

Sexual Citizenship

Sooner or later, happily or unhappily, almost everyone fails to control his or her sex life. Perhaps as compensation, almost everyone sooner or later also succumbs to the temptation to control someone else's sex life. Most people cannot quite rid themselves of the sense that controlling the sex of others, far from being unethical, is where morality begins.

—Michael Warner¹

I'm talking about a politics where the nonnormative and marginal position of punks, bulldaggers, and welfare queens, for example, is the basis for progressive transformative coalition work.

—Cathy Cohen²

Central to our thinking, as will become clear, is the notion that all citizenship is sexual citizenship.

—David Bell and Jon Binnie³

The year 1996 was a banner year for conservative hegemonic identity politics in the United States. Twenty years of racist, misogynist “welfare queen” politics resulted in the enactment of a law that repealed the entitlement to social support, meager as it was, for families and children living in poverty. Thirty years of panic over young people and sexuality added abstinence-only sex education into the same law. And a generation of panic over the “homosexual menace” resulted in the Defense of Marriage Act.

These three policies of sexual regulation may appear to have little in common beyond their enactment in the same presidential election year. But they are all, I argue in this book, policies of sexual regulation that reflect an effort to reify a hegemonic, white, heteronormative family ideal of citizenship. And the somewhat different fate of the three policies twenty years later has much to tell us about sexual regulation, sexual citizenship, and democracy in the United States.

In the United States, we have always been much better at talking about equality than about practicing it. In this book, I analyze the problem of inequality through the lens of sexual citizenship, looking at public policies in the U.S. that engage in sexual regulation as a form of exclusionary and disciplinary politics, enforcing hegemonic ideals regarding what it means to be a “good citizen.” As we will see, this ideal involves a citizen who is white, heterosexual, and sexually continent—whose sexuality is controlled and contained in culturally and politically acceptable ways. This is the hegemonic ideal of sexual citizenship—an ideal that is primarily a fantasy, rather than the description of majoritarian citizen conduct that it purports to be. But an ideal is hegemonic not because it is actually adhered to by a majority, but rather because it is the standard to which we all must respond. It is the standard by which less powerful groups are measured, and found wanting, and all of us are disciplined.

The State and Public Policy

Feminist, queer, and to a lesser extent critical race theory, in the period following the adoption of the policies discussed in this book, turned its attention more toward culture, affect, and the operations of power in locations outside of public policy and the state. Post-structuralism, along with the critique of liberalism, the unitary subject, and of rights claims, led to less attention in many feminist and queer circles on the specifics of political institutions, at least in the ways that social scientists usually view these institutions.

In recent years, some feminist scholars have questioned whether focusing political contestation on public policy made by the state is counterproductive for political change.⁴ Part of the concern is that this kind of claims-making contains the quest for political change in a limited arena of social and political life, reducing the impact of social movements for political change. Changing state policy is obviously not the only route to greater freedom and equality, and there are certainly ways that legal strate-

gies have led to unintended consequences and to secondary exclusions. We can use this insight and bring it to bear on our analysis of public policy. Despite critiques of the nation-state as a political form, for the time being we still live in nation-states. As long as nation-states continue to make public policies in exclusionary ways, feminist scholars will need to continue to analyze those policies and states, and feminist movements will need to try to change them.⁵ For example, Nancy Hirschmann argues that rather than eschewing efforts to influence the state, feminists should articulate a feminist vision of the state and of the relationship between citizens and the state that would promote gender equality. Hirschmann's approach is also attentive to multiple sites of power outside of the state, and to the role of social construction in creating and sustaining inequalities. Thus, arguing that we attend to public policy does not mean we do not need to attend to other forms of political power.

With respect to the policies considered in this volume, the policies were not sought or chosen by the groups who are subject to them. Women and men who have limited economic resources do not seek welfare or workfare or the healthy marriage initiative—they seek basic support for themselves and their children. These policies reflect the enactment of hegemonic ideas of sexual citizenship into law, and conditioning benefits on participation is thus a form of sexual regulation. The attachment to these identities is actually on the part of elites, attached to the way that creating and reinforcing these deviant identities secures their hegemonic position in heteronormative citizenship. This is why, in this book, I develop my analysis by turning the lens around to look at hegemonic groups rather than the less powerful groups who are the intended subjects of these policies.

Public policy scholars and social scientists influenced by feminist, queer, and critical race theory have developed new analytic tools for bringing the theoretical ideas of post-structuralism, socially constructed identities, and more complex understandings of political power into analysis of the state and public policy, and I am drawing in this book on all of these scholarly currents.

Public policy enacts and produces hierarchies in many ways. These developments in scholarship mean that we now have better and more nuanced tools for analyzing public policy. The way that hierarchies are produced is not simple and straightforward. There may be ways to expand the practice of public policy to include different ways of thinking about democratic citizenship and inclusion, and thinking about some of these issues in terms of sexual citizenship is one way to do this. This analytic

lens is one approach to thinking about political and public policy in a more heterogeneous way.

In this chapter, I begin to build this analysis of sexual citizenship, first by discussing the feminist literature on gender, families, and intimate life that provides the theoretical and historical entry point for thinking about citizenship in a broader way. Then, I discuss the intersection of economic life with intimate life. I also discuss the conservative interests that have come together to create the policies analyzed in this volume. I discuss sexual citizenship specifically, developing the idea of the hegemonic heteronormative family ideal and using the scholarly literature on this subject to develop my analytic approach to contemporary public policy. Finally, I outline the approach that I use to analyze the public policies examined in chapters 2, 3, and 4.

Citizenship, Feminism, and Intimate Life: What is the Connection?

Feminist Political Thought: The Personal is Political

When feminist scholars first began writing about citizenship and democracy, the focus of concern was on what was seen as the division between public and private life. Feminists have argued that the gendered nature of this historic division has played an important role in women's subordination. This included the ways that women's roles in private life created barriers to their opportunities in the public sphere, the ways that public life was created as a sphere for men, and the ways that the division between public and private was seen as natural rather than as a creation of human societies. As feminist scholarship developed, it became clear that this was not a singular but rather a whole array of problems, and that thinking of the matter in terms of public and private was itself a problem.⁶

It is still true that many of the practical problems that affect women's lives, opportunities, and capacities are related to families and intimate life. But, given the developments in feminist, critical race, and queer scholarship in the past three decades, as well as changes brought about by social movements related to these areas of inquiry, we need broader, more inclusive ways of thinking and writing about intimate life, families, individual rights, and state policy. One way to do this is to look at the multiple ways that state power intersects with intimate life. This is why

I think the literature on sexual citizenship is so useful as a way to focus our attention on some of these issues in a productive and inclusive way.

What these movements and modes of inquiry have shown is that the entire political system, and most especially the division between public and private, is premised on a system of domination and subordination that venerates the lives of some and extracts resources from the lives of others. A system of unequal citizenship is central to the development of the U.S. political system, and has been well documented by scholars of American political development.⁷

This has meant that the rights and duties of citizenship have been different for different groups of people based on their gender, sex, race, national origin, sexual orientation, ability, and marital status. For example, Pateman's focus is on the (hetero)sexual contract that precedes the social contract, and much of the feminist literature has examined how the legal structure of the institution of marriage has worked to subordinate women and to reinforce heterosexual privilege and mandatory heterosexuality.⁸ The "racial contract," as Charles Mills argues, premised the rights and opportunities of white citizens on the exclusion of African Americans, through slavery, black codes, Jim Crow, and continuing discrimination.⁹ And Shane Phelan, among many others, shows how citizenship is heterosexual and privileges heterosexual relationships.¹⁰ This history is intertwined with the history of citizenship laws that provided a different basis for citizenship based on ascriptive characteristics.¹¹

Of course, the early focus of some feminist political theory on unequal gender roles in marriage reflected not only heteronormativity, but also the interests of women and men who were relatively privileged by race and class status. For example, the notion of "republican motherhood" applied primarily to white women who were married to propertied white men. Developments in feminist, queer, and critical race scholarship have enriched our understandings of the many ways that citizenship and intimate life had been intertwined. As feminist and critical race scholars have pointed out, the history of exclusions for African American and other women of color have each had their own trajectory.¹² Many scholars have pointed to the ways that citizenship in the United States historically privileged economically independent white men, and established different citizenship status for all other groups.¹³ The clearest example, of course, is the development in the U.S. of chattel slavery and the use of "black codes" to deny all rights of citizenship to the African-American slave population, including restrictions on access to marriage and rights to family life. In

contrast to family law that applied to the non-enslaved population, the status of a child followed the status of the mother, not the father, under slave codes. These laws were enacted to ensure reproduction of the slave population, and were especially important to slave holders and their economy of exploitation after the importation of slaves was banned in 1808. According to historians, African Americans eagerly sought the right to marry after the end of slavery, although a variety of mechanisms were also used in the South to restrict access to marriage and the legitimacy that this accorded to families.¹⁴

Access to the legitimacy of legally recognized familial relationships has been restricted in a variety of ways historically, for both native-born and immigrant groups. Restrictions on access to citizenship rights have involved both exclusions from access to the public sphere and restrictions on the rights available in the traditionally private sphere. For example, restrictions on marriage rights for and among different racial groups have limited opportunity for many different groups. Throughout U.S. history, many different groups have been permitted to emigrate to provide labor but have not been accorded the right to become citizens. Marriage restrictions included the possibility of women who were U.S. citizens losing their citizenship status if they married a non-citizen.¹⁵ Bans on interracial marriage persisted until the 1967 *Loving v. Virginia* decision and have involved many different racial and ethnic groups.¹⁶

In turn, restrictions on access to rights of citizenship can have residual and long-term, including generational, effects on families and intimate life. Linda Williams has shown the many ways that the public benefits of the post-Civil War, Great Depression, and Great Society periods worked to benefit white citizens more than African Americans.¹⁷ Even in a public policy arena that might seem distant from families and intimate life, such as housing policy, the existence of persistent redlining and discrimination in lending has had significant effects on families' abilities to accumulate wealth over time.¹⁸ Reworking citizenship is thus complex and requires a reconsideration of how we think about politics and public policy.

Many feminist scholars have proposed different ways of thinking about these questions of inclusion and its implications for changing how we understand political life. Because I believe that we need more encompassing ways to look at these questions that take into account intersectional identities and the multiple ways that citizenship has been inequalitarian, I propose to use the framework of sexual citizenship. This approach does not solve all analytic problems, but for the policies that I am addressing it seems the most useful approach. In part, what this does is recognize that

what has traditionally been seen as the separate public and private spheres are deeply intertwined and that there are many complicated relationships between public and intimate life.¹⁹

Political Power is the Basis of Inequalities in Intimate and Public Life

One of the important contributions of feminist political thought has been to make the point that decisions about how families, intimate life, and sexuality are intertwined with public life are made based on *political power*. This has been important because inequalities based on race, ethnicity, gender, and sexual orientation are often justified as natural. Thus, we see frequent references in defense of traditional understandings of gender, intimate life, and sexuality to nature, god, millennia of human practice, and so on. A very useful example of this is language used to discuss same-sex intimate relationships in the majority opinion in *Bowers v. Hardwick* (1986), mocking the very idea that there might be a “constitutional right to homosexual sodomy.”²⁰ This is very different from the respectful discussion in the majority opinion in *Lawrence v. Texas* (2003). One important change between 1986 and 2003 was historical and legal scholarship that showed the many false assumptions about the history of same-sex relationships as well as the history of legal regulation of these relationships that were imbedded in the reasoning of the *Bowers* decision.²¹ This shift from the “naturalness” of mocking same-sex relationships to respectful discussion of rights to intimate relationships as related to the natural desire of humans for such relationships demonstrates that shifts in legally defined understandings of what constitutes “natural” intimate life can occur, and points to the political nature of all such definitions of intimate life,

Because political power has been the basis of deciding where public and private are delimited, and whose intimate relationships are worthy of respect, those who possess political power are able to draw distinctions in ways that operate to their own advantage, or that they might perceive as advantageous. Feminists have pointed this out in many ways. The gendered division of labor in families was described as natural, and laws related to marriage and families were put in place to maintain this “natural” set of gender roles. The history of decisions regarding family law and policy is that they have been made in ways that reinforce existing power relationships. One could think of many examples, from coverture to antimiscegenation laws to the Defense of Marriage Act.

As feminists developed these critiques of political power and traditional definitions of the relationships between public life and the life of families, it became clear that this critique called into question not only family law and policy, but the entire structure of liberal democratic political systems. Traditional notions of citizenship and the relationship between citizens and the state had to be rethought in light of the fact that traditional models were based on androcentric, heterosexist, classist, and racist assumptions about individual identity and human nature. Further, the extent to which the political system depended upon the unrecognized and uncompensated labor of women in families, and the economic subordination of many different groups, required a radical rethinking of the relationship between public, economic, and intimate life.²²

These critiques have led feminists to a variety of positions regarding a desirable form for the connection between public and intimate life. The basic question is, how can this power be dismantled? Some feminists have argued that state regulation of families and intimate life, particularly in regard to relationships between adults, is unjustified and unnecessary and needs to simply be eliminated. Other feminists argue for broader recognition of a wide range of family relationships, but with state engagement still necessary even in adult relationships.²³ In my view the democratic state is and will continue to be engaged in the regulation of families and intimate life, but there are ways to make that regulation less inclined to enforce hierarchy and inequality, and to treat families and intimate life with greater fairness and justice.

These exclusions and hierarchies of value for different forms of intimate life are implemented through public policy and law and thus analysis of public policy is crucial to understanding how to make citizenship more inclusive. Because public policy is made by the powerful, and such policy tends to target the lives of the less powerful for punishment or exclusion, it is important to be clear about what we are analyzing when we look at sexual citizenship. The literature has focused on the regulatory aspects of public policy and sexuality, and critiqued these regulatory impulses in part by depicting the inaccuracy of the analysis that leads to sexual regulation. Much of the literature critiquing abstinence-only sex education, for example, focuses on the failure of abstinence-only in practice. But this leaves in place the view of sexuality and of young people that is put forward by abstinence-only sex education. So we need to focus our critique specifically on those with power who are making policy decisions, and in particular in their political stakes and interests in putting forward these sexually regulatory policies that are harmful to most people. What do

those with political power gain by promoting abstinence-only sex education? In turn, what does this tell us about the role of sexual citizenship in maintaining hegemonic, heteronormative hierarchies of citizenship, and about those who gain by doing so? Looking at sexual citizenship thus involves analysis of the decision making of the politically powerful. It is important to look at public policy because this is still the place where state action meets citizens, and especially the place where people with little political power find their lives controlled and shaped by the state. We need to understand the workings of power in all locations, including the state. It is important to understand how different powerful interests converged to create public policies aimed at regulating sexuality. How public policies come about, the actual policies that are implemented, and their effect on people are the substance of the workings of state power. Thus, both in our analysis of the problems of inequality and in our analysis of other ways of organizing power, public policies and the state are essential elements.

Intimate Life and Economics are Intertwined

Fundamental to my argument here is that intimate life and economic life are deeply intertwined, and that public policies that enforce an ideal version of sexual citizenship utilize economic incentives and disincentives to promote a particular version of desirable sexual citizenship. Feminist scholars have contributed a great deal to our knowledge of how intimate life and economic life shape each other in contemporary democracies, from economic inequities within families to the inequities created by an economy that demands the “ideal worker.” These concerns are related to T. H. Marshall’s classic formulation of social citizenship—that is, social rights and social welfare benefits—as a basis for creating greater equality and inclusion than is possible with a focus only on civil and political rights under democratic capitalism with market economies. They are also central to the origins of the literature on sexual citizenship; in David Evans’s classic text on the topic, he is concerned with the simultaneous privatization and commodification of sexuality and sexual citizenship in late capitalist societies.²⁴ This interrelationship is complex, and my focus is not to provide a comprehensive outline of its functioning, but rather to focus on how these connections are articulated through the social policies of sexual citizenship.

The history of family policy and law in the United States provides ample evidence of the way that intimate life and economic life are intertwined. Nineteenth-century bastardy law and twentieth-century child support policy have in common an effort on the part of the state to reduce

its own expenditures on children born out of wedlock or from separated or divorced families by extracting support from noncustodial parents.²⁵ The movement for equal pay has emphasized the importance of women's incomes to the economic stability of contemporary families, whether two- or single-parent. Feminist critiques of workplace policies that do not take account of care-giving have emphasized the way that corporations demand an "ideal worker" with no family obligations. The many feminist critiques of U.S. welfare policy have pointed to the fact that the design of pensions for single mothers was based on a very specific and gendered view of the basis for the economic support of families. Among the themes of this literature is, first, the way that caregiving solves public problems while placing caregivers at an economic disadvantage both within families and in the public sphere of political life and the economic sphere of paid labor. The literature also shows the extent to which economic discrimination shapes the decisions of members of previously excluded groups: women may make decisions about careers and family formation based on the assumption that they will be primary caregivers. The lack of post-Reconstruction economic opportunities for African-American men made African-American women more likely to work for wages than their white counterparts. The complexity of the relationship between economic decisions and personal decisions about family formation and dissolution, and the ways that public policies reinforce existing power relationships including those between adults in families, means that we must attend to the economic aspects of family life if we are to think carefully about intimate and sexual citizenship.²⁶

It is also important to point out the series of social and political anxieties that have resulted from the significant changes in families, gender roles, and economic life over the past half-century. Of course, as feminist scholars have pointed out, the families of the late twentieth century were not as historically unique as social conservatives argued. Nevertheless, the rapid social change brought about by both changes in the economy and in wage labor, and changes brought about by social movements, such as the Civil Rights movement, the women's movement, and the movement for LGBTIQI rights, gave rise to a variety of anxieties about the meaning of these changes for social and political life. Many of the policies discussed in this volume have arisen in part from some of these anxieties, and from efforts to control and contain the effects of these changes on political life.

Nancy Fraser's work offers a helpful way to look at public policy and economic and intimate life. Like many feminists, I disagree with how she frames contemporary problems of inequality by analytically separating claims of "recognition" from claims for "redistribution." Indeed, the

critical feminist discussions that have ensued since Nancy Fraser's *Justice Interruptus* was published have helped to clarify the many ways in which the claims of excluded groups are deeply intertwined with claims for public and other material resources. And indeed, as Fraser has clarified in response to critiques of her work, she is really arguing that feminism needs a "bifocal vision," to look at both distribution and at recognition at the same time, without distorting either lens.²⁷ Claims about sexuality and about intimate association are about both recognition and redistribution. The discussion elicited by Fraser's work has helped to make the point again that feminist claims regarding gender, sexuality, and intimate life are inseparable from claims about resources and questions of distribution.²⁸

Fraser's discussion of alternatives to unequalitarian capitalist democracy based on the division of ideal workers from caregivers is particularly useful here. She argues that rather than designing institutions based on the ideal worker, the "universal caregiver" should be the basis for designing institutions. Fraser suggests that, in order for gender equity to be realized, men must be induced into behaving more like women do at present. This would require completely deconstructing the division between breadwinning and caregiving, instituting social and economic supports for childcare, and ensuring that all jobs assume that all workers are also caregivers. Certainly, just ensuring that all persons in caregiving professions earned a living wage would by itself require major political change; the deconstruction of gender and work that Fraser suggests would be much more difficult to achieve but also much more likely to create social and political structures that ensure ongoing equality.

In social conservative discourse, caregiving work is often fetishized and gendered at the same time that it is privatized, continuing the economic marginalization of those who perform this labor, whether for wages or not. Instead of seeing the devaluing of caregiving work as the result of the institutional structure of work and the economy, and of the institutional structure of gendered labor in families, social conservative frames see caregiving as both the virtue, and the personal choice of women. Thus, for social conservatives it is completely appropriate that the structure of work rewards the ideal worker—one who has no obligations for caregiving. Fraser points out that ideal workers reap many economic advantages from their role and the fact that their economic contributions to care-giving are minimal; they operate, essentially, as caregiving free-riders whether they are male or female.

Fraser's work puts this point particularly clearly but many feminists have made this point. Most feminists who have considered the problem of

women, gender, and families have addressed in some way the problem of economic disadvantages faced by women, and the ways that those disadvantages are connected to intimate life. This is true in different ways for women in different social locations: class, race, sexual orientation, gender identity, and ability all affect both economic opportunities and intimate life in ways that are complex and deeply intertwined.

When we begin to think about these issues in the context of public policy it is clear that the kind of institutional changes that would be required to treat everyone, including caregivers, throughout the polity and economic hierarchy, equitably, would be extensive. Basic changes in the organization of work, the regulation of the economy, and the structure of social benefits would all be required. So what is being defended by hegemonic, heteronormative sexual citizenship is much more extensive than just a particular vision of desirable intimate life. Rather, it is also the way that this hegemonic ideal is central to an entire edifice of economic and public policies related to families and intimate life, as well as to processes of social reproduction including the reproduction of economic advantages and disadvantages.

One simple example is that the structure of the welfare state in the United States has been premised on providing benefits to people as members of families, in contrast to Nordic and other welfare states where benefits are provided on an individual basis (although they vary of course depending upon who else is part of one's household). In the U.S., people are eligible for specific benefits *based on* the structure of their families. Marriage is a major vehicle for distributing a range of benefits. Thus in a sense the U.S. model of public policy is particularly regulatory with respect to family structure and intimate life.

So the problem of inclusion is intimately intertwined with questions of resource distribution, and public policy is where we see unequal resources accorded to different groups. Among the policies considered in this book, welfare policy is perhaps most frequently used as an example, but abstinence-only and the federal Defense of Marriage Act (DOMA) also participate in this hierarchy of resources based on sexual citizenship. These policies reinforce the invisibility of resources given to certain kinds of families and of the exclusion of access to these same resources for other families.

If we were to take the circumstances of low-income single mothers in the United States—the stereotypical “welfare queen”—as a paradigmatic case, the kinds of redistributive changes that would be required to treat these mothers equitably are extensive. First, more support for their

caregiving activities, and for quality childcare when they are working for wages, would clearly be required. Even so, however, without support for living wages, such as wage supplements (for example a much expanded Earned Income Tax Credit), and support for the pursuit of higher education and/or training for higher paying jobs, many of these women and their children will remain below the poverty level. Some combination of a family allowance and child support assurance (guaranteed child support whether or not the noncustodial parent pays child support) would likely also be necessary. And all of these are focused on providing assistance to individuals or families, not on restructuring political and economic life in ways that take the interests of single-parent families into account. Obviously, given the distance such policies are from existing programs in the United States, the political and economic commitment that would be required would be quite different from the present.

Many feminist arguments that look at these issues have focused on such matters as the organization of childcare, the revision of tax policies, or creation of incentives for corporate recognition of workers' familial obligations. Less attention has been paid to the interaction of economic constraint with sexual regulation. The policies that I analyze here help to examine this interaction; in the next section I discuss the origin and evolution of the political interests that have come together to engage in contemporary sexual regulation.

Sexual Regulation and the Convergence of Social and Fiscal Conservative Interests

The sexually regulatory policies discussed in this volume emerged at about the same time and reflect a convergence of interests on the part of social and fiscal conservatives in both major political parties in the United States. Sexually regulatory policies are obviously an exercise in morality politics, as political scientists have seen them, but they also work to enforce economic regulation. This is particularly true when sexual regulation determines access, or lack thereof, to benefits conferred by the state. The policies discussed in this volume were all shaped by the political context of the 1990s and by a consensus between Democrats and Republicans on these issues of sexual regulation, a consensus that has since shifted somewhat as I will discuss in later chapters.

How is it that sexuality comes to be seen as a focus of state power, as something that needs the discipline of state regulation? And who is it

that is targeted for regulation? Clearly, sexuality is not equally subject to state regulation, depending upon who is practicing it. What has happened in the contemporary era of sexual regulation has reflected the convergence of economic and social conservatism that has shaped the politics of both the Republican and the Democratic parties. Public policies on sexuality have reflected both economic conservative goals of minimizing state expenditures on social programs, and religious or moral conservative goals of punishing certain kinds of intimate association and sexuality, while holding up other forms of sexuality and intimate association as desirable. To think about these policies, then, we need first to briefly examine the convergence of moral and economic conservatism that has marked the politics of the last several decades in the United States.

Political scientists have written a good deal about the transformation of the two major political parties in the latter half of the twentieth century. As is well known, because of the structure of the U.S. political system, political parties in the United States are coalitional rather than ideological. Many of the historic shifts in political life in the U.S. have been the result of shifting political coalitions within and between parties. For example, part of the coalition that Franklin D. Roosevelt was able to assemble resulted from the shift of African-American voters, among other groups, from their historic allegiance to the “party of Lincoln” to the Democratic Party in the 1930s.²⁹ Much of the literature on the shifting political coalitions of the late-twentieth century has focused on the shift of southern white voters from their historic allegiance with the Democratic Party to the Republican Party during the 1970s, ’80s, and ’90s.³⁰

Central to the transformation of the Republican Party in the 1960s and 1970s, and then to the efforts to regain power by the Democratic Party of the 1980s and 1990s, was the coalition of moral conservatives with economic conservatives. These coalitions, like many in U.S. party politics, have been uneasy at times. In electoral politics as well as in public policy-making, these coalitions have required cooperation and compromise.

It is important to understand that this coalition of moral and economic conservatives is central to both the Republican and the Democratic Party politics of the 1990s. This combination of social and economic conservatism was, and on some matters still is, a matter of bipartisan politics and consensus. On the issues addressed here, there was a bipartisan consensus on the need for state regulation of sexuality and sexual or intimate citizenship. The Defense of Marriage Act (DOMA) and “welfare reform” were passed under the Clinton Administration, with widespread support

among Democratic members of Congress. As feminist scholars have shown, conservative ideas about families, women, and gender became central to liberalism and public policy in the mid to late twentieth century in the United States.³¹ This was especially true with respect to ideas about women, families, and poverty, as exemplified by the Moynihan Report.³² The social conservatism that is reflected in the public policies addressed here is not limited to Republican Party loyalists; part of the success of the bipartisan economic and social conservative coalitions on these issues of sexual citizenship is their ability to frame and shape the public understanding of these issues across the political spectrum.

The strategic consensus within the Democratic Party was championed and exemplified by the adherents of the Democratic Leadership Council (DLC) that helped bring Bill Clinton to political power.³³ The successful electoral strategy of the DLC in the 1990s was a reaction to the increasing conservatism of the electorate and the consequent electoral losses in the 1980s, and it also reflected a consensus among its adherents on a conservative stance on issues related to fiscal policy, welfare, and public policies related to sexuality. These positions were also intended to attract “Reagan Democrats,” primarily white middle- and working-class voters who voted for Ronald Reagan. Thus, they were intended to distance the party from being seen by white voters as the party for African-American voters. Certainly, the 1996 welfare law, “reforming” a policy deeply associated in the minds of white Americans with African Americans³⁴ was a prime example of this new “centrism” in the Democratic Party, and a central element of Clinton’s electoral strategy in 1992 and 1996.³⁵

Indeed, as Kenneth Baer shows, the DLC was trying to reshape the agenda of the Democratic Party, and in part their strategy involved the formation of a DLC “think tank,” the Progressive Policy Institute. Part of this strategy involved the issuing of policy papers that took what the DLC saw as centrist positions on issues such as taxation and welfare policy, the so-called “third way.” They criticized the Democratic Party and its base for what they called “liberal fundamentalism,” paying too much attention to interest groups within the party—by which they meant African-American men and women, Latino/as, and white women—and not enough attention to issues that would bring the party electoral success.³⁶ The position papers on welfare policy and families, for example, reflected the so-called “consensus” influenced by the Moynihan Report and the backlash against the Civil Rights movement. Despite the fact that the Clinton Administration’s original plan for “welfare reform” provided more supportive benefits such as funding for childcare, the basic framework of work first, time limits,

and the end of entitlements were part of the Clinton plan. And the DLC also supported the abstinence-only provisions of the 1996 welfare law.³⁷ This idea of the “third way” was not original to the DLC, but the influence of these ideas combined with electoral success helped to expand the influence of this coalition beyond the United States.³⁸

By 2008, the DLC seemed to have lost much of its influence within the Democratic Party, partly because, even in the face of significant political shifts in the early twenty-first century and widespread opposition to Bush Administration policies even among Republicans, they continued to urge further shifts to the right. Indeed, DLC leaders continued to claim “liberal fundamentalists” were the problem with the Democratic Party even as the electorate shifted away from support of the Bush Administration and the Republican Party.³⁹ Despite this loss of influence, the public policies addressed in this volume have been deeply framed by hegemonic views of sexual citizenship, and the influence of that frame continues despite shifts on issues such as marriage equality. The coalition of economic and social conservative interests in both parties worked to bring about the specific types of sexual regulation discussed in this book, and in doing so succeeded in shaping the framing of our understanding of welfare policy, sex education, and the meaning of marriage. Even the defunding of abstinence-only sex education by the Obama Administration does not, I will argue, remake the framing of sex education in terms of abstinence. The social conservative consensus on sexual citizenship continues to act as a hegemonic ideal even in the face of Democratic electoral victories.

The organization and mobilization of religious conservatives to active engagement in political life has been of undeniable importance to the contemporary Republican Party’s strength at the ballot box as well as in public policy-making.⁴⁰ Politicized by Supreme Court decisions on abortion and school prayer, and in response to some of the cultural and social changes of the 1960s, religious conservatives formed organizations such as the Moral Majority and the Christian Coalition specifically to mobilize conservative Christians to actively engage in political life. Janice Irvine, for example, shows how conservative groups mobilized in response to the movement for comprehensive sex education of the 1960s and 1970s, and how crucial this organizing was to consolidating religious social conservatives’ support for the Republican Party. Lisa McGirr shows how the coalitions of economic and religious conservatives in Orange County, California, consolidated their power in the election of Ronald Reagan as governor in 1966.⁴¹ She argues that despite the fissures that continued to exist between libertarian and religious conservatives, their coalitional

politics was indicative of the politics happening nationwide in the same period, which was marked by the consolidation of social and economic conservatives in support of the Republican Party. Certainly in the 1960s, part of the rallying cry for conservative groups was anticommunism and the Cold War.⁴² For the social conservative movement of the 1990s and beyond, however, issues that focus on traditional gender ideologies are central: opposition to abortion, opposition to rights for sexual minorities, mobilization against pornography, support for traditional families, and changes to what they see as anti-Christian education policies.⁴³ In addition to these gender-related issues, many Christian Right activists see the United States as a Christian nation, and see the “restoration” of Christian religious practices in public life, such as in school prayer and public displays of Christian symbols and beliefs, as central to their political goals.⁴⁴

Wilcox also points out that the Christian Coalition’s 1995 “Contract with the American Family” which was developed right after the Republican Congress had put forward the “Contract with America” had many elements related to economic policy. These included such traditional economic conservative proposals as eliminating public welfare programs and replacing them with private charity—a position reflected in President George W. Bush’s early statements on welfare policy⁴⁵—but also the flat tax, and ending the so-called “marriage penalty” in the tax code. However, these economic issues are controversial among Christian Right activists. As Wilcox notes, although many Christian Right activists do support these economic policies, others see Christian teachings as mandating support for policies that help the poor. In addition, he notes that the effort by Christian conservative groups to court African-American religious groups and individuals are unlikely to succeed if these economic policies, which most African Americans do not support, are emphasized. Thus, the coalition of religious conservatism with economic conservatism is not always an easy fit or without conflict, contradictions, and detractors.⁴⁶

Among contemporary religious conservatives, social conservative positions on families and gender have broad support, while economic conservatism is not as firmly entrenched. Therefore, to mobilize the social conservative constituency, appealing to the most salient issues related to gender and families is essential. Some of these policies also provide ways to appeal to economic conservatives, which means that they will gain broader support in any conservative coalition. The healthy marriage initiative, abstinence-only sex education, and the Defense of Marriage Act are three policies that appeal to this social conservative base, but also have elements that appeal to economic conservatives. These are all policies that

reflect the hegemonic heteronormative ideal of sexual citizenship, which consolidates their appeal not only to the conservative coalition but to a broader constituency in U.S. politics. Thus, the conservative framing of these policies has a lasting legacy, beyond the programs themselves.

Sexually regulatory policies have come to serve an important role in conservative coalition-building, especially when such policies are also justified as fiscally conservative. The place of the policies discussed in this book as solidifying this conservative coalition is made clear by the support of Democratic and well as Republican elected officials for many aspects of these policies. The difficulties encountered by the Obama Administration in trying to alter some of these policies, discussed in more detail in the policy chapters, makes clear the hegemonic and lasting nature of sexual regulation. To develop this point further, however, we need to elaborate the idea of sexual citizenship as it will be used in this book.

Sexual Citizenship

At the same time that political theorists were showing a growing interest in citizenship, queer and feminist scholars were developing the concept of sexual citizenship, or alternatively, intimate citizenship.⁴⁷ The central themes of this body of scholarship help to highlight my central concerns in this book. They also illustrate the problem of ongoing exclusions inherent in citizenship. In particular, this scholarship shows the hierarchy of sexual citizenship that has marked contemporary public policies and the ways that sexual regulation is used to activate and entrench hegemonic identity politics.

The first key argument made in the sexual citizenship literature is the heterocentrism of citizenship. Not only is all citizenship sexual citizenship—made more visible by the feminist and LGBT rights movements, but always present as part of citizenship—but also heterosexuality is the norm of citizenship. Thus, Shane Phelan argues that the United States is “a heterosexual regime.”⁴⁸ Part of what LGBT rights activists have tried to do in the U.S. and elsewhere in the past several decades is to decenter heterosexuality as an essential component of citizenship. Some theorists also point out that it is *normative* heterosexuality that needs to be analyzed and critiqued across a variety of policy areas, since not all heterosexualities are normative.⁴⁹ Both Cathy Cohen and Dorothy Roberts discuss the ways that African-American women in particular are labeled as non-normative even when they are heterosexual. Indeed, most of the feminist scholars who have written about the issues regarding sexual citizenship

in which I am interested here have primarily been writing about white middle-class heteronormativity enforced through U.S. welfare policy.⁵⁰ As Roderick Ferguson has pointed out, women-of-color feminist scholarship has pointed to this sexual regulation in communities of color, in analysis that predated some of the queer theorizing around sexual citizenship.⁵¹

With respect to welfare policy in the United States, feminists have discussed many different aspects of these policies as paternalistic and harmful to women, before and after “reform.” Further, many provisions of the 1996 welfare law, such as welfare and family caps are clear efforts to regulate reproductive freedom.⁵² But most feminist analysis does not use this concept of sexual citizenship. What is the benefit, then, of thinking of this policy in these terms, given the extensive feminist attention to welfare policy and its effects on women?

Although welfare policy is often justified in paternalistic terms as being for the benefit of recipients, the actual policies indicate that policymakers do not imagine recipients as having any agency that is anything but destructively willful. People who receive Temporary Assistance to Needy Families (TANF) are certainly not viewed by policymakers as responsible citizens. This includes what is seen as the willful practice of unprotected heterosexual sex that leads to having children one cannot afford to support. While these references are clear in many statements of public policymakers, they are often (with a few exceptions) countered with responses that do not directly address the central assumption that uncontrolled sexuality is the most important source of low-income women’s poverty.⁵³ This uncontrolled sexuality, unsupervised because it is not under the control of neopatriarchal heterosexual marriage, is central to the notion that low-income women create social disorder, and that this disorder in turn threatens the polity as a whole. I develop this point further in the discussion of welfare policy in chapter 2.

A second key point of the literature is that this heterosexualization has very specific normative content: the “good” citizen is the heterosexual, married, gender-normative citizen; in the United States this citizen is also implicitly or explicitly white.⁵⁴ This normative sexual citizen is what I will call the hegemonic ideal of heteronormative citizenship. Part of the point of both the literature on sexual citizenship and of movements for LGBT and women’s rights has been to challenge this norm, and this challenge may take many forms. Bell and Binnie point out that there are many different kinds of what they term “dissident sexual citizenship.”⁵⁵

A third key point, referenced above, is that heteronormative sexual citizenship is also a means by which racial hierarchies are reproduced. As Roderick Ferguson has argued, “women of color feminism has the longest

engagement with racialized sexuality.”⁵⁶ Hegemonic heteronormative sexual citizenship is also implicitly, and at some moments quite explicitly, white: non-whites are much more likely to be seen as sexual deviants, and thus as candidates for state sexual regulation through public policy. Among the policies discussed in this book, this is most evident in welfare policy, but it is also evident in more subtle ways in abstinence-only and marriage equality policies.

What does this normalized, heterosexualized white citizenship do for those with the political power to set public policy regarding sexuality? Part of the point of this normative heterosexuality is to channel and to contain sexuality in the institution of marriage, or at least to maintain the fantasy that this is the case. The perceived threats to traditional family life and gender roles brought about by political and social change are frequently mentioned in policymakers’ discussions of the purpose of sexually regulative law. The efforts in contemporary public policy to promote certain forms of marriage and family life emphasize the channeling of sexuality into a particular form of life and establishing acceptable and unacceptable locations for the expression of sexuality and intimacy. This is clear in each of the policies examined in this volume; looking at the statements of purpose of the 1996 welfare law and the healthy marriage initiative, of the abstinence-only sex education program, and of the Federal Defense of Marriage Act (DOMA) and the state mini-DOMAs, they all emphasize the importance of heterosexual marriage to maintaining a democratic society. They all point to other forms of intimate and familial relationships as less worthy, or as simply unimaginable.

In turn, normative heterosexuality is central to the imposition of second-class identities. This is especially true in public-policy-making, which by its nature is created and implemented based on assumptions about identity categories and the characteristics of people with particular identities who are the “objects” of those policies.⁵⁷ The public policy arenas examined in this book make clear that sexuality and its control are central to reproducing inequalities of race, gender, class, and sexual orientation and gender identity. Rethinking sexuality and citizenship is thus central to creating more inclusive and democratic citizenship.

Of course, denigrated sexualities are produced by relations and discourses of power, and the interpellated identities of subordinate groups are part of the collateral damage created by the governance and control of sexuality. But, as Shane Phelan has argued, those whose identities are subordinated are still in the midst of the polity, and are what she terms “sexual strangers”; their personhood is not acknowledged, and they are