

Introduction

Sexing, Privatizing, and Self-Disciplining Citizenship

“Five gay men, out to make over the world—one straight guy at a time.”

Queer Eye for the Straight Guy

IN *QUEER EYE FOR THE STRAIGHT GUY*, Bravo’s hit television show, a team of five gay men undertake an emergency makeover of one heterosexual man. Each week, the Fab Five—self-described as “an elite team of gay men dedicated to extolling the simple virtues of style, taste, and class”—descend upon their subject’s home, diagnose his multiple fashion and style infractions, and whisk him off for a day of shopping and self-help (*Queer Eye*). Their mission is to “transform a style-deficient and culture-deprived straight man from drab to fab.” Each member of the gay team has a specific self-improvement role. Carson takes him shopping for a new wardrobe. Ted shows him where to shop for food and wine and how to prepare it. Thom is the interior designer—he takes him to an upscale home furnishings store and then undertakes a miraculous makeover of his apartment in several hours. Kyan does the grooming—a hair cut, a visit to the spa, and then an education in multiple hair, face, and shaving products for home upkeep. Finally, Jai provides a rapid education in culture—how to dance, what play to see, how to handle himself at a cocktail party. By the end of the day, the straight guy has a whole new look—new clothes, new furniture, new hair products. The whole point of the shopping extravaganza is to make him more attractive—to his wife, girlfriend, or prospective girlfriend. Despite their relentless teasing of his many fashion crimes, the tone is upbeat and compassionate—the Fab Five want him to succeed; they want to make him a “better” person.

The Fab Five are icons of a new sexual citizenship. They are unapologetically gay, but they are on the front lines of defending masculinity, heterosexuality, and the domestic sphere. They are experts in the arts of self-conduct. And they shop. Their citizenship is sexualized beyond heterosexuality, commodified through a celebration of market consumption, and domesticated through a new emphasis on the intimate sphere not only as a site for caring for others but for care of the self. They are citizens who are sexed but not too much; citizens who not only consume but better yet, teach others to do so; citizens devoted to the conduct of self and other improvement. They represent the multiple transformations in the practices of citizenship that this book sets out to explore—that is, the ways in which citizenship is being sexed, privatized, and self-disciplined.

The gay men of *Queer Eye* present an interesting challenge to much of the sexual citizenship literature that has argued that citizenship is heterosexual (Bell & Binnie 2000; Richardson 1998) and that gay men and lesbians are sexual strangers within the body politic (Phelan 2001). Quite to the contrary, the Fab Five, like many other gay subjects, are becoming model citizens. But, this new sexual citizenship is about more than the inclusion and assimilation of gay subjects. It is about a makeover in the very terms of citizenship—a makeover that does not merely reverse the traditional heteronormativity of sexual citizenship but reconstitutes the practices of good citizenship beyond the gay/straight dichotomy. Like the Fab Five, the new sexual citizenship is remodeling heterosexuality as well. From *Sex and the City* to *Oprah*, from the revival of Oscar Wilde to the recuperation of Larry Flynt in the *People vs. Larry Flynt*, a new modality of sexual citizenship is evident in which practices of belonging for gay and heterosexual subjects alike are being increasingly sexed but not too much, privatized through a celebration of market consumption, and transformed into projects of self-governance.

In this book, I explore the contours of this new sexual citizenship. Citizenship, I argue, is about a process of becoming. It is about the process of becoming recognized subjects, about the practices of inclusion and membership. But, this process of becoming requires its own interrogation, the question being: Becoming what exactly? What kinds of citizens are being produced? What are the norms of good and bad citizenship? The process of becoming citizens is one that operates its own technologies of inclusion and exclusion and constitutes subjectivities through these technologies. I argue that the new modality of sexual citizenship is one that is privatized,

domesticated, and self-disciplined. But, I also argue that these new practices of citizenship are ambivalent, producing new and contested fissures in subjectivities and their governance. Since citizenship is also always about exclusion, I argue that these new practices are producing newly bad or failed sexual citizens, implicating a process not only of becoming but also of unbecoming citizens. From welfare mothers and irresponsible fathers to adulterers and pornographers, the new modality of sexual citizenship is always on border patrol, guarding the boundaries of good citizenship by producing and excluding the bad.

The Citizenship Debates

The recent interest in sexual citizenship is part of a broader proliferation in citizenship studies. As Will Kymlicka and Wayne Norman have observed, there has been a veritable “explosion of interest in the concept of citizenship among political theorists” (Kymlicka & Norman 1994, 352). This interest in citizenship has continued to burgeon across a multiplicity of disciplines, from history (Cott 2000; Kerber 1998; Schudson 1998; Smith 1997) to literary and cultural studies (Berlant 1997) to law. Yet, the concept of citizenship itself is deeply contested within this literature. For some, it is the formal legal status of membership in a nation state, demarcating citizens from aliens. But often, it is used more broadly to denote different dimensions of belonging, recognition, and participation within a nation state. Much of the current thinking of citizenship has been influenced by the work of T. H. Marshall, who defined citizenship in terms of three sets of rights: civil or legal rights, political rights, and social rights (Marshall 1950).¹ Working within this understanding of citizenship, many scholars have sought to expand the Marshallian conception, focusing for example on what Marshall overlooked, such as economic or cultural citizenship (Pakulski 1997; Turner 1994). Others have explored the exclusion of different groups from the full and equal enjoyment of rights, focusing for example on the gendered, racialized, and/or sexualized nature of citizenship and tracing the respective exclusion of women, minorities, and/or homosexual subjects (see, e.g., Lister 1997 and Voet 1998 on gendered citizenship; Plummer 2001; Richardson 2000; and Weeks 1999 on sexual citizenship). Others have focused on the transformation in Marshallian citizenship, with, for example, an increasing emphasis on consumer citizenship (Evans 1993; Ignatieff 1987) and a retrenchment from social citizenship (Held 1991; Rose 2000).

A second approach to citizenship focuses on political engagement. In this more civic republican tradition, citizenship is associated with active engagement in political life. It is critical of the liberal conception of citizenship as passive and formal, emphasizing instead political obligation and the value of engagement in the political sphere (Arendt 1958). Political activity is not simply a means to an end, but an end in itself; participation in the political life of the community is seen to be empowering in its own right for the individual citizen as well as contributing to the collective good. Some scholars have sought to reveal the exclusions of this civic republican vision of citizenship (Fraser 1997; Lister 1997). Other scholars, working within an understanding of citizenship as obligation and participation, have emphasized the “crisis of citizenship” and called for its revitalization (Scobey 2001).

Neo-conservatives like Lawrence Mead argue that welfare policies, affirmative action, and the decline of the family have led to a crisis of American citizenship. Citizens have lost their sense of obligation and moral virtue, focusing only on their rights or entitlements. A return to a more robust civic life thus requires a recentering of obligation through moral discipline. More progressive scholars, like Etienne Balibar and Jurgen Habermas, similarly denounce the erosion of citizenship but point to different culprits such as globalization, mass migration, and transnational capital. They, too, argue for its moment of possible redemption. As David Scobey has argued, tracing this metanarrative of rupture or crisis, the specter of citizenship is simultaneously present in laments of its demise and promises of its return (Scobey 2001).

Despite the considerable differences within this scholarship, much of it shares a normative commitment to an ideal of citizenship. As Linda Bosniak writes, most of the scholars in these debates “treat citizenship as embodying the highest normative value. The term rings unmistakably with the promise of personal fulfillment, community wellbeing, and democratic fulfillment” (Bosniak 1999–2000, 451). For many, then, citizenship remains a democratic ideal, an aspiration of civic participation and belonging, a norm for measuring equality and justice. Those who are excluded—fully or partially—should strive for inclusion. Democratic subjects should strive for a more robust notion of inclusion—social over consumer, or obligation over entitlement, or active over passive, depending on one’s political perspective.

Others have taken a more critical stance on citizenship. A number of scholars, influenced by Michel Foucault’s work on governmentality, have framed citizenship as a discourse of self-governance. Melanie White and

Alan Hunt, for example, approach citizenship as a technology of government, in which “modern practices of governing take place through the regulated and accountable choices of citizens” (White & Hunt 2000, 96). Barbara Cruikshank similarly argues that citizenship is a strategy of governance, whereby “individual subjects are transformed into citizenships by . . . technologies of citizenships: discourses, programs and other tactics aimed at making individuals politically active and capable of self government” (Cruikshank 1999, 1). These technologies of citizenships are “modes of constituting and regulating citizens: that is, strategies for governing the very subjects whose problems they seek to redress” (Cruikshank 1999, 2). The will to empower is thus not simply approached as a democratic ideal, but as a practice that needs to be interrogated for the way it constitutes its subjects. Within this more critical literature, citizenship is not simply a normative ideal but rather a technology of governance. It takes a considerably less sanguine perspective on the role of citizenship discourse in both constituting and governing subjects.

There is, then, no consensus within the citizenship debates on the nature of citizenship. But, at its most general, it invokes the idea of membership. Bryan Turner defines citizenship as a “set of practices which constitute individuals as competent members of a community” (Turner 1994, 159). Rather than emphasizing the juridical or political dimensions of citizenship, it focuses on citizenship “as a bundle of practices that are social, legal, political and cultural.” For Turner, it includes cultural citizenship, which he defines as “those social practices which enable a competent citizen to participate fully in the national culture” (Turner 1994, 159).

Borrowing from Turner’s definition, I see citizenship at its most general as invoking a set of rights and practices denoting membership and belonging in a nation state. I frame citizenship as including not only legal and political practices but also cultural practices and representations. Borrowing from the more critical citizenship scholarship, I also see citizenship as invoking the ways that different subjects are constituted as members of a polity, the ways they are, or are not, granted rights, responsibilities, and representations within that polity, as well as acknowledgment and inclusion through a multiplicity of legal, political, cultural, and social discourses. It is about the way subjects are constituted as citizens and the way citizenship itself is constituted. It is about the discourses and practices of inclusion and exclusion, of belonging and otherness, and the many shades in between.

The citizenship literature has many subgenres that trace different dimensions of the exclusions, transformations, crises, and challenges of citizenship. In the section that follows, I highlight three of these subgenres that are most relevant for my purposes: sexual citizenship, privatization, and self-governance.

Sexing Citizenship

Sexual citizenship is also a contested concept. Some of the sexual citizenship literature, expanding on the Marshallian tradition, focuses on sexual citizenship as a set of rights to sexual expression and identity. Other scholars focus more broadly on the idea of belonging (Weeks 1999), on the transformation and privatization of political or democratic engagement (Berlant 1997), or on a new politics of intimate or everyday life (Plummer 2001). It is a concept that cuts across the multiple divisions of the citizenship literature more generally, with differing visions of citizenship as rights, political engagement, normative ideal, and/or disciplinary practice.

Two themes run through much of the literature. One is that citizenship has always been sexed, but in very particular ways. Citizenship, with its emphasis on either rights or political participation in the public sphere, has presupposed a highly privatized, familialized, and heterosexual sexuality. Citizenship in the public sphere was predicated on appropriate sexual practices in the private sphere.

A second theme that runs through this sexual citizenship literature is that something has changed within the once private sphere of intimate life, metamorphosing into more expressly public and political concerns. Jeffrey Weeks argues, for example, that a new primacy has been given to sexual subjectivity, related to the democratization of relationships (see also Giddens), the production of new subjectivities, and the proliferation of new stories of the self, sexuality, and gender (Weeks 1999). Those who were once excluded—women, gay men and lesbians, amongst others—have demanded inclusion and begun to revise and expand the meaning of citizenship by claiming their rights and/or their political participation. In so doing, they have contributed to the politicization of the once private sphere, claiming that issues once relegated to this sphere are themselves the proper subject of political contestation.

Much of the sexual citizenship literature is located within gay and lesbian

studies and queer theory and explores the ways in which citizenship has been constituted through the discourses of heteronormativity (Bell & Binnie 2000; Richardson 1998; Weeks 1999). Citizenship—as social membership in a nation state, as a set of rights and responsibilities associated with that membership, and as a set of practices defining membership in the community—has long been associated with heterosexuality: The sexual citizen was a heterosexual citizen (Richardson 1998). Lesbians and gay men were historically excluded from this citizenship, denied in varying degrees over time, civil, political, social, and cultural membership (Phelan 2001). From the criminalization of gay sexuality through sodomy laws to the legal condoning of discrimination, lesbians and gay men have been denied civil citizenship.

The nonrecognition of same-sex relationships and the refusal to allocate the rights and responsibilities of the welfare state to these couples denied lesbians and gay men social citizenship. The virtual exclusion of lesbians and gay men from the cultural representation in popular culture constituted a denial of cultural citizenship (Richardson 1998). Heterosexuality comprised a thick border of citizenship. Based on this history of exclusion, Shane Phelan concludes that “gay men, lesbians, bisexuals and transgendered people in the United States are strangers” (2001, 5). Phelan uses the term “stranger” to get at the way in which sexual minorities are neither enemies nor friends—they may be “neighbors, but ‘they are not like us’” (Phelan 2001, 29, quoting Beck 1996, 382). This exclusion, this strangeness, this denial of full political citizenship, Phelan argues, is “at the core of contemporary American understandings and organization of common life” (Phelan 2001, 5).

The sexual citizenship literature explores the ways in which these practices of exclusion have been challenged in recent years by gay and lesbian subjects.² Gay men and lesbians have sought inclusion within the discourses and institutions of civil and social citizenship. Sodomy laws, employment discrimination, and the refusal to recognize same-sex relationships have each been challenged in recent years, with varying degrees of success. Gay and lesbian subjects have also sought a more fulsome cultural citizenship, challenging their invisibility in a broad range of cultural representations. Some scholars have embraced the gay and lesbian claim to citizenship, emphasizing the transformative potential to its insistence on entitlement and inclusion (see, e.g., Kaplan 1997; Phelan 2001).

Other scholars adopt a more critical stance to this claim to citizenship. Some focus on the disciplinary and normalizing nature of inclusion (Berlant

1997; Warner 1999). Steven Seidman, for example, argues that the struggle for sexual citizenship is a politics of civic inclusion and gay purification:

Individuals aspiring to the status of citizen must claim to possess the psychological, moral and social traits that render them good and warrant their integration. . . . gays have claimed not only to be normal, but to exhibit valued civil qualities such as discipline, rationality, respect for the law and family values, and national pride. (Seidman 1997, 323)

Normalization is a strategy for inclusion in the prevailing social norms and institutions of family, gender, work, and nation. It is a strategy that neutralizes the significance of sexual difference and sexual identity, “rendering sexual difference a minor, superficial aspect of a self who in every other way reproduces the ideal of a national citizen” (Seidman 1997, 324). These scholars argue that normalization deradicalizes claims for social transformation by incorporating sexual minorities into dominant political and social norms and institutions. As David Bell and Jon Binnie have argued, appeals to citizenship require the “circumscription of ‘acceptable’ modes of being a sexual citizen” (Bell & Binnie 1995, 3). In the current political climate, this compromise of acceptability “tends to demand a modality of sexual citizenship that is privatized, deradicalized, de-eroticized and *confined* in all senses of the word: kept in place, policed, limited” (Bell & Binnie 1995, 3).

Other critics have emphasized the normalizing costs of inclusion in the context of the privatization of citizenship. David Evans, for example, has argued that gay men have been included within consumer citizenship. Gay sexuality is commodified and identity is marketized (Evans 1993; Freitas 1998). This consumer citizenship has intensified with the rise of the neo-liberal state and its multiple strategies of privatization, in which citizens are reconstituted in and through the discourse of consumerism. Lauren Berlant has similarly argued that citizenship in the United States has been reprivatized under neo-conservative politics. The sphere of privacy, intimacy, and family has become the site of civic virtue (Berlant 1997). It is a vision of citizenship obsessed with sex—with normalizing private, procreative, heterosexual sex, and with demonizing all others. Yet others have emphasized that approaches to sexual citizenship that focus on the private, intimate sphere reprivatize sexual citizenship—by reinforcing the idea that sex and sexuality are naturally located with the private, not public spheres (Richardson 2000). The family and market are reinscribed as the natural sites of sexual citizenship.

Some critical scholars have emphasized the ambivalent nature of the claim to sexual citizenship. Carl Stychin, for example, has argued that citizenship is never wholly disciplined, but may simultaneously retain “an unruly edge” (Stychin 2001, 290). There are aspects of the struggle for sexual citizenship and its rights and responsibilities that are destabilizing. Similarly, Seidman has argued that the politics of sexual citizenship has led to “a weakening of a repressive heteronormative logic” (Seidman 2001, 323). There are also spin-off effects of these struggles, such as the awakening of a subaltern queer movement that explicitly resists the politics of assimilation and normalization (Plummer 2001; Seidman 2001, 326). Jeffrey Weeks has argued that the challenge of sexual citizenship involves both a moment of transgression and a moment of citizenship.³ Stychin suggests that the interesting question is no longer whether citizenship is disciplinary or empowering “for undoubtedly the language of citizenship and rights can do both simultaneously” (Stychin 2003, 14). Rather, in his view, the interesting question lies in how citizenship has been and could be deployed.

Like Stychin, I begin from the premise that sexual citizenship is an ambivalent practice, simultaneously subversive and disciplinary. Membership may have its privileges, but it also has its costs. I also agree that the interesting questions have shifted; it is no longer productive to debate the normalizing versus transgressive dimensions of a prospective sexual citizenship. Rather, we need to turn our critical attention to the processes of becoming; that is, to what is happening as this citizenship becomes part of the present. Sexual citizenship has begun to transform: heterosexuality no longer operates as a preemptive bar to all forms of citizenship. Gay and lesbian subjects have begun to cross the borders of citizenship, unevenly acquiring some of its rights and responsibilities and performing some of its practices. They are in the process of becoming citizens, a complex and uneven process of crossing borders, reconstituting the terms and subjects of citizenship as well as the borders themselves.

But, sexual citizenship is about more than the process of gay and lesbian subjects becoming citizens. It is equally about the process of straight subjects becoming and unbecoming citizens. The literature’s focus on the heteronormativity of sexual citizenship has limited its analysis of these multiple dimensions. Largely reflecting its location with gay and lesbian/queer studies, this focus on the homo/hetero axis of citizenship neglects the multiple ways in which the hetero side of the equation is subject to extensive regulation. As Anna Marie Smith has observed, “the equation of the official norms with

heterosexuality tends to construct heterosexuality in a homogenous manner” (Smith 2001, 305). The concept of heteronormativity is not, for example, up to the task of analyzing the construction of the welfare mother or the adulterer as failed citizens. Rather, Smith argues that “we need to grasp the simultaneous operation of the multiple axes of power, constellations of exclusions and privileges, and diverse juxtapositions of rights and obligations that define the sexual subject’s citizenship” (Smith 2001, 305).

Sexual citizenship must be more explicitly about the multiple processes of becoming and unbecoming citizens for heterosexual subjects as well. Some scholars, such as Ken Plummer in his work on intimate citizenship, have pointed in this direction. I seek to push the concept of sexual citizenship further in this direction, exploring some of the ways in which heterosexuality as well as homosexuality is contested and reconstituted. Sexual citizenship needs to broaden its lens to capture the multiple border crossings of gay and straight subjects alike, and the ways in which these border crossings are reconstituting the borders, the citizens, and the meaning of belonging.

Privatizing Citizenship

A number of scholars have focused on the transformation of citizenship with the decline of the Keynesian welfare state (KWS) and the rise of a neo-liberal state. The KWS, even in its more liberal versions, was informed by the Marshallian idea of social citizenship. The state was seen to be responsible for providing a minimum level of economic security to its citizens to ensure their political participation. With the progressive dismantling of the KWS in the United States, Canada, and the United Kingdom in the last two decades, this idea of social citizenship has similarly given way to a new privatized citizenship, which privileges self-reliance, self-governance, and free markets (Brodie 1997; Held 1991; Rose 1999, 2000). Governments are no longer responsible for ensuring even the most basic economic well-being of their citizens. Individuals must assume that responsibility and ensure their individual self-reliance through the market. At most, governments maintain some responsibility for helping citizens to help themselves, although this too is increasingly being shifted to the voluntary or charitable realm. Limited social responsibility has given way to individual self-reliance; social insurance has given way to individual risk management. Once public goods and services are being commodified, that is, reconstituted as private, and thus are more appropriately

distributed through the market (Brodie 1997, 236). Indeed, citizenship itself is increasingly being commodified, as the new mode of privatized citizenship recodes citizens as consumers, whose political participation is measured by their access to the market (Cooper 1993; Evans 1993).

Some scholars have also traced a new role for the family in this transformation of citizenship. Janine Brodie argues that this new privatized citizenship involves a process of familialization, whereby once public goods and services are transferred back to the realm of the family. While the family has always been an important site for unpaid caregiving of dependents, the demise of social citizenship involves an even greater demand on families to meet the needs of its members, from child care to health care to welfare. Families are increasingly expected to take care of their own, "and it is up to the state to make sure that they do" (Abbot & Wallace 1992; Brodie 1997, 236).

The nature of this familialized citizenship is itself contested. While social conservatives seek to rearticulate the heteronormative family, with its gendered hierarchies and dependencies, fiscal conservatives are more concerned with reducing demands on the state by transferring responsibility to market, family, or voluntary sectors (Cossman 2002a, 2005). The latter place less emphasis on the normative structure of the family and more on the support functions of the family: A family is what a family does, and what a family does is support its members (Cossman & Fudge 2002). Yet both of these visions demand more rather than less of the family.

Much of the literature on the privatization of citizenship comes from the United Kingdom, Canada, and Europe where the KWS was far more developed and where there was a more robust vision of social citizenship in place. The United States, it is often said, never developed the same KWS, nor the same idea of social citizenship (Fraser 1997; Gordon 1994). There is, therefore, a question about whether it even makes sense to speak of its demise. While it is incontrovertible that the United States never developed a KWS to the degree seen in other Western nations, there was a limited welfare state in place from the time of the New Deal and a limited recognition of social citizenship (McCluskey 2003). From the passage of the Social Security Act in 1935 as part of the New Deal to the Great Society of the 1960s, the United States developed a limited welfare state, based on a mix of public and private provisions for the well-being of its citizens (Katz 2001).⁴ While often associated exclusively with social assistance, such as Aid to Dependent Children (AFDC), food stamps, and Old Age Assistance, it also included a broad range of social insurance

in both the public and private spheres, including Social Security, Unemployment Insurance, and Medicare, as well as a range of employee benefits, from health care to retirement benefits. Over the course of the twentieth century, there was an increasing bifurcation of these two dimensions of the welfare state. Social assistance, directed toward the undeserving poor, was increasingly stigmatized, while social insurance, directed toward the deserving poor, became a more legitimate entitlement. Yet, both were an important part of the state's provision for the well-being of its citizens.

Beginning in the 1970s, there has been a progressive discrediting of Keynesian economics and a dismantling of the programs it sustained (Katz 2001). From the ascendance of conservatism to international economic restructuring, Keynesian ideas of state intervention in markets were displaced in favor of a neo-liberal vision of limited governments and more robust markets. Part of the critique was a concerted attack on social assistance and the culture of dependency that it allegedly created. The very idea of social citizenship, that is, of citizenship entitlement to economic welfare and security, was rejected in favor of more explicitly marketized citizenship. While as Judith Shklar has argued, work has always been central in the construction of American citizenship (Shklar 1991), in recent years this role has intensified. As Michael Katz argues, "as a result, only those Americans with real jobs are real citizens"; work has become "the new criterion of full citizenship" (Katz 2001, 348).

Despite the absence of the ideas of "social citizenship" from the political lexicon in the United States, the history of the American welfare state is one marked by the rise and fall of a limited welfare state and with it, a limited vision of social citizenship. As I explore further in Chapter 3, it is a history marked in recent years by an increasing privatization and familialization of dependence, as even the limited extent of public support is retracted, and all citizens are expected to provide for themselves and their families.

Self-Disciplining Citizenship

A third and related theme in the citizenship literature involves the idea of citizenship as self-governance. Relying on Foucault's work on governmentality, some scholars have argued that the neo-liberal transformation of citizenship involves a new form of governance, relying more on the self-governance of its citizens (Dean 1999; Hunt 1999; Rose 1999, 2000). Foucault's later work on governmentality began to explore governance as the conduct of self-

conduct and technologies of the self (Foucault 1988, 1991). These technologies of self consist of “those intentional and voluntary actions by which men not only set themselves rules of conduct, but also seek to transform themselves, to change themselves in their singular being, and to make their life into an oeuvre that carries certain aesthetic values and meets certain stylistic criteria” (Foucault 1985, 10). Individuals are called upon to cultivate their self; to make themselves a project of self-mastery and self-transformation. In contrast to his earlier work, which focused more exclusively on subjectification through techniques of domination, his work on governmentality explored the relationship between those techniques and the techniques of the self in the subjectification of individuals (Burchell 1996, 20).

Scholars such as Nicholas Rose and Alan Hunt have explored the particular ways in which contemporary regimes of subjectification rely on this kind of self-discipline and the government of oneself (Hunt 1999; Rose 1996, 2000). According to Rose, there has been a rise in a form of governance in which “individuals are incited to live as if making a *project* of themselves” (Rose 1996, at 157). He connects a heightened emphasis on self-governance with the decline of the welfare state and the emergence of the neo-liberal state; as governments retract from the provision of social goods and services, individuals are called upon to become responsible for themselves and their families. He argues that “it has become possible to govern without governing *society*—to govern through the ‘responsibilized’ and ‘educated’ anxieties and aspirations of individuals and their families” (Rose 1999, 88). It is a politics of responsabilization, of becoming responsible risk managers for oneself and one’s family; it is a politics that calls on individuals to make a project of oneself and to take responsibility for one’s own and one’s family’s well-being and personal happiness.

Alan Hunt has similarly argued that this modality of governance “seeks to stimulate and activate the controlled choices of individual citizens” (Hunt 1999, 217). It is a mode of governance that is increasingly based on expertise, often “vested in the hands of experts” but also often reintroduced to allow non-experts to train themselves to become experts (Hunt 1999). Hunt argues that “self-help” has become one of the most important techniques for this self-regulation: “The self-government of subjectivity is effected through the stimulation of sustained and intense self-scrutiny” (Hunt 1999, 218). White and Hunt have connected this self-governance with the new discourses of citizenship. They argue that a vision of citizenship informed by the care of the self “marks a break with state-centered conceptions of citizenship” (White

and Hunt 2000, 96). Contemporary citizenship is, in their view, constituted in and through the practices of regulated freedom. Individual citizens are required to make choices throughout this public sphere:

Citizenship consists in a variety of practices of self-formation that are located within the tensions and choices inherent in a regulated freedom: Such freedom links practices of governance through the “shaping and utilizing the freedom of autonomous actors.” (White & Hunt 2000, 111, citing Rose 1993, 295)

It is a citizenship that requires a practice of “self-inspection and self-regulation through choice.”

Some scholars focus on the role of culture and consumption in this new self-disciplinary citizenship. Rose argues that a broad range of cultural practices are now constitutive of this new citizenship identity. “Advertising, marketing, the proliferation of goods, the multiple stylizations of the act of purchasing, cinemas, videos, pop music, lifestyle magazines, television soap operas, advice programs, and talk shows” all play an important role in the generating and regulating techniques of self-conduct (Rose 2000, 1339). Through a fusion of culture, consumption, and self-identity, individuals are called upon to shape their identities in and through market choices in “taste, music, goods, styles, and habits” (Rose 2000, 1402). The project of the self requires that individual citizens take responsibility for their identity and their well-being in and through their multiple cultural consumption choices.

According to these more critical approaches, citizenship emerges as a form of governance, constituted through practices of responsabilization, individual choice, and self-discipline. Citizenship is disarticulated from the state. It is, then, a broader notion of membership in a community, constituted through multiple sites of contact among individuals in the public sphere. Citizenship is not simply a normative aspiration, but a technology of governance that constitutes a highly self-disciplined citizen. Yet, it is also a citizen produced through the practices of autonomy and choice; citizens must choose among a range of available practices, discourses, and aesthetics: A citizen who is disciplined, but not wholly so.

Sexing, Privatizing, and Self-Disciplining Citizenship

In *Sexual Citizens*, I attempt to bring together the insights of these divergent literatures of citizenship to explore the multiple ways in which citizenship

is being sexed, privatized, and self-disciplined. The chapters reveal some of the ways in which good citizens and bad citizens, becoming and unbecoming citizens, are being produced through the discourses of sex, markets, family, and self-governance. Sexual subjects once cast as outlaws or strangers, such as lesbians and gay men, are being brought into the folds of, and reconstituted in the discourse of, this new privatized and self-disciplined citizen. The reconstitution of outlaws as legitimate subjects in law has occurred within this dominant modality of citizenship in which the sexing of citizenship and the disruption of heteronormativity is accompanied by the privatization of sex. Other sexual subjects, such as the welfare mother and the deadbeat father, are being reconstituted as bad citizens through precisely this same marketized and familialized citizenship. Their sexuality is marked as deviant and dangerous, at the same time as their infractions are cast in terms of their failure to regulate through market and family. These sexual subjects are constituted as failing to live within this new modality of citizenship; they have failed to privatize and self-discipline. And the failure invites the state directly back into their lives, in all its coercive glory. Sexual subjects are also being brought into the folds of the new self-governing citizenship. Those sexual subjects who fail to self-discipline, just like those who fail to privatize, risk being marked as unbecoming, if not outright outlaws.

The privatization, familialization, and self-disciplining of citizenship are often inseparable processes. In the new modality of sexual citizenship, subjects are required to self-discipline according to the logic of the market. The good citizen emerges as the enterprising, self-regulating subject who manages his or her own risk. Individuals must conduct their lives, and that of their families, "as a kind of enterprise, seeking to enhance and capitalize . . . through calculated acts and investments" (Rose 1999, 164). It is a process that extends to the family, where individuals are expected to maximize the physical and emotional well-being of their children, their spouses, and themselves (Rose 1996, 163). It is a process that similarly extends to the practices of sexuality, where individuals are expected to promote their well-being by managing and minimizing risks. Bad citizens, on the other hand, are those who fail to self-regulate in these domains of family, market, and sex.

Sexual Citizens explores these and other intersections in the sexing, privatizing, and self-disciplining of citizenship, with a focus on the role of law in these processes. The literature on sexual citizenship has largely been located outside of law, and as a result, its analysis of law has been thin. With a few

notable exceptions (Cooper 1993; Smith 2001; Stychin 2001), there has been little analysis of the role of legal discourse in constructing and disciplining sexual citizens. Historically, law has played an important role in constructing a narrow sexed and gendered citizen. As a result, law has been a crucial site of struggle and contestation in challenging the heteronormative and gendered constructs of citizenship. Criminal law, family law, social welfare law, and constitutional law, among others, are all deeply implicated in constituting and disciplining sexual citizens. The role of law is viewed here not exclusively in terms of its repressive and regulatory dimension but also in terms of its disciplinary and constitutive dimensions (Stychin 2003, 3) Law constitutes and regulates, punishes and self-disciplines.

The role of law in privatization has begun to attract some scholarly attention (Cossman & Fudge 2002; Freeman 2003; Minow 2002), although rather less has been directed to the implications for citizenship in particular. Often, the literature on privatization is associated with deregulation and the decentering of the state. Yet, as many have argued, it is a process better characterized as “re-regulation” (Cossman & Fudge 2002). The new modes of regulation, including the transfer of once public goods and services to the realms of market, family, and charitable sector require considerable state intervention. Law has an important role to play in operationalizing this privatization, as well as enforcing the new modalities of citizenship. There may be a range of changes in the preferred regulatory instruments and types of law—for example, from state ownership and supervision to an increasing delegation to private and quasi-private actors, from administrative regulation to contract, from social welfare law to criminal and family law. Yet, there continues to be a strong state and legal presence in this mode of governance (Cossman & Fudge 2002).

The role of law in the self-disciplining of citizenship has received even less attention. In part, the self-governance literature directs attention away from explicit forms of legal regulation in its vision of a less state-centered form of governance. The literature opens up a broad range of non-state practices to scrutiny for their role in the governance. This broader analysis, however, need not break completely with an analysis of state and legal regulation. Rather, it remains important to consider the role of law in these newer forms of governance. The rise of the neo-liberal state and its increasing reliance on self-governance is shifting the form and content of legal regulation. In some contexts, law regulates through the promotion of market relations, reconstituting individual subjects into market actors and citizen consumers. Law’s role is both

constitutive and regulatory; it seeks to regulate the subjects that it constitutes through marketized incentives. In other contexts, law regulates through the promotion of responsabilization within the family: It seeks to make individuals responsible for themselves and their family members. While the objective of both of these forms of regulation is the promotion of a privatized, self-disciplining individual, both are accomplished through a broad range of regulatory interventions in the market and family.

Further, an increasing reliance on self-governance has not led to an abandonment of the more coercive and authoritarian deployments of law. These more authoritarian forms of law are deployed against those who fail to self-discipline. As Rose has observed: “Those who refuse to become responsible and govern themselves ethically have also refused the offer to become members of our moral community. Hence, for them, harsh measures are entirely appropriate. Three strikes and you are out” (Rose 2000, 1047). Barry Hindness argues that authoritarian rule is an integral part of liberal government and that even with an increasing emphasis on self-governance “coercive and oppressive practices of government continue to play an important part . . . in the criminal justice system, the policing of . . . immigrant communities and the urban poor” (Hindness 2001). For some subjects, “the capacity for autonomous conduct can be developed only through compulsion, through the imposition of more or less extended periods of discipline” (Hindness 2001). It is therefore important to consider the uneven nature of legal regulation—self-disciplinary for some and correctively or punitively authoritarian for others.

Breaking with an exclusively state-centered vision of citizenship does, however, require attention to the ways in which these multiple forms of legal regulation intersect with other non-legal, non-state forms of governance. My interest is on the intersections between law and popular culture. While influenced by it, my approach diverges somewhat from the law and popular culture movement, which “treats works of popular culture about law and lawyers (such as films, novels or television shows) as legal texts, as important in their own way as statutes or judicial precedent” (Asimov 2001, 87). While I agree that much can be gleaned about law from studying popular culture as legal text, in *Sexual Citizens* I explore the intersections of law and popular culture for what it reveals about the sexing, privatizing, and self-disciplining of citizenship. Law and popular culture are both discourses that produce social meaning and constitute subjects. Influenced by the literature on cultural citizenship, I am interested in the ways practices of belonging are increasingly

located in the cultural sphere. But, my analysis is moored to a legal studies approach. I deploy a cultural studies approach to law—an approach that Austin Sarat and Jonathan Simon describe as “. . . invite[ing] us to acknowledge that legal meaning is found and invented in a variety of locations and practices that comprise culture, and that these locations and practices are themselves encapsulated, though always incompletely, in legal forms, regulations and symbols” (Sarat & Simon 2001, 21). Like Sarat and Simon, I am interested in the “‘cultural role’ of legal practices, [in] their ability to ‘create social meaning and thus shape social worlds’” (Sarat & Simon 2001, 159).

Sexual Citizens locates the legal regulation of sexual citizenship within a broader cultural context and explores the social meaning produced by its multiple practices. I am interested in the ways in which practices of belonging and, particularly, the sexing, privatizing, and self-disciplining of these practices are products of the porous borders between law and popular culture. I consider different ways in which images, norms, and narratives of popular culture seep into legal discourse and, conversely, the ways legal discourse casts its shadow over popular culture. I highlight the uneven and dialogic nature of the relationship between law and popular culture; the images, narratives, and social meanings in each sphere, sometimes complementary, sometimes conflicting, are produced dialogically, in explicit and implicit conversations with each other.

The first chapter considers ways in which sexual citizenship is produced through the regulation of consensual sexual practices. By examining the legal regulation of sexual privacy and sexual speech, the chapter explores the transformations and contestations of contemporary sexual citizenship. Subjects once constituted as outlaws, from sodomites and pornographers to sex toy users and hip-hop artists, continue to challenge their outlaw status, claiming inclusion within a new modality of explicitly sexualized citizenship. Some have successfully become citizens; others are in the process of becoming, and yet others continue to be cast as outlaws, unworthy of belonging. These are legal and cultural stories of a very explicit sexualization of citizenship; from the Oscar Wilde revival and the affirmation of sodomy in *Lawrence to Sex and the City*'s playful affirmation of the sex lives of single women and the contested right of women to sell sex toys in *Williams*, from Larry Flynt's claim to political citizenship to hip-hop artist Sarah Jones's indecency fight with the FCC—these are subjects who seek belonging without disavowing sex. Instead, their claim is that they deserve membership on its terrain.

The second chapter considers the role of sex in marriage in the practices of citizenship. It argues that marriage is being produced as a project of self-governance in which good citizens will make good choices and manage the risks to their relationship. Couples are called upon to make their sex life a project and minimize the risk of infidelity and relationship breakdown, practices unbecoming of a good citizen. It argues that this project of sexual self-governance is increasingly produced in the cultural sphere. Whereas law was once called upon to patrol the rigid sexual borders of marriage, now it is television talk shows, self-help books and magazines, and a range of films and television dramas, from *Dr. Phil* and *Oprah* to *Closer* and *Desperate Housewives* that articulate and promote the ethic of self-governance.

The third chapter turns further to the process of unbecoming citizens. It explores the contested stories of welfare reform and sexual citizenship, first, through the production of welfare queens and deadbeat dads in mainstream political discourse and then, in the effort to contest these images of failed citizenship in black popular culture. Both the welfare queen and the deadbeat dad were produced as unbecoming citizens through a shifting combination of market, sexual, and self-disciplinary failures, as well as an underlying repertoire of highly racialized stereotypes of African Americans. Their citizenship failures could then be deployed to legitimate a new and coercive regulatory regime. Despite the effort to kill explicitly counter hegemonic narratives, these icons of bad citizenship have cast their shadow over black popular culture. From the familial controversies around hip-hop artists Lauryn Hill and P. Diddy to films such as *Baby Boy* and *Disappearing Acts*, sexual citizenship for the African American subject can only be achieved through a repudiation of their failures in favor of highly privatized and self-disciplining practices of belonging.

The fourth chapter returns to where discussions of sexual citizenship often begin, namely, to the citizenship struggles of gay and lesbian subjects. The chapter uses the ambivalence of border crossing as an entry point into debates over same-sex marriage. It explores how the subjects, the borders, and the terms of citizenship are being transformed. Same-sex marriage becomes part of the present, and gay and lesbian subjects cross the borders into legitimate citizenship. The chapter looks at both legal and cultural stories of same-sex marriage: the constitutional challenges and the emerging divorces as well as the cultural representation of same-sex marriage and divorce in queer cultural productions such as *Queer as Folk* and *The L Word*. It explores

the transformations in governance as same-sex marriage becomes part of the present, looking at the subjectification of gay men and lesbians through the new forms of self-governance. Finally, the chapter returns to *Queer Eye for the Straight Guy* to explore the implications of these transformations for the very categories of queer citizenship. As gay and lesbian subjects become citizens, the borders between gay and straight become rather less sharp.