many discursive and privileged contexts meant not only to move beyond simply investigating the privilege attached to monogamy, but to reframe the entire line of inquiry.

While at the outset of this project I sought to investigate the privilege attached to monogamy (though not yet in those words), the project as a whole, and many of the parts that comprise it, have gone through major regroupings and changes of tenor. In the beginning this project was an activist one, written to unpack hidden histories and voice unsaid truths. I drew my inspiration and methodological models from queer theory and bisexual feminism, mobilizing theory and identity politics to work on framing and understanding my own perceptions, politics and encounters living as an openly non-

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<sup>198</sup> Thanks to Line Grenier for raising this important consideration during the defence.

monogamous subject in a societal setting that seemed constantly surprised, intrigued and infuriated in turn. In Jeffrey Weeks's *Sexuality and Its Discontents* (1985) I found a way to conceive of sexuality as existing in relationships of radical pluralism, irreducible to one system, one way of being. It struck me this one-ness, this mono-sensibility was something we were stuck on—one way to love. In bisexual theory, history and politics I found it too, a careful questioning of imperatives from both sides to stick to that same mono-sensibility—to love one gender. Emerging from that discussion there was a repeated thread that kept coming back to the same question, that same mono-sensibility, but this time tied to the notion of the union, questioning that last imperative—loving one person. Clearly, I would research monogamy.

But through time and consideration this project blurred and shifted. It seemed that while I was still fixated on monogamy, most of what I really wanted to talk about was everything else occluded by our societal fixation with oneness in love. I wanted to talk about adultery's odd new publicity, about the "dark threat" of polygamy, about the weird world of swinging and especially about polyamory; I wanted to talk about this iconoclastic new discourse and how it made all of those other alternatives—what, obsolete? Antiquated? Certainly questionable, in need of revision and change. Running through again and again, grouping and regrouping my objects, thoughts and approaches, what emerged were the chapters preceding in their earliest form (though the one on swinging never made it, tucked away in a file awaiting further research). Clearly, I would research non-monogamy.

But something happened I didn't expect. In researching these non-monogamies I began to question my own first premises. In broadening my initial forays into queer

theory and sexual pluralism with the more nuanced theoretical frame of intimacy, suddenly other factors began to pop out of the woodwork, other kinds of intimacy that began to cluster in curious patterns around the discourses and discourse-cultures I was interested in. In addition, other theoretical paradigms began to assert their influence upon my thinking, quite unbidden by me. The dynamics of space slowly asserted themselves as relevant to this project as I watched polyamorous space from the inside and interacted with an intimate public sphere where intimacy and space seemed to often be articulated together. The politics and perspectives of anti-racism also invited me to rethink my own positionality with respect to non-monogamous structures, and with respect to the discourses that framed them both in the public sphere and in the subaltern counterpublics with which I was growing increasingly wary. Through the lens of intimate privilege I found that, simultaneously, I was not just looking at non-monogamy, but non/monogamy, and that if I was truly addressing states of privileged intimacy within that system, my analysis would have to cut across my objects and discourses of study; not only would I have to take an intersecting privilege into account, but my own categorical framing of the project, with “good” non-monogamy on one side and “bad” non-monogamy and monogamy on the other, would be inadequate to the task at hand. At that point I left my activist project and preconceptions at the door. Clearly, there was no way to know in advance where my research was going to take me.

One of the most interesting aspects to get left behind when my research took on this new direction was one that had at first seemed an essential part, that of “justifying” the societal reality of romantically loving or having sexual relations with more than one person. On the one hand, the societal prominence of polyamory has made this aspect

something I did not feel I needed as part of the project any more, that it could be taken as read as opposed to something that it was necessary to cover. On the other hand, there is also an entire parallel personal narrative on polyamory, love, intimacy and privilege that was also being formulated throughout this project and, though it does not appear in these pages, does inform them subtextually. Coming back “into my own voice” here in the conclusion is important for me, as though I do not pursue these other directions in the text itself, they are still present to a certain extent in the analysis. By doing this here, at the end, rather than in having my cards fully on the table (as it were) throughout, allowed me to maintain those parallel tracks without my narrative needing to address them both.<sup>199</sup>

Another interesting element that got left behind was a more thorough engagement with texts coming specifically out of the traditions of queer theory and gender studies. While the earlier sections of my project are informed by, and work largely within, these frameworks, turning to theories of spatiality in later sections drew me into protracted engagements with scholars that were not necessarily and specifically part of these traditions, though in many ways did inform them (such as Foucault, and Deleuze and Guattari). In many ways I still think of the project as “belonging” to queer theory, but perhaps this is mostly as extension, as a road that starts in queer theories of the heteronormative and then tries to extend that thinking outward and sideways to incorporate a broader conception of privileged intimacy. That said, to return to queer and gender theory texts and authors with these insights would be an excellent way to round out the scope of my project.<sup>200</sup>

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<sup>199</sup> Thanks to Monika Kin Gagnon for raising the question of self-reflexivity, and its role in my project, during the defence.

<sup>200</sup> Thanks to Chantal Nadeau for pointing out this ironic trajectory during the defence.

On the other side of these many changes, and the analyses and explorations of the preceding chapters that came from them, it is still worth returning to my original question, duly reformulated, and to ask what conclusions we can draw about monogamy and privilege. Before trying to answer this we have to take a step back to ask why might it still be important to ask such a question, and what might be at stake in the inquiry.

This means actively deconstructing our “self-evident” (i.e., hegemonic) understanding of monogamy’s deep centrality within societal structure. The first reason for this is epistemological: as I have tried to demonstrate, what we think of in isolation as “monogamy” is in fact only one part of a more complex non/monogamous system that structures much of how we figure, *configure* and even strive to *refigure* intimate relations. This epistemological project has many facets, and many affects. As we have seen, the knowledge/power attached to normative framings of both monogamy and non-monogamy reaches issues as broadly situated as immigration law and policy; child custodianship; commerce and industry; journalistic practices; subcultural identities; counseling and therapy; intercultural, interfaith, and interethnic communication; fictional representation; and criminal law. Understanding non-monogamies is an ongoing struggle and challenge for both mainstream culture and subcultures alike.

A second reason this deconstruction is important is an extension of the first, that in only recognizing the monogamous parts of a broad spectrum of societal relations we erase or elide the legitimacy of other forms of intimate expression. This erasure forces them to either be subsumed within heteronormative figurings, as is the case with infidelity; exist a-legally outside of societal frameworks (and also often of oversight), as in many forms of conventional polygamy; or grow into “other” spaces of intimacy, but in

ways that risk reinscribing intersecting forms of privilege, as can be the case with polyamory. But more than this, it mistakenly places these breaches to the mores of intimacy “outside” of human culture. And while this does not immediately mark non-monogamies as oppressed discourses, it conditions an intimate landscape in which even at very basic levels (like in language and words), a large number of diverse and differently articulated non-monogamous intimacies are discounted. The map of intimacy with monogamy at the centre is overdetermined to the point of not only misrepresenting the intimacies it does depict, but of rearranging the territory itself through a far-reaching application of its own hegemonic premises.

So is monogamy privileged? In the end the best answer might be that monogamy is often highly and prominently embedded in issues surrounding privilege, but simply being monogamous or non-monogamous is not enough to guarantee either privilege or oppression. The real answer to the question of who can mobilize a privileged intimate position plays out in the intersects.

We have already explored how discourses of non-monogamies intersect, and how the porous categories we use to divide non-monogamy fail to fully account for the many ways in which ideas, frameworks, language, strategies and stories bleed across discursive boundaries. But to truly acknowledge these dynamics includes acknowledging how this process occurs not just among and between non-monogamies, but also between monogamies and non-monogamies, informing non/monogamy generally.

Deconstructing an understanding of adultery as separate from heteronormativity is one way to make manifest this deeper more embedded connection. Another is how the denigration of prominent non-monogamies is mobilized in discourse as part of rhetorical

strategies to police and preserve (hetero)normative intimacies. Discussing semiology, Saussure reminds us that definition is not merely a process of discreet significations, in which each signifier and signified come together independently to make meaning, but one in which the value of definition is relative, both affecting and affected by what is adjacent to it (114). Monogamy as a term, concept, and practice always and already defines the other romantic and sexual intimacies that are measured in relation to it, and vice versa. If dominant narratives and discourses tell us that *mono-gamy* is the standard, then *non-mono-gamies* are created as its Others, the cast-off cuttings from monogamy's die, the leftover material, the cultural detritus. But as all of that leftover material is only notionally leftover, and in reality is implicated in every cultural and societal space engendered by monogamy, then the only way to truly approach it is intersectionally, not just across non-monogamies, and between non-monogamies and other socio-cultural positionalities, but with respect to its overall non/monogamous context, with affects that bleed across its own notionally binary lines.

From this multiply-intersected perspective, there is less need to ask questions such as “what is the most privileged form of non-monogamy?”, and “how is monogamy privileged over non-monogamies?”, as such questions ignore the intersectional reality according to which intimate privilege is apportioned. As intimate privilege has a finer weave than the macro-social categories that we cross to try to conceptualize it—non/monogamy being among them—it is to specific and emergent instances of privilege or oppression that contain elements of non/monogamy as part of their assemblage that we must look to answer questions about when certain forms of intimacy hold privilege, or take up discursive space.

Non/monogamy, *qua* system, takes up discursive space along privileged lines, running along the well-worn intersecting contours of socio-cultural power. And while this research points to a trend of non-monogamies starting to take up more discursive space, and carving out a more prominent—and probably permanent—space in the public sphere, careful attention needs to be paid to how this is occurring, and how power and intimate privilege might be being reified or newly shored up by non-monogamous discourses and in the spaces (both discursive and practical) that come into being in relation to them.

### **Lines of Flight: Directions for Future Research**

This dissertation leaves us with several crucial questions, the answers to which escape the bounds of the work itself in terms of overall scope and reach. I pose them as questions here at the end because I believe they might not even all have answers in the conventional sense, but rather are openings for ongoing consideration, and for future research.

One such question is that of the difference between harm and privilege, both in relation to how we engage discursively with non/monogamy, and how we frame intimacy more broadly. When harm is potentially intersecting with privilege in non/monogamous situations, it becomes important to nuance our understandings if we do not want to fall into logics of privilege that cloud issues, confound cases, and shape our patterns of thought and action in often unconscious ways. If we are writing to critique, promote, or even simply discuss any form of monogamy or non-monogamy, how are we, in the spirit of Weeks's radical sexual pluralism, taking care to draw conceptual distinctions between the parts of non/monogamy some might find intuitively distasteful, or strange, or

disturbing, and situations where there might indeed be problematic elements occurring along side of or through specific non-monogamous instances. For example, when, as a society, or members of a society, we want to engage with the gendered power imbalances inherent to compulsory polygyny, are we missing the mark when we frame that discursive battle as being about polygamy? Does our privileging of monogamy, secularism, capitalism and mainstream Judeo-Christian values confound the frame we place on polygamy or polygamists making it impossible to see them as rational human beings? Does it also lump them together, erasing their specificity in a totalizing discourse that makes what harm there might be even more difficult to address, like in the Texas raids?

Another question is about the status of a steadily increasing non-identity-political non-monogamy, of a non-monogamy that seeks to establish itself in the world without recourse to one specific discourse to ground it. In addition to the discourses I follow, those of adultery, polygamy, and polyamory, and those secondary ones that I touched on or researched without exploring them in depth (such as swinging, open relationships, swapping, communal experiments, and “understandings” between couples), there is an increasing incidence of those who are simply *not monogamous*. Will “non-monogamous” become a discourse of identity to rival polyamory, like some more identity-political formulations of “queer” that some subjects have taken up as identities, or will it resist such a movement, and simply carve out a larger space for itself as a positive term for monogamy’s negation? And if it does become a more self-conscious discourse, what shape will the intimate space that collects around it be like? How might it variously reflect issues of privilege, intersectionality, and identification across more

established discourses of specific non-monogamies? What structural effects might such a broader—self-conscious—non-monogamy have, for institutional structures, law and policy, everyday social life?

And what of the role of money in the circulation of non/monogamy discourse? This new prominence of, and interest in, discourse surrounding non-monogamies has already lead to publications of all types and scales, from academic anthologies to magazine articles, from dedicated poly periodicals to tell-all books about polygamy, from small scale zines to adultery manuals. It has also lead to films, television series, webcomics, short films and documentaries. There are polyamory t-shirts, adultery websites, swinging conventions and, in the wake of the FLDS coverage and *Big Love*, a resurgence in popularity of prairie clothing styles and “compound chic” hair-dos. If capitalism inflects the discourse of the intimate public sphere, pushing and tugging it ever-so-subtly in profitable directions, what new forms of commodified discourse will we see in the coming years both with respect to an ongoing media fascination with non-monogamies and the ever-present backlash? And what might this mean for discourse specifically created by sex-workers, in some ways very similar to those of commodified adultery, but importantly different with respect to who those discourses are being created to protect or support.<sup>201</sup>

Another such question relates to the methodological aspect of my project. As this project is, to a certain extent, highly singular, borrowing from multiple theoretical and methodological traditions but not being formally bound to any one specific process, how

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<sup>201</sup> Thanks again to Maria Nengeh Mensah for raising this key question during the defense, as well as for asking the thought-provoking question on methodology that directly follows.

can one then use writing such as this in turn as method? It is maybe possible to answer this question partially respect to its largest methodological inspiration, that of genealogical discourse analysis. Since the formal horizontal analyses of this tradition offer more of a rough analytical framework for inquiry than a set of doxical rules, it lends itself well to evolving iterations that each and together can bring in new methodological insights. But as to the project itself, with its methodological twists and theoretical flourishes, it will also be an ongoing project to unpack the process it followed in order to remobilize its various turns for new work.

A final more open question relates to intimate space. As Saldanha's critique of heterotopias reminded us in the last chapter, difference in space is both variegated and vicissitudinal. It exists in irregular patches, shot through with and marked by variety, and it changes by turns, wending this way and that, a meandering, bewildering landscape. Given this complex and complicated nature, the question arises of how to discuss that nature with the same level of detail as the object under discussion. Just as "heterotopia" is too blocky a concept for the fine work of detailing difference in space, how might we continue to discuss such things as "intimate space", and even "the intimate public sphere" without letting our overly-clean-edged spatial tropes overwhelm the fine detail of the discussion?

In a more specific vein, there are several ongoing research questions arising from my dissertation that I plan to pursue more directly. My dual focus in this dissertation on attempting to contribute to the theorizing of non/monogamies and to the elaboration of a theoretical methodology for discussing intimate privilege gives me many different potential "off ramps" or "lines of flight" to pursue with a view to extending or

complimenting the work engaged in here. As both of these foci give me fruitful directions for research I will explore them in turn.

As I draw my dissertation to a close, I am continuing to track many of the material issues I have engaged with as they continue to unfold in the public sphere. As discussed in Chapter 3, the increased public sphere prominence of discourse surrounding non/monogamy is coming to a crescendo, especially in Canada, as I complete this project as it now stands. Many of the events I write about will continue to unravel over the coming years, extending beyond the scope of my dissertation. As such, I will continue this project through to its next stage as I follow the discourse of polygamy in Canada through the fallout from the Blackmore/Oler court hearings and the spectre of the constitutional battle still to come. Though a finished project itself, this dissertation remains part of a more complete work that will come on its heels, as soon as the events it tracks play out fully.

A second site for continued and more in-depth analysis is one that was an integral part of my argumentation until very late in the project when it grew so large that it started to become its own stand-alone project that needed to be explored with a broader mandate. Though I discuss the politics of whiteness in dominant Western constructions of non-monogamies (and especially conventional polygamy), there is a wealth of material, both archival and current, that escaped the current analysis. From the historical construction of polygamy in US, Canadian and other Western legal systems; to the politics of border maintenance and “whiteness” maintenance; to ideological constructions of “polygamous immigrants” in countries such as the US, UK, Canada, and France; to how polygamous subjects are often racialized, even when they are white Christian LDS, there is a dynamic

linking a modern white/Western notion of civilization with a monogamous notion of intimacy in discourses of both the public and governmental spheres. Building on both the analyses contained within this project and a more-sustained engagement with critical whiteness studies scholars, I will seek to complete this crucial orphaned part of my project.<sup>202</sup>

A third site for continued research on non/monogamy will be to engage with the tide of critical works on non-monogamies that are just now beginning to appear in academia and the intimate public sphere broadly. My dissertation is only one of many on issues surrounding non-monogamy, some already complete (such as Klesse's and Wosick-Correa's dissertation studies of polyamory), and some still in progress, or just beginning. The publication of the Routledge collection *Understanding Non-Monogamies* (2010) marks an important point for critical non/monogamy scholarship as it begins to enter its second generation. It will be an important project to critically engage with what emerges of this new scholarship, as non/monogamy researchers begin to have larger dialogues and debates, to incite new discourse in non-monogamous communities, and to have a more-marked impact on academia, pedagogy and areas such as social science, social policy and law.

The second major strand of my ongoing research will involve the extension of the concept of intimate privilege to discussions beyond those surrounding non/monogamy. As a broadly-rendered theoretical frame and methodological framework, I plan to

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<sup>202</sup> Thanks to Gada Mahrouse who quite rightly pointed out this important absence in my writing during my defence, and for the very useful formulation "white/Western" which I borrowed from one of her essays as a useful way of conceptualizing some of the tensions and relationships inherent to the white/Western privilege mobilized in narratives on polygamy (Mahrouse 91).

continue to work with the fruitful connection between privilege and intimacies to bring the mutual and overlapping insights of queer, feminist and anti-racist theories to additional subject matter.

The first iteration of this strand of work is my postdoctoral project which will take the conception of intimate privilege and apply it to a discussion of hybridity and mixed-race identities and the ways they are mobilized or represented, both in theoretical discourse and criticism, as well as in popular cultural venues such as news reporting and fictional texts.<sup>203</sup> Taking my research in this new direction will complete a trajectory begun in my dissertation. In mobilizing the concept of “privilege” (that has been most fully developed in anti-racist theory), and applying it to a discussion of “intimacy” (as formulated within queer theory and sexuality studies), I have tried to bring a new angle to the academic discussion of sexual discourse. By using this conceptualization to study race and postcoloniality, I seek to make my research come full circle. Through projects such as these I hope to strengthen and deepen the theoretical and methodological project of my dissertation, as well as open up exciting new lines of inquiry for further research.

### **Final Thoughts**

At times this project might seem to run a bit counterintuitive. Truth be told, sometimes even I am surprised by the shape of it. In arguing that adultery plays a key role in holding monogamy together, that polygamy might be more complex than our mappings of it might portray, and that a progressively framed and self-consciously ethical

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<sup>203</sup> The title of this project, starting in Fall 2009 at York University in Communication and Culture, is “Postcoloniality and Privilege in the Hybrid Subject: Mixed-Race Identity and Intimate Privilege in Theory and Popular Discourse.”

polyamory might, in its very aspirations, be still in need of criticality, I am moving through the space of non/monogamy in bizarre ways, sometimes even against my own intuitions, or original inclinations. But in the end, I find this very aspect of the journey the most satisfying part. While I may not have been able to solve or even at times resolve some of the confusion and contradiction in discursive renderings of non-monogamies (such as the ethics of polygamy, or the ways polyamory might become more inclusive), at least I can be confident that I raised the questions. When Walter Benjamin famously wrote his metaphorical yarn about the Angel of History—wings outstretched and propelled ever onward, unable to pause to consider or rebuild, watching the rubble accumulate behind him—he was talking about how historical materialism must account for the past not as a chain of events, like slices of time, but as an ongoing accumulation, a continuous unrelenting flow implicating past and future ([IX]). If we think of part of that accumulation as discourse, the Angel could be thought of as not only incapable of turning against the flow, but also lost in an ever-increasing cacophony of voices—an accumulation that might seem at times deafening. Cutting across the flows of non/monogamy discourse, brushing them against the grain (as Benjamin wishes us to do with history ([VII])), this work seeks to be a discordant harmonic in that accumulation of voices, one that has a chance to make people pause and consider. At the outset this project sought to be a transformative analysis, to engage with the machine of intimate discourse in the public sphere and unravel the tightly woven discursive threads of non/monogamy. In the end, the work has transformed me as well, caught in the cacophony, listening for new changes in tone or pitch, but now aware that to listen for any whole or complete tune would be folly. Like with history, one cannot stop or slice

discourse, as every moment is materially linked with what comes before, and what comes after. The discourses of non/monogamy, their spaces, and their politics are open texts, relentlessly working their way into future intimacies.

FIN

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## APPENDIX A

### EXPANDED LIST OF ENGAGEMENTS WITH NON-MONO GAMY IN THE PUBLIC SPHERE

It is impossible to create an exhaustive list of all of the public engagements with non-monogamy in recent years. The scope of relevant public engagements is too broad, too scattered for a finite list to do it justice. But it is possible to flag some of the major ones that, together, form the crucial backdrop to this work. These engagements are occurring in various modalities of discourse:

Such as public policy, law, debate and journalism:

- The same-sex marriage debate in Canada and the US (as well as other countries) and a particular strain of attendant political rhetoric warning that the legalization of same-sex marriage is a slippery slope that will lead to legalizing, among other things, polygamy and polyamory (Kurtz 39).
- France’s employment minister Gérard Larcher blaming the 2005 riots in Paris on African “polygamists” and their failure to “assimilate properly” with French culture (Arnold).
- Renewed news coverage of openly-polygamous Fundamentalist Church of Jesus Christ of Latter-Day Saints (FLDS) communities in the US and British Columbia linked with the arrest, trial and conviction of FLDS leader Warren Jeffs, and the repercussions of this event on coverage of the infamous community of Bountiful, B.C.
- The constitutional challenges that may soon be mounted against anti-polygamy and anti-bigamy laws in Canada following the arrests of Warren Blackmore and James Oler,

the first charges using the anti-polygamy statute of Canada's Criminal Code since the 1940s ("Polygamy Debate").

- The deployment of the threat of legalized polygamy in the "Reasonable Accommodation" discourse in Canada and Québec in the wake of Hérouxville and the Bouchard-Taylor Commission.
- The legalization of "swinger's clubs" in Canada in 2005 (Tibbets and Skelton).

In popular culture and subcultures:

- The gradual mainstreaming of gay, lesbian, bisexual and queer cultures, each of which with diverse and variously fraught relationships with, and discourses of, non-monogamy.
- Increased visibility and public acceptance of kink and BDSM cultures in which forms of both casual and more-committed non-monogamies have long been staple parts.
- A more active and visible polyamorous community emerging in many countries, with annual conferences and regular publications such as *Loving More Magazine*<sup>204</sup> (est. 1994) and *Green Egg* (est. 1968).
- A mounting societal interest in discourses around non-monogamies, evidenced in their increasing presence in a range of media forms.

On television, in film and on stage:

- The ubiquity of adultery as a plot theme in both mainstream movies (Zare) as well as almost every television genre from soap operas, to prime-time television dramas such as *House* (2004) and *Grey's Anatomy* (2005), to youth-oriented shows such as *Buffy the*

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<sup>204</sup> *Loving More* was originally subtitled *A Group Marriage Journal & Network* and existed even earlier in the form of a newsletter titled *PEP Talk* (Polyamory Education Primer) (Kinsey Institute; "About Loving More").

*Vampire Slayer* (2001) and *Gossip Girl* (2007), to reality shows such as *Temptation Island* (2001).<sup>205</sup>

- The appearance of the HBO’s *Big Love* (2006), a show about a polygamous “Mormon” family living in the suburbs of Sandy, Utah, as well as the popular and critical response to this program.
- The appearance of feature-length documentaries about polyamory appearing in the mainstream media such as *When Two Won’t Do* (2002), and *I Love You. And You. And You.* (2006), as well as of segments about polyamory in non-fiction programs such as *Penn and Teller’s Bullshit!* (2005) and sexuality programs such as *SexTV* (1999).
- The popular consciousness of polyamory in the mainstream media in terms of news articles and coverage on popular television programs including *Dr. Phil* (2002) and *The Montell Williams Show* (1991).
- Episodes of popular television dramas dealing with swinging culture such as *Sex in the City* (1998), *CSI: Crime Scene Investigation* (2000), and the new show *Swingtown* (2008) that explores 70s Swinging subculture.
- Other popular television shows (both comedies and dramas) that contain either single episodes or running plotlines containing main characters who explore open relationships, such as *Arrested Development* (2003); that touch on non-monogamous themes, such as BBC’s *Casanova* miniseries (2005), or that address polyamory directly in their narratives such as *Undressed* (1999) and *Metropia* (2004).

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<sup>205</sup> A US television program that ran for three seasons, the format was then imported to create local versions of the show in countries such as Australia, Brazil, China, France, Hungary, Italy, Mexico, Holland and Bulgaria (“Temptation”).

– Mainstream films that focus on swing culture such as *Bob & Carol & Ted & Alice* (1969), *Shampoo* (1975), *Eating Raoul* (1982), and *Kinsey* (2004); that have non-monogamous themes such as *Wild Orchid* (1990), *The Ice Storm* (1997), *Threesome* (1994), *Wild Things* (1998), *Cruel Intentions* (1999),<sup>206</sup> *Splendor* (1999) and *Atanarjuat [The Fast Runner]* (2001);<sup>207</sup> or that directly address polyamory such as John Cameron Mitchell's *Shortbus* (2006).

– Plays that focus on polyamory, or contain polyamorous themes or characters such as Paula Vogel's *And Baby Makes Seven* (1984) and John Sable's theatrical adaptation of *The Ethical Slut, Multiple O* (2008).

In print culture:

– Popular journalistic work on non-monogamy such as Terry Gould's in-depth report on "swinging" culture in his bestselling book *The Lifestyle: A Look at the Erotic Rites of Swingers* (1999).

– "Pro-adultery" discourse appearing in popular and academic writing such as Judith Brandt's *The 50 Mile Rule: Your Guide to Infidelity and Extramarital Etiquette* (2002), Bonnie Eaker Weill's *Adultery: The Forgivable Sin* (2003), and Laura Kipnis's *Against Love: A Polemic* (2003).

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<sup>206</sup> Based on the novel *Les Liaisons Dangereuses* by Choderlos de Laclos (1782), this story of deceptive non-monogamy seems to recur again and again in film, other variants being *Dangerous Liaisons* (1988) and *Valmont* (1989).

<sup>207</sup> An expanded list (that also addresses subplots and secondary characters exploring non-monogamy) was compiled by Howard Landman at <http://www.polyamory.org/~howard/Poly/movies.html>.

- An emerging genre of self-reflexive adultery fiction such as Eva Cassidy's *The Adultery Diet* (2007) and Tess Simpson's *The Adultery Club* (2007).
- Self-help books about dealing with adultery such as Pat Gaudette's *Midnight Confessions: True Stories of Adultery* (2005), and Robert D. Jones's *After Adultery* (2007).
- The recent popularity of histories and biographies of mistresses such as *Book of the Courtesans: A Catalogue of Their Virtues* (2002), *A History of Mistresses* (2004), *Ladies of the Bedchamber: The Role of the Royal Mistress* (2005), *England's Mistress: The Infamous Life of Emma Hamilton* (2006), and *Nell Gwyn: Mistress to a King* (2006).
- Autobiographies of historical figures famous for their non-monogamy and/or infidelity such as Emma Goldman's *Living My Life* (1931), *Journals of Anais Nin* (1996), Simone de Beauvoir's *Adieux: A Farewell to Sartre* (1981), and the recent reprinting of Giacomo Casanova's *History of My Life* (2006).
- The cumulative history of popular novels that explore the themes of non-monogamy in science fiction and fantasy, as well as mainstream genres, some of which generate critical attention, or even spawn organizations or churches<sup>208</sup> devoted to the principals therein, books such as Robert Heinlein's *Stranger in a Strange Land* (1961), *Time Enough for Love* (1973) and *Friday* (1982); Robert H. Rimmer's *The Harrad Experiment* (1966); Marge Piercy's *Small Changes* (1973), *Woman on the Edge of Time* (1976), *Vida* (1980), and *Summer People* (1989); Marion Zimmer Bradley's *The Forbidden Tower* (1977); Milan Kundera's *The Book of Laughter and Forgetting* (1978); Spider and Jean Robinson's *Stardance* trilogy (1978, 91, 95), Guy Gavriel Kaye's *Fionavar Tapestry*

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<sup>208</sup> Such as the Neo-Pagan Church of All Worlds that it broadly based on the one of the same name as explored in Robert J. Heinlein's *Stranger in a Strange Land*.

- trilogy (1984, 86, 87); Mercedes Lackey and Ellen Guon's *Bedlam's Bard* (1992); Starhawk's *The Fifth Sacred Thing* (1993); and Maya Banks's *Colters' Woman* (2007).<sup>209</sup>
- Short stories by authors (many in the “erotica” genre, and many coming out as part of queer and/or kink discourse) addressing/including either non-monogamy or polyamory directly or indirectly such as Pat/rick Califia's *Macho Sluts* (1984) and Bill Brent and Carol Queen (eds.) *Best Bisexual Erotica* (2000).
  - Novels and novellas that contain characters that are explicitly polyamorous or who mention or reference polyamory specifically such as Charles Stross's novella “The Atrocity Archive” (2004) and Jack Pendarvis's novel *AWESOME* (2008).
  - Autobiographies and testimonials from authors and others who have experienced life in communes where non-monogamous forms of intimacy were openly practiced such as Samuel Delany's *The Motion of Light in Water: Sex and Science Fiction Writing in the East Village* (1988) and *Heavenly Breakfast: An Essay on the Winter of Love* (1979).
  - A multiplicity of books introducing polyamory such as Deborah Anapol's *Polyamory: The New Love Without Limits, Secrets of Sustainable Intimate Relationships* (1997), Anthony Ravenscroft's *Polyamory: Roadmaps for the Clueless and Hopeful* (2004), Peter J. Benson's *The Polyamory Handbook: A User's Guide* (2008), Tristan Taormino's *Opening Up: A Guide to Creating & Sustaining Open Relationships* (2008), and Jenny Block's *Open: Love, Sex and Life in an Open Marriage* (2008).

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<sup>209</sup> Part of this list was gleaned from the “Polyamory in Fiction” page at <[www.polychromatic.com/fiction](http://www.polychromatic.com/fiction)>. This list also only touches on books that deal with open non-monogamy; to even begin to list novels related to adultery as well would serve little purpose, there are too many to even put a number to.

On the web:

- Pro-adultery websites like *AshleyMadison.com* with business plans, press releases and advertisements that explicitly seek to cater to cheating individuals.
- The appearance of websites like *Alibi Network* that sell or give adulterers plausible alibis and evidence to corroborate their extramarital fictions.
- An explosion of writing about polyamory on the Internet in the form of blogs, webpages, web circles, podcasts, discussion groups and other forms of online community.<sup>210</sup>
- Other diverse media forms that address themes linked to non-monogamy or polyamory specifically such as in popular web comics (such as *Fans!*, *Dykes to Watch Out For* and *Questionable Content*), podcasts such as “Polyamory Weekly”, or *YouTube* testimonials and documentaries like “Unlikely Family”.

In academia:

- The exploration of polyamory in edited collections such as Kevin Lano and Claire Parry’s *Breaking the Barriers of Desire: Polyamory, Polyfidelity and Non-Monogamy – New Approaches to Multiple Relationships* (1995), Marcia Munson and Judith Stelboun’s *The Lesbian Polyamory Reader: Open Relationships, Non-Monogamy, and Casual Sex* (1999), and Serena Anderlini-D’Onofrio’s *Plural Loves: Designs for Bi and Poly Living* (2004).

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<sup>210</sup> For a comprehensive list of links see *Loving More*’s page of “Polyamory Resources & Links” at <<http://www.lovemore.com/links.html>>, or for a different sampling a Google search on terms such as “polyamory” can show the extent of penetration of the topic. Such a search in 2005 generated over 170 thousand links (Barker and Ritchie 588), and in 2009 the same search generated over 855 thousand links.

– New work on polyamory specifically, and non-monogamies broadly, such as in the *Sexualities* 2006 Special Issue on Polyamory, Meg Barker and Darren Langdridge's upcoming edited collection *Understanding Non-Monogamies* (2010), and a spate of doctoral and MA projects being produced on polyamory,<sup>211</sup> that include a burgeoning critical academic response to polyamory that, while supporting some of its general principals, mounts a heavy critique of the shortcomings of the discourse itself.

I included this somewhat overwhelming list for several reasons, not the least of which is that the list is a powerful form that has the power to draw a specific boundary around seemingly-unrelated things and reveal some of their shared dynamics. In a way this list is my project in microcosm, it creates a space in which a relation of intimate connection is posited and begins to be explored out of the simple act of grouping items together. The connections begin to seep out of their sheer proximity on a page, forging linkages under their own power.<sup>212</sup>

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<sup>211</sup> Such those by Christian Klesse's dissertation on polyamory and non-monogamy within gay male and bisexual communities in the UK (recently published as *Spectres of Promiscuity: Gay Male and Bisexual Non-Monogamies and Polyamories* (2007)), by Kassia Wosick-Correa's dissertation exploring the sociological dimensions of polyamory, and Melita Noël's MA work on polyamory.

<sup>212</sup> Thanks to my colleague Ken Werbin for his inspiring work on lists as communicative form.

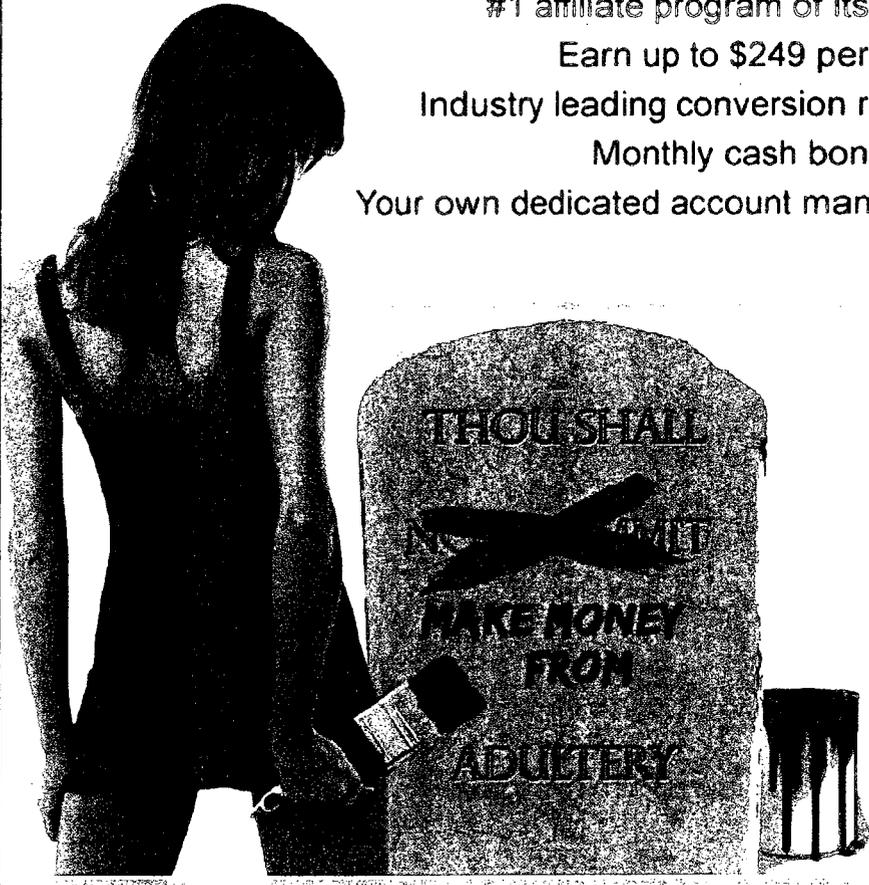
## APPENDIX B

## SAMPLES OF ASHLEY MADISON AGENCY ADVERTISING

**ashleymadison.com**  
LIFE IS SHORT. HAVE AN AFFAIR!

Become an affiliate for the  
**World's Leading Married Dating Service**

- #1 affiliate program of its kind •
- Earn up to \$249 per sale •
- Industry leading conversion ratios •
- Monthly cash bonuses •
- Your own dedicated account manager •



**Call or email us today and receive 100% commission.**

Website: <http://affiliate.ashleymadison.com>  
E-mail: [affiliate@ashleymadison.com](mailto:affiliate@ashleymadison.com)  
Phone: 1.800.269.9487

Fig 2. "Ashley Madison Affiliates Advertisement." *Revenue*. N. d. *Ashley Madison in the Media*. 4 Apr. 2009. <[http://static-cdn.ashleymadison.com/site/images/v2/public/media/magazine\\_revenue.jpg](http://static-cdn.ashleymadison.com/site/images/v2/public/media/magazine_revenue.jpg)>.



**ashleymadison.com**

**For Women Seeking  
Romantic Affairs  
& the Men Who  
Want to Fulfill Them.™**

**1-866-742-2218**

*Anonymous • Discreet • Sign-up Free • 21+*

Fig 3. "Ashley Madison Print Ad 3." N. d. *Media Kit*. 12 June 2009  
<<http://www.ashleymadison.com/app/public/media/advertising/3.p>>.

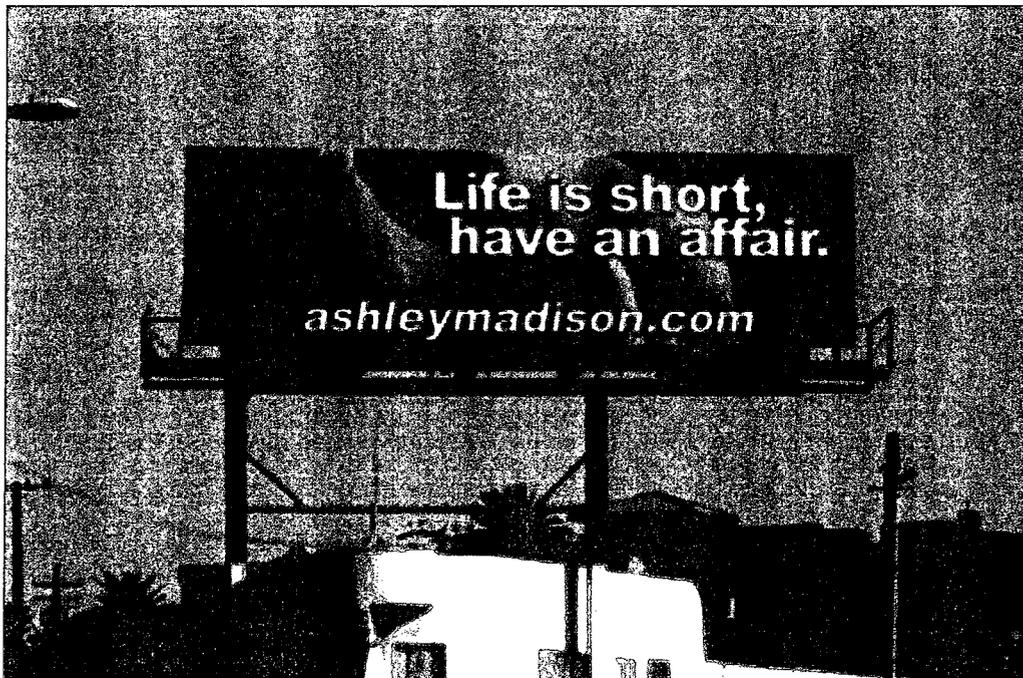


Fig 4. "Ashley Madison Billboard, West Hollywood 2007." "Life Is Short – Just Do SOMETHING!" N. d. *Our Cheating Ways*. 15 July 2009 <<http://www.cheatingways.com/why-do-we-cheat/life-is-short-just-do-something/>>.

**WHO Are You Doing  
After the Game?**

**ASHLEYMADISON.com<sup>®</sup>**  
Life is Short. Have an Affair.

Ashley Madison.com is America's #1 Online Dating Service for people looking to have a Discrete Affair. Sign up today and if you don't have an Affair to Remember, we'll give you your money back. Guaranteed!

Fig 5. "Ashley Madison Superbowl Program Insert, 2009." 1 Feb. 2009. *Ashley Madison in the Media*. 12 June 2009 <[http://static-cdn.ashleymadison.com/site/images/v2/public/media/program\\_superbowl.jpg](http://static-cdn.ashleymadison.com/site/images/v2/public/media/program_superbowl.jpg)>.

## APPENDIX C

CANADA'S CRIMINAL CODE (C.26) STATUTES REGARDING BIGAMY AND  
POLYGAMY, 15 JULY 2009

## OFFENCES AGAINST CONJUGAL RIGHTS

## Bigamy

290. (1) Every one commits bigamy who

(a) in Canada,

(i) being married, goes through a form of marriage with another person,

(ii) knowing that another person is married, goes through a form of marriage with that person, or

(iii) on the same day or simultaneously, goes through a form of marriage with more than one person; or

(b) being a Canadian citizen resident in Canada leaves Canada with intent to do anything mentioned in subparagraphs (a)(i) to (iii) and, pursuant thereto, does outside Canada anything mentioned in those subparagraphs in circumstances mentioned therein.

Matters of  
defence

(2) No person commits bigamy by going through a form of marriage if

(a) that person in good faith and on reasonable grounds believes that his spouse is dead;

(b) the spouse of that person has been continuously absent from him for seven years immediately preceding the time when he goes through the form of marriage, unless he knew that his spouse was alive at any time during those seven years;

(c) that person has been divorced from the bond of the first marriage; or

(d) the former marriage has been declared void by a court of competent jurisdiction.

**Incompetency  
no defence**

(3) Where a person is alleged to have committed bigamy, it is not a defence that the parties would, if unmarried, have been incompetent to contract marriage under the law of the place where the offence is alleged to have been committed.

**Validity  
presumed**

(4) Every marriage or form of marriage shall, for the purpose of this section, be deemed to be valid unless the accused establishes that it was invalid.

**Act or omission  
by accused**

(5) No act or omission on the part of an accused who is charged with bigamy invalidates a marriage or form of marriage that is otherwise valid.

R.S., c. C-34, s. 254.

**Punishment**

**291.** (1) Every one who commits bigamy is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

**Certificate  
of marriage**

(2) For the purposes of this section, a certificate of marriage issued under the authority of law is evidence of the marriage or form of marriage to which it relates without proof of the signature or official character of the person by whom it purports to be signed.

R.S., c. C-34, s. 255.

**Polygamy**

**293.** (1) Every one who

(a) practises or enters into or in any manner agrees or consents to practise or enter into

(i) any form of polygamy, or

(ii) any kind of conjugal union with more than one person at the same time,

whether or not it is by law recognized as a binding form of marriage, or

(b) celebrates, assists or is a party to a rite, ceremony, contract or consent that purports to sanction a relationship mentioned in sub-paragraph (a)(i) or (ii),

is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

**Evidence in case  
of polygamy**

(2) Where an accused is charged with an offence under this section, no averment or proof of the method by which the alleged relationship was entered into, agreed to or consented to is necessary in the indictment or on the trial of the accused, nor is it necessary on the trial to prove that the persons who are alleged to have entered into the relationship had or intended to have sexual intercourse.

R.S., c. C-34, s. 257.

END OF DISSERTATION