GOING WILD: LAW AND LITERATURE AND SEX

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ABSTRACT

This paper explores four works of contemporary fiction to illuminate formal and informal regulation of sex. The paper’s co-authors frame analysis with the story of their creation of a transdisciplinary course, entitled “Regulating Sex: Historical and Cultural Encounters,” in which students mined literature for social critique, became immersed in the study of law and its limits, and developed increased sensitivity to power, its uses, and abuses. The paper demonstrates the value theoretically and pedagogically of third-wave feminisms, wild zones, and contact zones as analytic constructs and contends that including sex and sexualities in conversations transforms personal experience, education, society, and culture, including law.

Keywords: Law; literature; sex; pleasure; feminisms; transdisciplinary
INTRODUCTION

Instructions to students reading Sarah Ruhl’s *In the Next Room (or the Vibrator Play)*:

As we’ve seen, one central theme of the play concerns the characters’ failure to understand as sexual certain activities or sensations, like clitoral and anal stimulation and the resulting “paroxysms” – even while we know better. Now that the class is divided into four small groups, each group will focus on one of the four scenes. In discussing your group’s scene, read it “wild.” That is, what else – sexual or otherwise – do you see? Look for metaphors and symbols. Why did the playwright make each choice of words, images, colors, etc.? What is she saying that is not explicitly expressed or that remains in “the wild zone”? Go for it.

Multiple students interrupting each other:

Like maybe tickling the piano keys means masturbation? The grape jam and green curtains must mean something – but what? Do you think all the rain and wetness might be meant to suggest sexual excitement, especially women’s? And could the nude sex outdoors in the snowstorm in the last scene indicate the conquest of frigidity? No, I see it as a shift in sexual power because Catherine is on top! No, I see it as a challenge to all the sexual limits and regulations depicted in the play – but maybe that’s the same as a shift in sexual power. But why do the two rooms that divide the action on stage disappear in this final outdoor part? Is outdoors really “the next room,” or is it the doctor’s operating theater, as the characters say? What is that title supposed to mean? What is ‘the next room’? (Stiritz & Appleton, 2010–2015)

This paper explores four works of contemporary fiction to illuminate the formal and informal regulation of sex and sexualities in our culture: Sarah Ruhl’s (2010) play *In the Next Room (or the Vibrator Play)*; Irving Kenneth Zola’s (1997) short story *Tell Me ... Tell Me*; Sapphire’s (1997) novel *Push*; and Sue Miller’s (2005) novel *Lost in the Forest*. We frame our analysis of these stories with our own stories – recounting how we united our diverse academic backgrounds, professional training, classroom histories, previous research and theorizing, and lives to develop and teach a seminar called “Regulating Sex: Historical and Cultural Encounters.” Regulating Sex brings together law students with those from social work and the humanities to learn to integrate legal analysis with lived experience as depicted in the literature that we examine here. The classroom conversations captured above epitomize the collaboration that talking about sex fostered and the multiplication of meanings that accrued from our diverse points of view.

As we discovered, this transdisciplinary approach (Stokols, Hall, & Vogel, 2013, p. 5) stimulates new ways of thinking and perspective taking, which in turn enhance the ability to listen and understand, strengthen and
diversify problem-solving skills, and open avenues for democratic social change. Further, our seminar’s focus on sex allows exploration of power in relationships and different ways to negotiate such power, providing valuable – even if not typical – preparation for working with law and appreciating the complexities of social issues.

Like our course itself, this paper defies familiar categories. It bridges legal pedagogy and literary experience and analysis, joining feminist jurisprudence with queer theory, sexualities studies, and psychoanalysis. In doing so, the paper explores how bringing participants and tools from diverse disciplines to a hybrid classroom can inspire departures from standard scripts – a valuable skill to nurture during this time of transitions in the legal academy, the market for legal services, and the place of the humanities in higher education.

Although our close reading of four works of fiction studied in the seminar forms the core of this paper, we also include our own experiences of teaching outside our respective comfort zones and our aspirations for our students to view themselves as subjects in process and emerging agents of change. Our cast of characters is diverse: As co-teachers, we bring combined expertise in literary criticism; women, gender, and sexuality studies; social work; philosophy; psychoanalysis; and law. About half the students are upperclass law students, on their way to what they hope will be fulfilling legal careers. Others are graduate students in different disciplines, such as anthropology or social work, and advanced undergraduates in women, gender, and sexualities studies, some with plans to go to law school later and others seeking to discover what law school might or might not have to offer them. Our goal? To help them to see how important their imaginations are to the perpetual recreation of democratic culture and humanistic values, and so to the evolution of law. Grappling with problems in today’s complex and interconnected world requires open minds and flexible thinking – the core values inspired by the literature we studied along with the law of sexuality.

The section “Third-Wave Feminisms, Wild Zones, and Contact Zones” introduces three constructs that we find helpful in telling and analyzing our stories. The literature that we use in the course provides the focus for the section “Regulating Sex: Four Encounters through Fiction,” which explains why we find these materials so promising and well-suited for advancing our pedagogical goals. The section “The Pedagogical, the Personal, and the Political” contextualizes our transdisciplinary project in ongoing conversations about legal education and higher education more generally. This section also offers reflections that illustrate the interplay of
our pedagogical goals and tools, the literature, our classroom experiences, and our students’ achievements.

THIRD-WAVE FEMINISMS, WILD ZONES, AND CONTACT ZONES

Although we can situate our seminar in the now familiar genre of law and literature courses and, in particular, those with feminist objectives and themes (Balkin & Levinson, 2006, p. 160; Harrison, 1993, pp. 408–410; Heilbrun & Resnik, 1990), Regulating Sex has a distinctive focus: how regulation, sometimes explicit but more often camouflaged, limits the expression of sexuality and sexual pleasure in our culture, especially for women, despite legal rhetoric celebrating autonomy and expressing commitment to gender equality (Lawrence v. Texas, 2003; United States v. Virginia, 1996).

In developing this focus, we have found certain transdisciplinary tools fruitful. First, our emphasis on cultural and legal representations of sexual pleasure and sexualities brings to the fore third-wave feminism and invites insights from queer theory. Second, our readings of literature and discussions of lived experience borrow Edwin and Shirley Ardener’s (1975) concept of “the wild zone” to stimulate students’ searches for new meanings (see also Showalter, 1981, p. 200). Finally, we capitalize on the diverse backgrounds of the seminar participants to foster what Mary Louise Pratt (1991) describes as learning in “the contact zone,” a feminist approach that respects multiplicity and invites diversity. A few introductory words about each follow in turn.

Despite disagreements about whether legal feminism remains stalled in yesterday’s second wave that feminism more generically has left behind (Crawford, 2007), a third-wave has declared itself (Walker, 1992; see also Caudwell, 2011), in turn generating claims about defining attributes of such new incarnations. Third-wave feminisms, according to most analyses, accord a central place to bodily experience, especially sex, sexual pleasure, and sexual awareness (Coleman, 2009, p. 7; Crawford, 2007, p. 116). Some also cite the valorization of (and belief in) individual choice (Coleman, 2009, p. 8; Harris, 2010, p. 476) as well as the salience of an array of masculinities (Baflan, Hradsky, Jeschke, Meyer, & Roberts, 2009, p. 124, 127). Others highlight a more sophisticated understanding of power, the influence of neoliberalism (Arnot, 2011, p. 700, 702), and recognition of law’s limits in effecting social change (Larson, 1993, p. 1252, pp. 1253–1254). Differences
among women – and hence anti-essentialism and intersectionality – loom large in third-wave feminism (Batlan et al., 2009; Yu, 2011; see also Mane, 2012). Such highlighting of difference validates stories as a way to personalize feminism (Batlan et al., 2009; Crawford, 2007, p. 125) and celebrates ambiguity, contradiction, and multiplicity (Coleman, 2009, p. 9; Mane, 2012, pp. 85–86). Gender becomes fluid and performative (Butler, 1990, 1993; Caudwell, 2011), as does sexuality (Crawford, 2007, p. 168; see also Diamond, 2008), which expands to encompass a rich variety of activities and perspectives. Third-wave feminisms also coincide with and are informed by the rise of trans, intersex, and asexuality movements, which further complicate gender and sex polarities (Emens, 2014; see also Valentine, 2007).

Although several of these features have the familiar ring of second-wave concerns and methodologies (such as the use of stories) (Crawford, 2007, p. 168), others bear a striking resemblance to queer theory’s moves and commitments. These include the importance of sex, pleasure, and transgression; the resistance to identity categories and legal boundaries; the neoliberal appreciation of the individual; and skepticism about traditional understandings of law and power (McCluskey, 2009). Whether labeled feminist, third-wave, sex-positive, queer – or all of the above and defying categorization altogether – these considerations play significant parts in our literary-legal study of sex and sexualities, as our students learn to understand that regulation includes limitations on human pleasure, which is a critical source of personal self-value, permits meaningful exchange with others, and supports political agency and will.

Two additional tools help our project advance third-wave feminist values: When reading literature, we assume that a muted or subordinated culture’s unformulated experience resides in a space outside hegemonic society’s symbolic order, and we borrow the concept of the wild zone to explore this idea with our students. According to Edwin and Shirley Ardener and Elaine Showalter’s elaboration of their theories, a wild zone identifies an area in which what might be unthought by those dominant in a society is known by those at its margins (Ardener, 1975; Showalter, 1981, p. 200). A muted cultural group’s unformulated experience becomes recognizable by the dominant culture when artists representing that experience help it cross a threshold of public awareness. Often, the process entails giving a name to something – an experience, object, or emotion – that previously lacked a means of explicit expression.

In Regulating Sex, we look at ways sexual words, categories, and stories in patriarchal culture reflect (white, affluent, heterosexual) men’s
experiences, preferences, and interests, and we search for insight into how women seek to transvalue and revise androcentric meanings. For instance, we attend to the facts that “sex” is commonly understood as “penis-in-vagina intercourse” and that our standard lexicon contains far more words for “penis” than for “clitoris,” the sexual organ that females retain but that becomes a penis in males during uterine development. We note “vagina” is metonymic for the source of women’s sexual pleasure, even though orgasms (including those experienced during intercourse) are triggered by the clitoris and the vagina itself is a relatively numb body part containing few nerves (Lloyd, 2005; Winston, 2009). We explore the regulatory work that such practices perform and their reinforcement from law. In addition, we see how feminist writers resist such monopoly on meaning, finding ways to bring their own understandings of sexual experience into awareness.

While the unseen space of the muted culture is called the wild zone, after efforts to bring some of its material into view, the struggle to get it recognized happens in a space of conflict called the contact zone (Pratt, 1991). Mary Louise Pratt coined this term “to refer to social spaces where cultures meet, clash, and grapple with each other, often in contexts of highly asymmetrical relations of power ....” (Pratt, 1991, p. 34). The dominant and muted cultures might engage in the contact zone, allowing the latter to become expressed. Indeed, such encounters often precipitate efforts by the dominant culture to keep other voices suppressed. So too, collaborative projects, such as our own, in which our disciplines and those of our students define problems differently, create contact zones where such contrasting viewpoints can combine synergistically.

Literature and sex both offer productive points of departure for this process. First, literature inspires readers’ negative capability by multiplying the perspectives through which readers can understand a story. Second, especially in professional education, like law and business school, in which instrumental discourse often prevails, invitations for students to access their own and others’ subjectivity help to encourage and cultivate creativity for “outside-the-box” approaches to problem solving (Christenson, 1993, pp. 1296–1297; Wallace, 2010). Literature not only helps reveal law’s limits but it also inspires us to reimagine familiar practices and concerns (Emens, 2011, p. 237). Often ahead of its time, literature, in representing unformulated experience, can reveal an incipient shift in conduct, structures of feelings, and standards.

Like our use of literature, our focus on sex plays a vital role in developing a contact zone. Because they are traversing their own sexual unfolding,
university students are particularly keen to learn new ways to understand sex and sexualities (Sarrel & Sarrel, 1979). Given their personal stake in the assigned materials and discussions, an important attribute of Pratt’s description of contact zones, students willingly, if not avidly, engage with social constructionism, symbolic interactionism, feminism, and queer theory through the medium of discourses of sexuality, which they find personally relevant.

Studying sex through literature makes the most awkward able to be spoken, exposes the most personal as socially constructed and public, and summons voices from different times and places so that students may reflect on their own sex stories within wider contexts. Further, because of the sharp generational divide marking the very different sexual cultures that our millennial students and we (their baby boomer instructors) have experienced, our exchanges have necessarily engendered a clash of cultures characteristic of contact zones.

Studying law through sex also offers new insights. First, as Austin Sarat and Jonathan Simon (2001) note, “Most social relations are permeated with law” (p. 20). Sex (sexual encounters, sexual performance, even sexual fantasies) certainly invites close examination of this proposition (Apfelbaum, 2012, p. 6). Indeed, students’ own encounters with power and its negotiation in sexual relations provide a particularly apt opening for considering the powerful instruments—law and its authority—that they will wield as attorneys, for good or for ill. For those who will not pursue law beyond our seminar, the take-home messages include a more nuanced appreciation of how the legal system shapes personal choices, actions, and relationships. The escalating legislative attention now trained on campus sexual assaults should sharpen these messages and deepen their personal resonance (Tuerkheimer, 2015). Second, most students never attend to the pervasive links between law and sex even if legal scholars have occasionally taken up the task of connecting the relevant dots (Kaplan, 2014; Posner, 1992; Posner & Silbaugh, 1996). Our course tries to elaborate this Foucaultian approach (Foucault, 1988), while more pointedly interrogating the liberation of sex promised in *Lawrence v. Texas* (2003), with help from commentary that exposes how law continues to limit and construct sex (Franke, 2004, p. 1414; Murray, 2012; Rosenbury & Rothman, 2010), even as the continuous evolution of sexual practices transforms law and exposes law’s limits (Plummer, 2002). Finally, our focus on sex allows us to explore destabilizing questions posed by feminist legal theorists. These include Katherine Franke’s (2001) queries “Can law protect pleasure? Should it?” (p. 183), Martha Fineman’s (1995) challenge to assumptions that sexual
affiliation should define the “core family unit” in law, and Laura Rosenbury and Jennifer Rothman’s (2010) efforts to disrupt law’s conflation of sex and emotional intimacy.

REGULATING SEX: FOUR ENCOUNTERS THROUGH FICTION

How can reading stories become so transformative, especially in legal education? Ordinarily, law students must focus on case facts, legal doctrine, and abstract analysis in order to learn to think like lawyers (Strong, 1998, p. 776). One element often missing from this curriculum is what comes before – the ambiguity of life and different ways to understand it (MacLean, 2012). Literature provides both the verisimilitude of lived life and new ways of reading it, affording students critical access to wild zones and contact zones, which in turn invite exploration of uncertainties, ambiguities, complexities, and personal and political dilemmas. Literature can illuminate some of what law takes for granted, demonstrating in especially vivid ways the difficulty of disentangling freedom and regulation, personal choice and constructed preference, private and public, and “normal” and “deviant” sexual practices. Literature facilitates reading law against the grain, making room for feminist and queer insights that can help us expand our understanding of oppression and social justice.

This section summarizes the play, short story, and two novels we chose for the foundation of Regulating Sex and describes how our study of these works could bring us into empathic concern with contemporary challenges to the social fabric and to the democratic processes that keep it from unraveling.

Sexual Power, Then and Now

Foucault has taught us that a culture’s sexual scripts embody its values and power structures – and hence its laws (Foucault, 1988). The sexual body stands in for the body politic. Hence, stories of sex are always, deep down, stories about power and its distribution. Two of our readings center on this question of power, offering contrasting perspectives. Sarah Ruhl’s (2010) In the Next Room (or the Vibrator Play) confronts sexual “power plays” explicitly, looking back to an earlier era to invite contemporary self-reflection. Irving Kenneth Zola’s (1997) short story Tell Me ... Tell Me offers a rare
glimpse of the detailed preparations that two sex-inclined individuals with significant physical disabilities must complete and the enabling power that comes from their authentic self-presentation and honest verbal exchanges.

Evident in both pieces are the characters’ struggles, a kind of personal contact zone, in which yearning for touch and intimacy bump up against proscribing discourses. As long lamented, post-Cartesian life fragments holistic experience in which mind and body work seamlessly together. Poet of “The Hollow Men,” T. S. Eliot (1967), coined the term “dissociation of sensibility” (Eliot, 1975) for the new “structure of feeling” (Williams, 1977) that came into existence in the seventeenth century. Marx (1988) called it “alienation”. The Cartesian split enabled advances in abstract thought to occur, propelling instrumental conceptualization. Such progress has come, however, at the expense of felt presence in the world. For example, contemporary scientific, medical approaches to sexuality focus on the performance of organs, their response, and their dysfunction rather than experience. In the Next Room (Ruhl, 2010) and Tell Me ... Tell Me (Zola, 1997), however, represent sex as “more like dancing [than] digestion” (Tiéfer, 2012) and succeed in immersing us in “thick” experience (Geertz, 1973, pp. 1–30) that returns us to a sense of being connected to our bodies and to each other and, so, at home.

**In the Next Room (or the Vibrator Play)**

It is not news that masturbation for women is done clitorally. Why has this – our own silent testimony to what is efficient stimulation for our bodies – been so ignored in favor of the way men think we should have orgasms? All too many men still seem to believe, in a rather naïve and egocentric way, that what feels good to them is automatically what feels good to women ... (Hite, 1976)

Award-winning playwright Sarah Ruhl’s inspired and provocative 2010 work, *In the Next Room (or the Vibrator Play)*, brings to life discoveries presented by historian Rachel P. Maines (1999) in *The Technology of Orgasm: “Hysteria,” The Vibrator, and Women’s Sexual Satisfaction*. Maines’s revelatory volume not only chronicles the therapeutic use of clitoral massage across the centuries but also theorizes how “social camouflage” (Maines, 1999, p. 20) allowed this practice to pass as medical treatment with no recognition of its connection to women’s sexual pleasure (Maines, 1999, pp. 19–20).

In Ruhl’s (2010) drama, set in New York state at the dawn of the age of electricity, around the 1880s, the action takes place in the living room of the home of one Dr. Givings and his wife Catherine Givings and in
the adjacent “operating theater,” (p. 5) where the doctor, enthralled by the new power source, treats his “hysterical” patients7 with an electromechanical vibrator, instead of old-fashioned manual techniques (Ruhl, 2010, p. 13; see also Maines, 1999, pp. 1, 8, 21, 31, 44; Omori & Slick, 2007). In addition to the doctor, his wife, and their infant, the play’s characters include two patients, Mrs. Sabrina Daldry and Leo Irving (a rare “hysterical male” requiring prostate massage (Ruhl, 2010, pp. 46–47), another treatment documented in Maines’s (1999) research (pp. 95, 99)); Mr. Daldry (Mrs. Daldry’s husband); Elizabeth (a domestic employee of the Daldrys, whom Dr. and Mrs. Givings hire as a wet nurse for their infant, and the lone African-American in a cast otherwise populated by whites); and Annie (a midwife who assists Dr. Givings in his medical practice).

The treatment that Dr. Givings administers and the associated atmospherics produce unintended effects, which reveal power asymmetries as erotic triangles form. The vivacious Catherine Givings befriends Sabrina Daldry, to whom she confides her curiosity about what transpires in the next room; the two sneak into the operating theater for some mutually administered “treatment.” Sabrina Daldry and Annie find themselves inexplicably attracted to one another; Mr. Daldry tries to kiss Mrs. Givings (Ruhl, 2010, p. 73), who becomes infatuated with Leo Irving, who in turn professes that he has fallen in love with Elizabeth. Yet, none of these budding possibilities blossom; in the end, although the characters have grown in various ways, the existing marriages appear to remain intact, and those not in relationships continue unattached.

The play sends powerful messages about the social (including legal) construction of sex, a core theme in our course. As Maines theorized and Ruhl now dramatizes, conventional wisdom did not recognize the “hysterical paroxysms” that physicians like Dr. Givings were providing (indeed, giving) to their patients as orgasms because sex was understood to refer exclusively to heterosexual penetration (Maines, 1999, p. 3, 5) — an idea that persists today — and because women, unlike men, were considered devoid of sexual response (Maines, 1999, p. 49).8 For the medical establishment and patriarchy more generally, portraying most women as sufferers of pathologies proved far simpler and certainly less threatening than redefining womanhood and sex itself (Maines, 1999, p. 5). Because dominant thinking of the era deprived proper (white) women of sexual feelings, any such feelings or experiences were viewed as evidence of abnormality (Maines, 1999, pp. 34–38; see also Whites, 1996, p. 217) and hence confined to the wild zone.
Consider, for example, this stage direction for the actress playing Mrs. Daldry during her first treatment:

She has a quiet paroxysm. Now remember that these are the days before digital pornography. There is no cliché of how women are supposed to orgasm, no idea in their heads of how they are supposed to sound when they climax. Mrs. Daldry’s first orgasms could be very quiet, organic, awkward, primal. Or very clinical. Or embarrassingly natural.

But whatever it is, it should not be a cliché, a camp version of how we expect all women sound when they orgasm. It is simply clear that she has had some kind of release.

(Ruhl, 2010, pp. 17–18)

By thus asking what it means to say that certain conduct is or is not sexual and whose perspective should count, the play offers an application of the theoretical insights that our students read earlier in the semester in assignments from Ken Plummer’s (2002) Symbolic Interactionism and Sexual Conduct and Jeffrey Weeks’s (2010) Sexuality, both of which emphasize social scripts (Plummer, 2002, p. 22; Weeks, 2010, p. 63). As Plummer (2002) explains, “[f]or the script theorists, sexual development is a life-long learning process which is historically malleable: sexuality is in a broad sense assembled from cultural categories currently available” (p. 28). Weeks (2010) elaborates in the same vein:

History shapes our possibilities at the same time as we attempt to shape it; remake it. Our sense of agency, of being able to mould our possibilities, is a defining characteristic of being human, but that agency is always fashioned by what is historically possible and feasible. This is true of all cultural phenomena. It is especially true of sexual cultures.

(p. 12)

In the Next Room animates these ideas, introducing students to fictional characters who live out particular scripts which, from today’s vantage point, we recognize as contingent and which we know will change in time.

A related thread concerns the contingency and manipulation of sexual knowledge. Ruhl juxtaposes the “dawn of electricity” with a dawn of awareness or illumination that Catherine Givings and Sabrina Daldry experience, as they remove the camouflage that shrouds Dr. Givings’s medical interventions and their own feelings. In contrast to the women’s growing enlightenment, Dr. Givings’s androcentric understanding of orgasmic pleasure does not allow him to appreciate what sort of treatment he is providing. Dr. Givings – the character most committed to the value of scientific evidence, to skepticism concerning the worth of subjective feeling, and to denial that passion has anything to teach us – ironically concedes, “What men do not observe because their intellect prevents them from
seeing would fill many books” (Ruhl, 2010, p. 44). In contrast to all the white characters, Elizabeth, the physically attuned African-American wet nurse (Ruhl, 2010, p. 29), stands out as the only woman with awareness of her own sexuality (Ruhl, 2010, pp. 69–71). In the meantime, the anal penetration required for Leo’s treatment invites consideration of both masculinities and the widespread absence of knowledge about the pleasures of prostate massage (Branfman & Stiritz, 2012).

In the Next Room surfaces several themes of third-wave feminism, including questions of pleasure, intersectionality, masculinities, and fluidity. It weaves together several regulatory devices that we emphasize over the semester, while using the advent of electricity to suggest a congeries of energy, shocks, jolts, and even power failures, as the familiar order collides with new-found knowledge and creates a contact zone. For example, although the clitoris plays a starring role, “social camouflage” (Maines, 1999, p. 20) operates to deny it as a source of women’s sexual pleasure. We see the “silent testimony” that Shere Hite (1976) notes in the epigraph above, but without the certainty of knowledge that Hite proclaims. Some theorists condemn such absence of knowledge about the clitoris as not just a gap but as the result of active production of ignorance “linked to issues of cognitive authority” (Tuana, 2004, p. 195), suggesting that bringing ideas out of the wild zone does not come easily. Further, Ruhl’s decision to have Elizabeth, the only character of color, possess the knowledge that the others lack not only evokes obvious stereotypes, but also invites our students to discern important connections with earlier assignments that explore intersectionality, including the impact and legacy of slavery’s very different sexual scripts for white women, Black women, white men, and Black men (hooks, 2007; Roberts, 1997).

The play also offers the opportunity to engage with issues of sexual fluidity, following our earlier class discussions of Lisa Diamond’s findings about this pervasive phenomenon (Diamond, 2008). The denial of fluidity as a regulation of sex emerges in the taken-for-granted forbiddenness of the attraction that Sabrina Daldry and Annie feel for one another. But even more, Ruhl fashions moments when Sabrina Daldry and Catherine Givings share emotional sparks – an intimacy growing out of their joyous experience of mischief and discovery. True, Catherine also sees Leo Irving as an object of romantic longing, and she eventually embraces devotion to her work-obsessed husband (but only after she insists that loving her become his occupation (Ruhl, 2010, p. 83), which he obliges, opening himself up to more than a purely scientific approach to his marriage). Yet, these changes
in affective priorities only underscore the multiplicity and fluidity of Catherine’s passions.

The play invites critiques of both the domestication of sex through marriage and marriage as the only officially privileged site for sex. The unrealized relational possibilities among the various characters all constitute voids (what might have been) created by the gravitational pull of the marital regime. This regulatory tool takes on a life of its own in later sessions of our course, when we study marriage in its familiar form along with a variety of possible departures (Emens, 2009b; Fineman, 1995; Polikoff, 2008; Rosenbury & Rothman, 2010). In the meantime, however, marriage and marital penis-in-vagina sex triumph in the last scene of In the Next Room, with Catherine “on top” (Ruhl, 2010, p. 86), after having renegotiated and reshaped her relationship with her husband. While the superior position pleases students who regret coverture’s subordinating women in early modern society, the persistence of marital intercourse as the way to have sex disappoints most. This finale, which takes place outdoors in the snowy garden, away from the binary represented by the two rooms inside, remains a telling testament to the power of the marital norm, even while suggesting potential space for transformation.

The play’s messages about the socially constructed and hence malleable nature of sex and sexual knowledge challenge the sex exceptionalism assumed in our culture (Weeks, 2010, p. 37), another regulatory tool. What accounts for sex’s special status? Why should sex have such status if our understanding of sex is forever changing — if what once was not sex (medically induced hysterical paroxysms) has now become sex (clitoral orgasms)? We revisit such issues later in the semester in the novels we read and while exploring some of the exceptional difficulties and hazards encountered by pioneers in sex research (Maier, 2009; see also Galliher, Brekhus, & Keys, 2004) and sex therapy (Stiritz & Appleton, 2011) — topics that, in turn, invite us to revisit the “sex therapy” practiced by Dr. Givings, even if it was not understood as such during the 1880s.

In our view, In the Next Room transports us back to an era marked by women’s sexual suppression while inviting us to look ahead — at what happens subsequently in our sexual culture and how we might interpret such developments. In response to the question posed by a student in our initial epigraph, we read the “next room” metaphor to evoke a progression of sexualities across history.

Fast-forwarding to the present, however, exposes how the liberatory promises suggested by In the Next Room continue to encounter regulatory
resistance. For example, so long as vibrators were considered health aids, with no connection to sexual pleasure, they were protected from the reach of the state and federal Comstock Laws, measures enacted around the time that the play takes place, banning as obscene items designed to prevent conception and to procure abortion or for other “indecent or immoral use” (Comstock Act, 1873). Once the camouflage dissipated, obscenity laws began to target vibrators and other sex toys explicitly. Accordingly, we complement our study of In the Next Room with contemporary cases that challenge the constitutionality of criminal prohibitions on the distribution of such sex toys (Reliable Consultants v. Earle, 2008; Williams v. Att’y Gen., 2004; Williams v. King, 2005; Williams v. Morgan, 2007; Williams v. Pryor, 2002). That vibrators constitute contraband in some states even today (Montgomery Highway, Inc. v. City of Hoover, 2010) allows us to integrate legal discourse with medical, historical, artistic, and personal discourses. Similarly, we see dubious progress when we follow the play’s “sex therapy” thread. Many experts attribute sex therapy’s modern practice to the work of William Masters and Virginia Johnson in the 1960s and 1970s (Stiritz & Appleton, 2011). Several of their important contributions disrupted the androcentric understandings of sex depicted in the play – for example, their determination that women’s orgasms are clitorally driven, their discovery of the more robust orgasmic capacity of women compared to men, and their reliance on dual-sex, conjoint treatment for what they called “sexual dysfunction.” According to another view, however, Masters and Johnson also paradoxically ushered in the contemporary age of Viagra (Stiritz & Appleton, 2011). In class, we trace how the “blue pill’s” focus on the penis re-established the more familiar sexual hierarchy that some of Masters and Johnson’s work could be seen to have challenged. Today, approximately 35 million men use erection-enhancing drugs – with no need to disguise this triumph of the penis in “social camouflage” (Maines, 1999), as pervasive advertisements for such medications attest. Accordingly, we explore the regulation of sex discernible in laws governing health care, scientific research, and pharmaceutical development and advertising.

Apart from the substantive themes and insights that In the Next Room affords, it also provides a close encounter with the creative process. For our students, both non-law and law, plays are less common fare for academic and recreational reading than both nonfiction and novels. On this unfamiliar terrain, law students in particular can step back to appreciate that each word in the play represents a choice by the playwright, in turn recognizing that every writing experience entails choices by
the author—a truism often lost in the relentless law school pedagogy about “facts,” “neutral” rules, and “objective” applications.

Such encounters empower students in their own writing projects (including legal writing projects) in a way that we hope will make them more passionate about grappling with ideas and articulating them and will raise the possibility of new sources and understandings of pleasure (Lorde, 1984; Rosenbury & Rothman, 2010, p. 855). With *In the Next Room*, we have tried to foster the creative process in the classroom by breaking the seminar into small groups, each assigned to use their collective imaginations to develop “wild readings” of one scene from the play, as illustrated by our introductory epigraph. What might the playwright be suggesting in choosing, for example, to include various references to rain or to have Sabrina Daldry play the piano? We see this exercise as fostering appreciation for the insights and emotions of others as well as creative, transdisciplinary problem solving.

*Tell Me ... Tell Me*

Let me touch you with my words
For my hands lie limp as empty gloves
Let my words stroke your hair
Slide down your back and tickle your belly
Ignore my wishes and stubbornly refuse to carry out my quietest desires
Let my words enter your mind bearing torches. (*O’Brien, 2012*)

For persons with disabilities, sexual feelings and expression have long remained unacknowledged or, worse, a subject of derision (*Emens, 2009a*, pp. 1325–1330). As Elizabeth Emens (2009a) notes, desexualization of those with disabilities is so complete that joking about their sexual prospects is, for many, socially acceptable (pp. 1327–1328). Likewise, in our society, genetically-based disabilities legitimize public debate, otherwise off limits, about personal decisions to have procreative sex (*Solomon, 2012*). Desexualization effectively moots struggles over the distribution of sexual power.

Recently, however, popular culture offers counternarratives, creating a clash of perspectives on who may be a proper sexual subject and opening a contact zone in which to dispute this question. *Tell Me ... Tell Me*, a short story by Irving Kenneth Zola written in 1996, which we include in our seminar, presages the wider conversation sparked by recent films—from
the touching depictions in *The Sessions* (2012), based on the essay *On Seeing a Sex Surrogate* by poet Mark O’Brien (1990), survivor of childhood polio and author of the epigraph above, to the tale of violent loss and tender healing in *Rust and Bone* (2012; see also Nakache & Toledano, 2011), with its exploration of sexuality after traumatic injury and the accompanying wounds to self-identity. News stories about soldiers returning from Iraq and Afghanistan with missing arms and legs and other parts (Grady, 2015; see also Alvarez, 2010) prompt curiosity about whether the sacrifices of these young persons should include their sex lives, too.

Zola’s short story, published in a collection entitled *Meaningful Relationships/Moments in Time* (Zola, 1997), casts a couple with profound physical disabilities during their first sexual encounter with one another. Each had had other sexual experiences, from which one – the narrator whom we eventually learn is a man – brings anxieties and self-consciousness and the other, a woman with apparent quadriplegia, unable to move or feel below her neck, brings a sturdy confidence that allows her to ask not only for help with her basic personal needs but also for the attachments that give her pleasure. Their erotic engagement, which cannot follow conventional scripts because of their impairments, offers a refreshing view of the continuum of activities able to connect, satisfy, and delight.

Indeed, because their disabilities render irrelevant conventional sexual scripts, these individuals communicate verbally, improvising something that works for them. Under the reader’s gaze, the man listens to and learns from the woman. When she tells him “my neck ... my face ... especially my ears ...,” he follows (Zola, 1997, p. 71), using his tongue languidly, then with increasing amorousness “until her head would begin to shake, her neck would stretch out and then her whole upper body would release with a sigh” (Zola, 1997, p. 71). “[E]very once in a while she would quiver in a way which seemed orgasmic” (Zola, 1997, p. 71; see also Whipple, Ogden, & Komisaruk, 1992).

The climax of what able-bodied readers might think of as surprisingly exciting foreplay for people whom they might well assume have no interest in sex comes when the woman whispers “tell me ... tell me” (Zola, 1997, p. 71) insistently in the man’s ear. Alarmed that she is requesting declarations of love, more commitment than he wishes to offer, he risks awkwardness to inquire what she means. His willingness to enter this personal contact zone with dialogue allows him to discover with relief that she is asking him to narrate the course of his lovemaking. She wants to visualize what he is doing, what he is touching, what she cannot feel, so that she can use her imagination to flesh out the sexual experience for herself. For
the narrator, he “has no need to thrust, to fuck, to quite simply go where I couldn’t be felt” (Zola, 1997, p. 71). Hence, it is of no consequence that he had lost his erection; intercourse, the holy grail in our patriarchal understanding of sex, is off the table. Instead, as his partner asks him to put her hands on him, he feels “a rush through my body .... And so the hours passed ... ears, mouths, eyes, tongues inside one another” (Zola, 1997, p. 71). Zola portrays two people experiencing “optimal sexuality” (Kleinplatz et al., 2009), touching each other, in many senses of the word.

In turn, the story touches our students, who make new discoveries about the experiences and interests of persons with disabilities. The story brings to life several of the legal issues that Emens (2009a) examines when she asks what role the state might play in “removing barriers to entry and encouraging intimacy” (p. 1390) for full inclusion of persons with disabilities in sexual and intimate life. Students find especially promising the careful attention Emens (2009a) pays to “the architecture of intimacy” (p. 1393) – ways to rearrange the physical spaces and material supports for daily living. The conversation necessarily loops back to issues raised in the context of sex toys and Viagra, including arguments that such assistance permits orgasmic pleasure for some who could not otherwise experience it (Reliable Consultants v. Earle, 2008; Williams v. Att'y Gen., 2004; Williams v. King, 2005; Williams v. Morgan, 2007; Williams v. Pryor, 2002).

Tell Me ... Tell Me also prompts new insights in our students’ own self-reflections. It provides a lesson about “good enough sex” – the term Metz and McCarthy (2007) develop to challenge the increasing focus on the performance of sex (over the experience of sex) and the resulting “medicalization’ of sexuality” (p. 352; see also Stiritz & Appleton, 2011). In contrast to more conventional portrayals, Zola creates a dialogic, tantric-like escapade, capacious and honest enough to incorporate urine bags, an unwieldy wheelchair, a bulky transfer board, leg braces and crutches, night booties, catheters, and the difficulty of undressing a prone inert body and of discovering a paralyzed partner’s erogenous zones.

Zola’s characters’ limitations stimulate their courage and creativity, their self-acceptance, their radical acceptance of the other, and the pleasure and relaxation truly touching each other brings. To the extent that persons with disabilities constitute a muted sexual culture, Zola’s characters’ words bring their experiences, feelings, and pleasures out of the wild zone for all of us to enjoy and to contemplate a society that needs to revalue and normalize sexual touch as a human right.

There are several ways to read Zola’s story. In one, Tell Me ... Tell Me celebrates sex as “skinship,” embodied connection that assuages
the loneliness of modern life. “Skinship,” a term coined by William Roll, refers to mutual experiencing, as minds and bodies interpenetrate in “carnal embrace” (Aanstoos, 2012). When sex is seen more broadly as skinship rather than exclusively as intercourse, Zola suggests, it can alleviate suffering, deliver contentment, and serve as a model for all of the “fullness and completeness” that Audre’ Lorde (1984) sees as the power of the erotic. The narrating man mentions he is a stranger in town, “thousands of miles from my home” (Zola, 1997, p. 65), a fact that assumes metaphoric significance as he concludes his story by remarking how at home, indeed, loved, he has come to feel in the woman’s arms. Given the narrator’s initial push-back when he thought the woman’s “tell me” entreaty sought to have him declare “love” (Zola, 1997, p. 71), his later feeling suggests a change of heart. Under this reading, this relationship has a future; it “has legs,” as it were.

But sex need not be all that in order to be “good enough.” “Good enough sex” can flourish not only without the Western ideal of body perfection but also outside the Western ideal of sex within a long-term committed relationship. Although Metz and McCarthy (2007) focus on couples with ongoing partnerships, their model holds promise for other types of liaisons. Thus, under a second reading, Zola’s story illustrates how two people can find high sexual satisfaction even though they have only just met and the man will afterwards return to his far-away home. Under this reading, they are hooking up—just for fun. The woman, in particular, exudes playfulness and takes joy in the moment itself, interpreting the twinkles in the man’s eyes as signals of desire (Zola, 1997, p. 67) and bringing him along as an initially more unsure-of-himself partner (Zola, 1997, p. 67). Their connection is fleeting and their physicality an end in itself.

This is the more transgressive reading. Even if we are accustomed to glimpses of persons with physical limitations in long-term, well-settled partnerships that reflect care and support (perhaps because the partnership was formed, “for better or worse,” before a life-altering injury), this one-time sexual encounter for its own sake upends the common desexualization of those with profound physical impairments and dependencies. We think this is the reading that Zola (1997) intended, given this paper’s placement in the section of the collection entitled “Moments in Time,” instead of the section called “Meaningful Relationships.”

Whether or not a “meaningful relationship” for the participants, the erotic connections that Zola describes, however transient and casual, carry much meaning for able-bodied readers, including our students, who must confront whether they are the ones with disabilities when it comes to sexual expression. In creating this contact zone for readers, Zola’s story invites an entirely new understanding of sexual power.
Sexual – and Political – Unfolding

A theme to which we circle back throughout the semester is sexual unfolding, an idea of Lorna and Philip Sarrel (1979), two sex therapists Yale provided to its students in the 1970s (see also Arnett, 2012). According to the Sarrels (Sarrel & Sarrel, 1981), sexual unfolding comprises a developmental period spanning the adolescent and 20 something years in which young adults learn to work their bodies sexually and to connect and bond intimately with partners. Sexual unfolding entails an “evolving sense of one’s sexual identity” that is accompanied by “an increasing independence from one’s family of origin and an ability to be intimate and loving with a friend (lover)” (Sarrel & Sarrel, 1981, p. 93). In the Sarrels’ (Sarrel & Sarrel, 1981) view, sexual unfolding is a period of sensitivity which can lead to heightened self-efficacy and agency that launches the individual into productive adulthood or, alternatively, to a dead end, in which personal growth stalls and the individual’s erotic and creative life dies in the bud, perhaps never to bloom (pp. 93–94).

The four pieces of literature we read in our course provide four distinct examples of such transition. They all clarify how regulating sex is used in our culture to control and subjugate and how taking possession of one’s sexual autonomy is often the first of what becomes a series of self-enhancing personal and political choices. In the Next Room jubilantly reveals a secret: that when women gain sexual self-efficacy, it fuels their abilities to negotiate more egalitarian and mutually satisfying domestic partnerships, and it gives them access to passion that empowers other areas of their lives. Tell Me ... Tell Me similarly attests to the power of the erotic – here, to foster and support the interdependent qualities of self-acceptance and intimacy. On the other hand, Push and Lost In the Forest, which we examine here, uncover darker sexual secrets: that all the while denying children’s sexuality, adults often envy, fear, and wish to spoil it. Moreover, these impulses can have lethal effects when sexual regulation takes the form of discrimination and selective disregard.

Push

The fact that a situation is ubiquitous does not absolve us from examining it. On the contrary, we must examine it for the very reason that it is or can be the fate of each and every one of us. (Miller, 1983)

In her 1996 novel Push, author/poet Sapphire examines sexual unfolding at the bottom of America’s social and economic hierarchy. Claireece “Precious” Jones, an African-American teen mother, obese and on welfare,
tells us in her own words what has happened. She opens the novel, set in Harlem in the 1980s, baldly stating “I was left back” (Sapphire, 1997, p. 3). We soon realize that her abandonment has taken place on multiple levels. Her mother “left” Precious to her father’s incestuous desires and predations when she was still in diapers. The school “left” Precious illiterate, even fecklessly and illegally suspending her when she becomes pregnant a second time by her father. While she should be in the eleventh grade, her repeated demotions have “left” her in the ninth grade, unable to tell one page of text from another. “I always did like school, jus’ seem school never did like me” (Sapphire, 1997, p. 36). Caseworkers for the welfare system have turned their eyes away from her sexual exploitation and “left” Precious a virtual servant to her mother Mary and father Carl, who each abuse their daughter. The labor and delivery nurse at the hospital, too shocked to take action after learning of the family’s incest, knowingly “left” Precious to return home where conceiving more babies would no doubt be forced upon her. Precious’s father, who is married to a “light-skinned” woman across town and only visits Mary and Precious when he wants “to fuck us” (Sapphire, 1997, p. 85), “left” her with HIV. Finally, her social worker, Miss Weiss, “left” her to a soul-murdering destiny, creating a case plan for her to adapt herself to neoliberalism’s requirements for cheap labor over her own right to develop her intellect, skills, and future to the degree and in the direction she desires for herself. Miss Weiss determines Precious will quit school and give up her poetry writing; train as an unskilled health care worker for a nursing home; check her children, Little Mongo and Abdul, into day care; and assume her place in a dead-end job on a minimum wage. It matters little that she wants to rear her children herself and that they would be much better off in her care (Sapphire, 1997, p. 119).

Sapphire, her role as harsh social critic evident in her nom de plume, exposes welfare programs in America as tools of sexual regulation. Middle class morality determines that whatever sex happens outside of the sacred space of marriage will legitimately be demonized so as to channel it more effectively into the nuclear family, the foundation of patriarchy. Receiving public assistance has long entailed the loss of privacy, including state supervision of sexual choices, such as home inspections for a “welfare queen’s” unaccounted-for men (Bridges, 2011; Roberts, 1997, pp. 202–245; see also King v. Smith, 1968). Even Precious’s mother exhibits this view, self-righteously exacting punishment from Precious as “the other woman” whom she holds responsible for her de facto husband’s unfaithfulness (Sapphire, 1997, p. 74), thus making Precious doubly victimized.
Anthropologists may judge the adequacy of a culture by how well it prepares its children to assume adult roles. *Push* shows how far from this standard a culture can fall. Although Precious could use some law on her side, the regulatory state has utterly failed her. Indeed, for all the regulation of sex that we study, the state cannot bother with those like Precious. To the extent that third-wave feminism recognizes law’s limits in effecting social change, *Push* provides a brutal illustration. As Precious puts it, “I do know what REALITY is and it’s a motherfucker, lemme tell you” (Sapphire, 1997, p. 83).

While her world’s mistreatment of Precious provokes symptoms, they are far different from the neurostenia and anhedonia from which Ruhl’s Victorian women suffer. In fact, the most shocking moments in the book occur in intrusive flashbacks that Precious endures:

... First it’s just in my mouth. Then it’s more more. He is intercourseing me. Say I can take it. Look you don’t even bleed, virgin girls bleed. You not virgin. I’m seven... (Sapphire, 1997, p. 39)

... My clit swell up I think Daddy. Daddy sick me, disgust me, but still he sex me up. I nawshus in my stomach but hot tight in my twat and I think I want it back, the smell of the bedroom, the hurt – he slap my face till it sting and my ears sing separate songs from each other, call me names, pump my pussy in out in out in out aww I come. He bite me hard. A hump! He slam his hips into me HARD, I scream pain he come. He slap my thighs like cowboys do horses on TV. Shiver. Orgasm in me, his body shaking, grab me, call me Fat Mama, Big Hole! You LOVE it! Say you love it! I wanna say I DON’T. I wanna say I’m a chile. But my pussy popping like grease in frying pan. He slam in me again. His dick soft. He start sucking my titie .... Then my body take me over again, like shocks after earthquake, shiver me, I come again. My body not mine, I hate it coming. (Sapphire, 1997, p. 111)

Raping his daughter, Precious’s father Carl callously assumes her physical response signifies pleasure and consent, unaware that, within, Precious is resisting this experience with all her might.

Sex exceptionalism leads to sexual ignorance here. Ignorance of women’s clitoral functioning, which some students say many of their peers share, confounds Precious’s understanding. No word exists in our lexicon to explain this phenomenon, which we discuss in class as inhabiting the wild zone, female sexual experience, unformulated because male hegemony has no interest in realities the dominant do not share. To regard her vulva’s “popping” as an orgasm is to confuse it with those “paroxysms” Ruhl’s women discovered that they enjoyed (Maines, 1999; Ruhl, 2010). The phenomenon deserves its own label, one perhaps only a female-bodied individual could conjure. In class, we called it “unwanted traumatic assault
reflex,” providing a label which would finally allow it to enter the realm of formulated experience as a crime and permit us to address it as such.

Unwanted traumatic assault reflex evidences how sexual exploitation works to colonize children and women, particularly, but stories from prisons, for example, alert us to the fact that men also may be subjugated in this way (Wooden & Parker, 1982). Unwanted traumatic assault reflex splits mind, body, and soul, obliterating subjectivity and permitting control by others. Precious exhibits a multitude of posttraumatic stress disorder (PTSD) symptoms as a result of her incest: At seven, Precious routinely urinates at her school desk. The afterlife of her time in her parents’ bed prevents her from focusing on herself at school and learning her lessons. Pregnant at 12, she abandons her own baby. At 16, pregnant again, she wants to redeem her life, but initially flounders in searching for a way. She threatens her math teacher, who unwittingly had exposed her illiteracy. She attacks the principal of her school, when the administrator notices Precious is pregnant again. Precious steals when she wants something but doesn’t have a way to pay for it. She swears like a trooper to anyone who gets in her way (Sapphire, 1997, p. 5). Finally, enraged, she is ready to protect herself from her mother’s violence with a butcher’s knife. Frequent intrusive flashbacks, which cause her to black out when stressed or to make her ears dissociate, each simultaneously hearing a different melody, suspend normal functioning as simple as getting on a bus or answering a question. Describing traumatized subjectivity, Precious articulates how social processes inscribe our bodies and minds: “Everything seem like clothes in washing machine at laundry mat – round ‘n round, up ‘n down” (Sapphire, 1997, p. 22). Precious’s symptoms, allowed to persist, will prevent her from learning, getting and holding a job, or establishing and maintaining connections with others.

Our medical institutions have traditionally conceptualized patients’ problems such as these as personal mental and emotional disorders. Treatment – both drugs and talk therapy – focus on getting the individual better. Sapphire doesn’t suggest that Clareece Precious Jones is an extremely ill young woman who needs therapy, however. Rather, she characterizes Precious as part of a “ubiquitous situation,” like those decried in Alice Miller’s epigraph above (Miller, 1983), and she calls upon her to “push,” to grasp this situation critically, to make meaning out of it, so that she can resist her subjugation and commence healing. That critics have condemned the story as a racist “sociological horror show” (Lee, 2009) only serves to illuminate the contact zone formed when the reader’s world meets Sapphire’s vision.

Separation from parents, which the Sarrels (Sarrel & Sarrel, 1979) explain as an important developmental achievement in sexual unfolding,
points to a step we see as critical to Precious’s emancipation, but one more complicated and difficult for her than the Sarrels describe as normative. Nevertheless, the Sarrels’ understanding that young people need help to accomplish their transformation to adulthood is instructive (Arnett, 2012; Sarrel & Sarrel, 1979, 1981). In Sapphire’s hands, this transition occurs when she sets Precious on a course of study that exemplifies Paulo Freire’s notions of learning as consciousness-raising. Freire asserts:

Education either functions as an instrument which is used to facilitate integration of the younger generation into the logic of the present system and bring about conformity or it becomes the practice of freedom, the means by which men and women deal critically and creatively with reality and discover how to participate in the transformation of their world. (Freire, 1995)

According to the radical Bolivian, transformative education means using training in literacy as an entrée to understanding and resisting one’s social subordination. Several steps are required for Precious’s transformation: Her teacher, Blue Rain, assumes mentorship over her and directs her to fix her gaze on her world and to record in her journal everything that strikes her. This exercise develops critical consciousness, appreciation of the contradictions in her society as well as in her family.

The study group of misfits like Precious, which Ms. Rain creates, becomes a family of choice, giving Precious the sense of safety, love, and connection that humans, especially children, need. After one of her group introduces her to others with challenges like her own, she meets with a roomful of “insect” (Sapphire, 1997, p. 123) survivors who help her to see many of her problems as political problems in her wider culture.

Ms. Rain leads Precious to literary and political mentors like underground railroad patriot Harriet Tubman and authors Langston Hughes, André Lorde, and Alice Walker. These cultural radicals teach her about the history of sexual abuse of Black women and about the dignity of talking and fighting back.

Precious learns to name her own experiences, to bring them out of her own wild zone, and so to gain possession of and control over them. In realizing that her father committed the crimes known as “rape” and “incest” (Sapphire, 1997, p. 24, 68, 74), Precious learns that her parents are toxic — as the HIV infection she receives from her father demonstrates all too literally.

Finally, her newly gained reading skills arm her to fight back. Momentarily alone in her caseworker’s office, Precious wonders what is in her file. Precious steals the file and reads the case plan, which counters the hopes she has newly
developed for her life. This is the moment when her story turns around. She begins to push without anyone telling her to do so.

In class, we discuss how this denouement fails to connect explicitly to the sexual abuse endured by Precious, making the trauma narratively gratuitous. The dead-end future envisioned for Precious might well have been the same even if her father had never raped her. Yet, without the sexual abuse, Precious’s story would have been unlikely to capture our culture’s collective imagination and become a widely celebrated film (Daniels & Fletcher, 2009). Without the sexual abuse, it would have been simply a story of poverty – and few would have found it interesting. In our society, sex exceptionalism is able to do the work that values supporting the dignity of personhood are not strong enough to accomplish.

Before finishing our analysis of Precious’s abandonment by almost everyone in her society, we note how she has been “left” without any sex education. Sapphire neglects to have Ms. Rain talk to her about sex – except to affirm the normalcy of lesbianism and the injustice of homophobia. Precious knows only what her father has done to her, including his infecting her with HIV, and she laments her ignorance (Sapphire, 1997, pp. 11–12).

Against this sexual illiteracy, Precious dreams about having a boyfriend who loves her, someone with whom she could share a mutual sexual relationship. But our students wonder whether she can realize this dream. What will her HIV infection mean for her well-being? What will her past sexual traumas mean for her visions of romance and for the pleasure we think she deserves? What sort of support and education about sex itself should she have? More ubiquitously, what laws do we need to remove obstacles to young people’s sexual development and what structures do we need to put in place to facilitate safe, positive, pleasurable sexual growth for young people?

Push begins with Precious’s statement that she has been abandoned and ends with her determination not to abandon. She aims to raise her children while finishing high school and college, where she hopes to become a poet (Sapphire, 1997, p. 140). She ends the main part of the book with these affirmative words, “I do” (Sapphire, 1997, p. 140). Speaking soon after the release of the movie based on her book, Sapphire countered objections to the seamy, depressing details of her novel by explaining her transgressive purpose: “I wrote to show the cycle can be broken. Good news” (Sapphire, 2010). Whether the cycle to which Sapphire alluded is the cycle of child sexual abuse, of illiteracy, or of poverty remains unclear. What does become clear, however, is how these cycles interconnect to create a system of double binds that keep down the underclass, mostly women and children and especially those of color, and to make a travesty of our professed
commitment to equal educational opportunity (*Parents Involved in Community Schools v. Seattle Sch. Dist. No. 1, 2007*).

*Lost in the Forest*

These are fictions that imagine and present what sociology, Law, and History cannot pierce, given established taboos surrounding children. Novels and films, in their inventive forms, are rich stimulators of questions public cultures seem to have no language for encountering. (Stockton, 2009)

At an annual meeting of the Society for the Scientific Study of Sexuality in Atlanta in 2005, Judith Levine, critic of mainstream sex education, read aloud from Sue Miller’s (2005) new novel *Lost in the Forest*. The passage she selected described 54-year-old Duncan, Miller’s ambiguous sexual predator, drawn to, perhaps stalking in his car, 15-year-old Daisy as she walks home from school. As Duncan follows her, Daisy intuitively senses the erotic tension and so do Miller’s readers, most of whom are determined not to be turned on by a sexual affair between a young teenager and a man on the verge of old age. But, in a later scene, Miller makes sure they are:

Daisy pulled her legs open slowly, and felt her own flesh open too.

He put his forefinger on her, and she heard the wet noise she made. “Feel how lovely you are,” he said.

“Do you?” he asked. “Do you feel lovely?”

His fingers were circling her again now, much more gently and slowly. Daisy held her knees wide and rocked herself slowly from side to side.

“Do you feel lovely?”

“Yes!” Daisy whispered.

“Open yourself more,” he said. “Daisy!”

Daisy took longer this time, but it felt wonderful. While she came, he held his fingers still, pushing hard on her as she withered, and he left his hand there when she was done. (Miller, 2005, p. 133)

Despite conservatives’ efforts to suppress it on grounds that it promoted child pornography, teen abortions, and pedophilia, Levine’s (2003) own award-winning book, *Harmful to Minors: The Perils of Protecting Children from Sex* (see also Kennedy, 2003), had been published by the University of Minnesota Press just two years before Miller’s novel. Giving voice to an author who saw children as she did, erotically suffused and in need of support and guidance in their sexual unfolding, Levine read Miller’s prose
with obvious gratitude. Both Levine and Miller decry parents’ willful blindness to their children’s sexuality, which these authors see as dehumanizing and diminishing the complexity of children rather than protecting them. Levine’s (2003) book also argues that adults’ efforts to preserve children’s sexual innocence render the children more vulnerable to sexual victimization closer to home: sexually transmitted infections (STIs), pregnancy, and sexual abuse at the hands of friends, relatives, and lovers (p. 191) — recalling in our classroom one of Pushl’s dark lessons (Sapphine, 1997). Drawing on studies and interviews with both teenagers and adults, Levine (2003) also criticizes abstinence sex education, which she called deceptive and dangerous, even before scientific evaluations exposed its failures (SIECUS, 2009).

Similarly, Miller sees children’s sexual interest and capacity as normative and adults’ attitudes toward these aspects of their children unconsciously hostile. In the novel, when Daisy dons her dominatrix costume in a game of charades at her mother Eva’s birthday party, Eva’s unconscious envy over her daughter’s budding beauty breaks out: “[H]er lips were primmed and tight, her nostrils pink. She was angry” (Miller, 2005, p. 109). Duncan mocks, “[t]he jealous mom” (Miller, 2005, p. 110).

Evidence of envy of adolescent sexuality abounds. Age telescoping, when the middle-aged mimic teens’ fashions and the fashion industry dresses teens to look 35, expose the desire to change places. Many adults deploy sex exceptionalism and the marital norm, which labels all but married sex shameful, to implant inhibition, fear, and self-loathing in children. Sex educators in most schools focus on diseases and coercion, not pleasure and energy. Abstinence education, just-say-no campaigns, chastity rings, and statutory rape laws all deny adolescent sexual autonomy. Even in many “comprehensive sex education” programs (Personal Responsibility Education Act, 2010), the information emphasizes only how to protect oneself, which is of course important, while ignoring discussion about experiencing pleasure from one’s body. As In the Next Room illustrates, such matters are not necessarily self-evident for those living in an androcentric society.

Lost in the Forest complicates the conventional picture of what sexual initiation should look like. Daisy’s sister Emily first experiences sexual intercourse in the back seat of a car with her boyfriend Noah, who unlike Duncan does nothing to excite or transform her. Emily tells Daisy that sex “isn’t as much fun as you might think” (Miller, 2005, p. 127) and that “it’s exciting beforehand, sort of boring during” (Miller, 2005, p. 62). Meanwhile, Daisy’s unconventional, indeed illegal, introduction to sex ironically seems to contribute to positive sexual unfolding. Duncan, who always remains clothed and never enters Daisy with his penis, says: “Come
on Daisy, I’ll be your slave. Every teenage girl should have a slave, don’t you think? I’ll put my hands wherever you like. I’ll put my mouth wherever you like. I’ll look at you and simply adore you. All parts of you” (Miller, 2005, p. 152). Duncan makes Daisy feel good about herself, proud of her body, and delighted with her ability to feel the power of sexual autonomy.

Lying in bed on Emily’s first night home, she thought again of Emily’s descriptions of sex with Noah, and it made her experience of sex with Duncan seem compelling. She thought of the strange, beautiful images that filled her mind when he played with her and she came – rain glittering like silver coins in the air, falling and falling on wide green meadows; or houses she was moving through which opened up, room after unexpected room, each one more full of light. She thought of how open and familiar her own body felt to her, all the parts of it that had frightened and disgusted her before, now so charged with power. (Miller, 2005, p. 180)

With this magical imagery, Miller turns Daisy into a contemporary Danae, symbolic of feminine attraction and remembered for her part in the story of Zeus coming to her as a shower of gold. Radiant eroticism – for an adolescent no less. As Stockton’s epigraph above suggests, fiction gives us language for conversations about such taboo topics, nudging them out of the wild zone.

Yet Miller tells a complex story, rife with ambiguity and contradiction. Radiant as she might become, Daisy takes up with Duncan out of a sense of loss, a feeling of invisibility. Her parents are self-absorbed. She misses John, her thoughtful stepfather whose recent death leaves a void in her life. She feels uncared for or, like Precious, “left.”

How should we read *Lost in the Forest?* Does the world present adults with problems that distract them from paying sufficient attention to their children? Perhaps supporting the next generation to become sexually self-efficacious individuals empowered by the erotic is just too difficult for today’s adults. Indeed, many of our students read Miller’s novel as a tale of the belated maturation of Mark, Daisy’s father, who steps in and rescues her from her relationship with Duncan. This reading initially surprised us, acquainting us with the importance that students must attach to emotionally meaningful connections to parents during sexual unfolding. Other students see *Lost in the Forest* as a story of marriage(s). We consider these readings along with alternative readings that focus on, for example, the portrayal of the sexual predator in law and in popular culture (Adler, 2012) and the traditional legal treatment of underage sex in statutes and cases about statutory rape (*Michael M. v. Superior Court*, 1981).

Under our own favorite reading, however, Miller’s novel becomes a critique of contemporary sex education and its silence about sexual pleasure
and safe means to achieve it. We assign and discuss various programs of sex education, most of which ignore sexual pleasure, and allow parents to keep their children from exposure to sex education and to refuse to address, much less distribute, condoms.\(^{18}\) We also examine the governing laws and the issues they raise (Hendricks & Howerton, 2011; Personal Responsibility Education Act, 2010).

The ambiguities expose a contact zone. On one side, we have Daisy’s self-knowledge and glorious orgasms, acquired through Duncan’s very problematic intervention; on the other, we have conventional sex education represented by Daisy’s sister, who lacks such knowledge, reports no pleasure, and later finds herself in a less than happy marriage. No wonder the story appeals to Judith Levine (2003), who seeks recognition for children’s sexuality and advocates teaching “outercourse” and masturbation (pp. 194–198). And no wonder that the foreword to Levine’s (2003) book was written by Joycelyn Elders, who is best known for losing her job as U.S. Surgeon General after supporting masturbation as a form of “safe sex” for youth (pp. ix–xi). This episode from our political history epitomizes the often negative response of dominant culture when the muted culture crosses the threshold from the wild zone into the realm of public awareness.

**THE PEDAGOGICAL, THE PERSONAL, AND THE POLITICAL**

Although the literature examined here is the centerpiece of this paper, just as it formed the nucleus of our course, it also provides points of departures for additional insights. In this section, we offer snapshots of intercultural and interpersonal exchange from our classroom to illustrate how the constructs of third-wave feminism, wild zones, and contact zones all came to life as we grappled with the literature and its lessons.

*Problem Solving in and out of Law*

*Opportunities in Legal Education and the Humanities*

To the extent this paper presents a case study about law school pedagogy, we join two ongoing conversations. First, we enter a longstanding debate, dubbed legal education’s “standard psychodrama,” in which defenders of
traditional case-law methodology fend off curricular innovations from feminists, other critical theorists, and advocates of multidisciplinary approaches (Balkin & Levinson, 2006). The scene in the psychodrama with which we engage presents law and literature as one multidisciplinary approach, in particular feminist versions designed to bring the voice of “the other” to law school, long criticized as “a microcosm of masculine jurisprudence” (Harrison, 1993, pp. 408–410; see Heilbrun & Resnik, 1990; Mertz, 2007).

Such contests have escalated with the current “crisis” in legal education (Caplan, 2012; Tamanaha, 2012), along with crises over the role and relevance of the humanities in postsecondary education (Lewin, 2013). Urgent calls for “practice ready lawyers” (Kaye, 2012, pp. 297–299; Rapoport, 2012; see also Task Force on the Future of Legal Education, 2014) as well as undergraduates who can begin careers even before graduating from college reflect and reinforce a neoliberal turn in higher education generally (Brown, 2015, pp. 175–200; Thornton, 2004, 2009). Our intervention thus fits within this second, newer conversation about how to prepare the next generation of lawyers and other graduates in a time of change.

For our part in these conversations, we take a clear position: We affirm the value of education to expand students’ critical appreciation of their places in the world over instrumental approaches to equip them to take up their assigned places in global capitalism. Supplementing the traditional use of case law can provide transformative legal education. Moreover, we side with feminists and law and literature supporters, especially those who claim that studying literature helps cultivate empathy, humanity, and justice (Krakoff, 2001, p. 1742; Nussbaum, 1995). In fact, we go still further: Although we do not dispute the value of clinics and simulation courses for law students, we saw the benefits of a more expansive understanding of “practice-ready” and “experiential” training, especially during these times of transition in both legal education and the market for attorneys. This more capacious understanding includes opportunities that nurture students’ abilities to see often camouflaged issues and regulation; to engage in conversations about deeply personal – but ordinarily unstated – matters; to grapple with ambiguity and uncertainty; to discern power, even when it is least visible (Minow, 1987), and to learn productive and caring ways to use it; and to remain open to unfamiliar perspectives, new ways of thinking, and unexpected possibilities (Strong, 1998). Our understanding of “career-ready” studies for undergraduates is similarly broad.
The two basic qualities to be nurtured, flexibility and openness, lie at the center of discussions of the need for humanistic education to perpetuate democratic culture (Wilhelm & Novak, 2011). Transdisciplinary problem-solving serves these ends.

Transdisciplinary Opportunities

Transdisciplinary work requires and cultivates imagination. Bringing to problems from one area insights from a disparate field can give rise to unlikely but apt solutions. For example, a car mechanic recently invented a medical device to facilitate a baby’s passage through the birth canal based on observations of a bar implement designed to extract a cork from a wine bottle (McNeil, 2013), Velcro derived from a Swiss engineer’s difficulty in removing burrs from his dog (Hennighausen & Roston, 2013), and a Portuguese designer developed a glass globe that allows honeybees to detect human cancer (Neporent, 2013). Although true transdisciplinary problem solving usually involves teams collaborating, these discoveries illustrate the value of trespassing into unlikely realms.

Transdisciplinarity, a radical form of research and problem solving, undermines the authority of established experts. It legitimizes anyone’s imagination to build a better product, way of doing things, or society, using any knowledge however derived from whatever domain – even disparaged ones.

Transdisciplinarity, in fact, was a founding feature of second-wave feminism and later aided queer theory in erasing boundaries and disrupting stable categories. Both do not simply cross traditional disciplinary boundaries, but create something new using elements from multiple fields (Stokols et al., 2013, p. 5). Transdisciplinarity troubles the notion of hierarchy and the canons that buttress it. A canon consists of authoritative texts that create and define a field and conservatively protect it from innovative outsiders. Transdisciplinarity, on the other hand, subverts expert knowledge in the interest of pragmatic results, and it values conventional ways of proceeding not a wit. For example, the law and literature canon usually emphasizes classic works (Nussbaum, 1995) and “great art” (Balkin & Levinson, 2006, pp. 182–183), but we bypassed such canonical materials in favor of contemporary fiction that exposes the social construction of sexualities and the regulatory tools channeling sex into standard, legitimized patterns.

As the world shrinks and challenges loom ever larger and more tangled, wicked problems, characterized by complexity, uncertainty and conflict – like global warming, sexual violence, pandemics, and even the transformation of the legal market – seem immune to once successful linear responses.
Going Wild: Law and Literature and Sex

Wicked problems call out for imaginative and unconventional solutions obtained by borrowing, even stealing, from any field or discipline in an effort to concoct a novel and elegant response (Thorp & Goldstein, 2010, p. 10).

The study of sexualities has always required engaging with multiple disciplines, bringing the vocabularies, assumptions, goals, tools, and research methods of different fields into conversation with each other to make leaps of discovery. Relevant discourses – all at work in our seminar – include law, critical literary studies, history, public health, anthropology, sociology, biology, social work, sexology, economics, and developmental psychology. Theoretical articles, judicial opinions, statutes, medical and health reports, films, short stories, novels, newspaper articles, and art work serve as catalysts for creative imaginings.

Using the transdisciplinary tools of third-wave feminism, wild zones, and contact zones to solve problems raised by these discourses and materials helped us support our students’ thinking outside the box, beyond hierarchies of value, of identities, or of methodologies. Certainly, our quite unusual approach cannot be the only way to achieve such pedagogical goals. Yet, it proved enormously successful for us, as the following snapshots illustrate.

Applications

Sex Surveys: An Immediate Contact Zone
Students experienced a contact zone on the very first day of class. In introducing our project, we highlight the underlying culture clashes between law school and the environment more typical of gender and sexuality studies, using as a case study our own conversations and discomforts about whether to administer a sex survey to be completed by the students. For the one of us with teaching experience in the Women, Gender, and Sexuality Studies Program, data about the students’ own sexual experiences, identifications, opinions, and aspirations provide a crucial starting point for the semester’s journey. Individuals, studied as exemplars of their societies, provide data for the feminist principle that “the personal is political” (Hanisch, 1969). For the one of us at home in the School of Law, a sex survey (albeit anonymous) initially seemed disquietingly personal or at least raised the possibility of an unwelcome intrusion into privacy that perhaps should have been disclosed in the course description provided to students before registration.
We report to the students how we bridged our own cultural divide by agreeing to let them decide what, if anything, they would like to know about their classmates’ sexual attitudes, experiences, and commitments. Following this plan, each student anonymously makes a list of questions to be posed in the survey; we later sort these questions into categories; add a few questions of our own with a view toward the topics to be covered in the semester; and post the survey for anonymous completion online with a clear instruction that no one should take the survey or answer any question unless comfortable doing so.

Using this process, representative survey questions have included the following: How do you identify sexually? How many sexual partners have you had? If you identify as straight, have you ever participated in same gender sex? If you identify as LGBT, have you ever participated in other gender sex? Do you masturbate? If so when did you start? How often do you masturbate? Do you watch pornography? Have you ever had an orgasm? Have you ever had a “vaginal orgasm”? Are you married, or do you hope to marry some day? Do you want to have children? Have you or would you have an abortion if you or a sexual partner accidently got pregnant? Has anyone in your family claimed an LGBT identity? Are you familiar with the kink community and, if so, how? Do you value monogamy? Do you value polyamory? Have you ever experienced sexual assault? Rape? Coercion? Have you ever forced someone to go further sexually than this individual wanted to? Have you had unwanted sexual experiences? Ever been in an abusive relationship? What did you learn from your parents about sex? What do you wish you had learned? Each year’s survey included around seventy questions, most of which could never be asked directly in class, but were answered anonymously and productively via the survey.

Over the years, all but one or two students completed the survey. Not everyone who did so answered every question, but the responses overwhelmed the omissions. For each subsequent class session, our report of pertinent survey results has turned out to be an eagerly awaited highlight, launching the discussion from an empirically grounded point of departure that did not require personal disclosures – although many of those became part of the conversation, perhaps because of the “ice breaking” accomplished by the survey results. Reviewing the survey also helped students see the relationship between their personal experiences and their beliefs and convictions, in turn helping them to understand how easily subjective attitudes creep into purportedly objective evaluations and judgments – an important awareness when studying law.
Catching Third Waves

Although values and viewpoints associated with third-wave feminism pervaded the seminar, several classroom encounters proved especially illuminating, pushing the boundaries of the generally sex-positive environment that our discussions of the literature had cultivated. First, many students in our classes (each semester, mostly females but with a few males) experienced a collective epiphany when we discussed stimulation of the prostate, introduced by Dr. Givings’s treatment of Leo in *In the Next Room*. By naming this usually unnamed and undervalued route to pleasure, which we call “prostata” (Branfman & Stiritz, 2012), we try to bring it out of the wild zone, while also exposing the deeply gendered assumptions shaping our limited understandings of sex.

Students had a similarly revelatory experience in our unit on pregnancy and birth while watching a short excerpt of a film about “orgasmic birth” (Pascali-Bonaro & Liem, 2008). Given what they had heard and thought they knew, the possibility that childbirth could be highly erotic and intensely pleasurable amazed them, in turn inviting productive explorations of the medicalization of pregnancy and birth (Rothman, 2007) and other taken-for-granted regulations of these experiences, as well as questions about what other possible pleasures might remain dormant in today’s dominant culture.

A contrasting but equally valuable third-wave lesson emerged when, during one semester, we introduced coverage of asexuality, including a screening of the documentary *Asexual* (2011) and a visit by the leader of the emerging asexuality movement, David Jay (Asexuality Visibility and Education Network [AVEN] (n.d.; see also Emens, 2014), who is prominently featured in the film. This topic, new to both of us and to the students, provided a fresh and even disorienting lens through which to see some of the assumptions about sex and sexuality that pervade law, to appreciate the oppression that can come from expectations based on such assumptions, and to engage with queer theory’s resistance to identity categories. Yet, asexuality also helped illuminate the power of gender, as well as race and class. After all, women have suffered from “asexuality” across the centuries, as *In the Next Room* reminds us, but it was considered a malady then called “hysteria,” (Ruhl, 2010, p. 13; see also Maines, 1999, p. 1, 8, 21, 31, 44; Omori & Slick, 2007), later “frigidity” (Cryle & Moore, 2011), and currently “hypoactive sexual desire disorder” (Wilson, 2010). Asexuality becomes a political movement today only in the hands of a well-educated, privileged, and attractive white male like Jay, a point he readily acknowledges (D. Jay, personal communication, February 7, 2012).
Finally, consideration of asexuality helped to emphasize both the distinction between sex and intimacy (Rosenbury & Rothman, 2010) and the link between intimacy and community.

*Naming the Unnamed in Wild Zones*
While prostatic pleasure, orgasmic birth, and asexuality helped us explore third-wave feminist theories and their limits, these same topics also facilitated access to wild zones. These three topics center on muted cultural experiences that lie outside the hegemonic symbolic order. New terms continue to enter dominant discourses, in turn giving additional support and content to the absence of standard vocabulary for phenomena like those we chose to call “prostage” (Branfman & Stiritz, 2012) and “unwanted traumatic assault reflex.”

Still another wild zone moment arose in our sessions on pregnancy and birth. We had assigned excerpts of Ann Fessler’s (2006) *The Girls Who Went Away: The Hidden History of Women Who Surrendered Children for Adoption in the Decades Before Roe v. Wade* while suspecting that the story of young women who carried unwanted pregnancies to term and surrendered babies for adoption might seem dated in today’s era of more accessible birth control, including emergency contraception and abortion (notwithstanding the highly politicized controversy and ever-increasing obstacles associated with such options). Our initial discussion of this material supported our concerns. Suddenly, however, unplanned disclosures riveted students during the second time we taught the seminar. The two of us described the stories of girls we personally knew who had gone away in the 1960s. In particular, students learned about our own interpersonal – and originally unacknowledged – drama: How the sister of one of us had become pregnant while a senior at the high school both of us attended and how one of us, still shamed by the scandal, worried that the other of us knew about and judged what had transpired so many years ago. Our students witnessed the freight the topic still held for us, which gave it an immediacy and vitality that had been missing, despite what we had regarded as emotionally powerful and deeply feminist narratives in Fessler’s book. Further, they witnessed how a shame portal had led one of their instructors to an interest in working with young persons in settings like Regulating Sex.

This unplanned encounter thus provided an opportunity to welcome personal experience and self-disclosure as important elements of the learning process. Some critics of traditional legal education attribute students’
unhappiness to the way such training, which purports to make all prior experiences irrelevant, divests them of their own narratives (Osborn, 2007–2008, pp. 342–43). In the spirit of Precious’s journaling (Sapphire, 1997), which allows her to tell her own story, we tried to create a space where law students, like their classmates, could “take[ ] their narrative back” (Osborn, 2007–2008, p. 343).

Doing It: Student Papers
The students’ seminar papers, from original conception to final version, reflected their growing ability to act on what they had learned, embracing the wild zone, thriving in the contact zone, deploying feminist theories, reaching beyond the boundaries of familiar disciplines, and constructing new perspectives on law and our legal system. In the three most recent semesters in which we taught the seminar, we asked the students to choose a recently published book as a point of departure for their own papers, given that the most successful papers in the first year had used this approach. One of the law students, committed to using feminist methodologies in her exploration of a book on unmarried couples and the law (Bowman, 2010), did considerable research on such methodologies and learned to apply them in her legal analysis. Another, already familiar with various stripes of feminist legal theory, successfully pushed herself into “wild” terrain, grappling with and applying masculinities theory, old and new (Dowd, 2010). One of the law students used Cossman’s (2007) critique of contemporary marriage as a lens for exploring the American public’s reaction to the Clinton-Lewinsky scandal, as detailed in a recent book (Gormley, 2010). In the hands of another law student, a popular self-help book for women seeking success in the workplace, The Confidence Code, became a point of departure for examining gender-based disparities in sexual success, which the student dubbed “the orgasm chasm” (Kay & Shipman, 2014).

Some of the non-law students’ papers also showed impressive leaps. A graduate student in romance languages and literature, who chose to write about rock musician Patti Smith’s (2010) memoir recounting her youthful friendship with artist Robert Mapplethorpe, exposed the contrast between how Smith judges sex as morally suspect in the stories she recounts yet as creatively transgressive in the music she performs, demonstrating the student author’s appreciation for ambiguity and inconsistency. A graduate student in English and American literature thoughtfully blended personal narrative, queer theory, and the then-ongoing legal battle over marriage
equality to reveal the poverty of contemporary visions of marriage, sex, and equality itself (Conrad, 2010; Wolfson, 2004).

In encouraging students to find multiple possibilities and perspectives rather than reductively settling on one solution prematurely, we felt gratified to hear reports about how our course unsettled old assumptions and helped generate an array of creative responses to the social and legal conflicts studied. Law students came to understand how power in legal relationships, just as in sexual relationships, can be negotiated in ways that exploit or, alternatively, that demonstrate caring and support. Such results reinforce findings of legal educators that departures from the traditional curriculum, including the study of fiction, can prepare tomorrow’s lawyers for empathic and open-minded listening (Weinstein, 1999, p. 336; see also Ayres, 2007), creative problem solving (Ayres, 2007; Weinberg & Harding, 2004; Weinstein, 1999), critical analysis (Alfiieri, 2009), and appreciation of moral complexity (Del Mar, 2009). Students from outside the law school also developed these strengths while gaining insights, too, about the significant ways that law and legal norms shape even the most personal aspects of their lives. We, the instructors, saw how transdisciplinarity can open exhilarating new avenues for pursuing our goals as teachers and scholars. How we all will use what we learned, as we each go forward, remains a part of the story still unwritten.

CONCLUSION

In exposing and challenging sex exceptionalism, we seek to create a discursive space that avoids the mainstream fiction of a clear divide between sexual and nonsexual as well as second-wave feminism’s classic pleasure/danger binary (Vance, 1984). Sex, a quintessentially transdisciplinary focus, cuts across the humanities, law, medicine, social work, and many other fields, while occupying an important place in all human experience. Sex, although everywhere, is often categorically omitted from consideration in problem solving. Much can be gained from “going wild” — that is, allowing sex and sexualities to enter conversations and to be mined for metaphors, insights, and solutions (Iasenza, 2010). For example, simply talking about “sex” reveals the multiplicity of meanings of the term, uncovers pervasive regulation, and provides insights about where law can be socially helpful and where it cannot. Reframing questions from perspectives gained from
literary representations of marginalized and dominant sexualities allows new, sometimes eccentric, understandings that can illuminate other areas of social, legal, and psychological life.

Our experiences and our students’ echo the transformative possibilities discernible in the fiction we read. *In the Next Room* traces the work that the women must perform to achieve their passage to more evolved and autonomous subjectivities. *Tell Me ... Tell Me* also recounts a story of learning and communication – not only about one’s own capabilities but also about richly diverse opportunities for giving and enjoying sexual pleasure. Likewise, in *Push*, Precious must gain literacy, observational and critical thinking skills, and self-reflection before she can address the crimes her parents and society commit against her. When she resists their claims upon her, she forges her own life plan. In *Lost in the Forest*, Daisy, similarly, needs to integrate the power she experienced in her erotic awakening and the facts of Duncan’s exploitation of her. As the novel ends, we see she has renovated an apartment she hopes to share with a man with whom she thinks she could partner. The metaphor of the “bright floor” she has refinished in that apartment suggests that she has succeeded in constructing the grounding she needs – an optimistic ending, to be sure.

We similarly end our course with optimism but also with uncertainty, wondering what the future holds for sexual citizenship and other forms of belonging (Cossman, 2007), based on a conceptualization of law in which “change [is] seen as the normal state and not just a special case or deviation from the stable and routine” (MacLean, 2012, p. 173). We ask parallel questions about contemporary higher education itself, which might be as restricted and misdirected in its own way as the abstinence-only programs we critique in class. In doing so, we hope to have opened space not just for new interpretations of existing stories but also for new stories, especially those that seem complicated, unsettled, and unruly.

**NOTES**

1. The poet John Keats invoked “negative capability” in 1817 to define “the third,” as “when a [person] is capable of being in uncertainties, mysteries, doubts, without any irritable reaching after fact and reason” (Keats, 2001, p. 58). Philosophers and linguists have also invoked thirdness, with Charles Sanders Peirce emphasizing how meaning is necessarily negotiated, how interpretation challenges
claims of truth, and how law demonstrates this idea (Peirce, 1998; see also Cornell, 1988, pp. 1199–1200; Schroeder, 1992, p. 34).

2. As Pratt writes about her own teaching in a contact zone: “Every single text we read stood in specific historical relationships to the students in the class, but the range and variety of historical relationships in play were enormous. Everybody had a stake in nearly everything we read, but the range and kinds of stakes varied widely” (Pratt, 1991, p. 39).

3. Assigned readings for the first few classes introduce students to these theoretical approaches, as applied to issues of sexuality (see Fineman, 2009, pp. 1–6; Plummer, 2002; Weeks, 2010, pp. 18–23).

4. “It is jarring to think of partner sex as a complex and difficult social situation, because it even is thought to be free of social constraints, an opportunity to be our authentic selves” (Apfelbaum, 2012, p. 6).

5. In Lawrence, the United States Supreme Court held that Texas’s statute criminalizing same-sex sodomy violates personal liberty, protected by the Fourteenth Amendment’s Due Process Clause.

6. “[G]ood lawyers, and thus good students, must always remember that law doesn’t begin with a casebook .... It begins with stronger forces of both great joy and great pain that manifest themselves across borders, across time, and in art, music, and literature” (Abramson, 2006, p. 293). As Graham Strong points out: “The story form is the lawyer’s stock-in-trade, the way the lawyer ordinarily receives factual information, and a principal way in which the lawyer conveys factual information persuasively to an audience” (Strong, 1998, p. 780).


8. Our sex survey completed in the first week of the semester (as we discuss below) revealed that our students’ definitions of “sex” retained many of these Victorian fixed ideas.

9. The capacity of Elizabeth, the wet nurse, to nurture Dr. and Mrs. Givings’s infant elicits feelings of inadequacy from Catherine Givings, who experiences distress and jealousy because she cannot produce sufficient milk to feed her own daughter (Ruhl, 2010, p. 29).

10. As Rothman (2012, p. 120) explains, the term “sex exceptionalism” refers to the way that laws
treat sex differently from other activities. This sex exceptionalism often exhibits a negative view of sex that either dismisses the value of sex or, worse yet, treats it as something harmful. This sex negativity can also manifest as sex normativity in which the state channels sex into preferred forms while excluding or penalizing other forms of sex.

Other theorists have used this term as well (Emens, 2014; p. 356; Kaplan, 2014, p. 110). Adrienne Davis (2011, p. 5) writes instead of “sexuality exceptionalism.”
12. Examples include: “First you steal my husband!” (Sapphire, 1997, p. 74); “I wanted my man for myself. Sex me up, not my chile” (Sapphire, 1997, p. 136); “I never been with nobody else. We not married though, he got a wife though, a real wife, purty light-skin woman he got two kids by” (Sapphire, 1997, p. 86).
13. A long legal tradition interpreted orgasm during sexual assault as evidence of consent (Baines, 1998). Defense attorneys continue to argue that orgasm during sexual contact evinces consent and therefore prevents classifying sexual intercourse as rape although appellate courts have condemned this strategy (Curtis v. State, 1976).
14. The process shares similarities with what socio-legal theorists have called “naming, blaming, claiming” (Felstiner, Abel, & Sarat, 1980–1981).
15. Precious was nominated for six Academy Awards and won two.
16. Stories written by Precious and her classmates appear after this page as an afterword (Sapphire, 1997).
17. Numerous works of art depict the Greek myth of Danae and the shower of gold.
18. In particular, we examine the curriculum of the popular Sex Respect program and view the film, “Not Doing It,” (Mast, n.d.; Mast & Mast, 1997) which our students find to be naïve, sexist, and ethnocentric, as well as sex negative.
19. This student succeeded in getting her paper published (Chen, 2012).
20. A glimpse of the complexities and of one effort to address them appears in Yale University’s recent formulation of hypothetical scenarios designed to help students distinguish consensual from nonconsensual sexual activity (Yale University, 2013).

ACKNOWLEDGMENTS

We both thank Matthew Bakko, Elizabeth Dillon, Amanda Schwartz, and Amanda Wolter for excellent research assistance. We also appreciate the initial comments we received at the 2011 Annual Meeting of the Law & Society Association, especially from Jody Lynée Madeira; the subsequent suggestions from Martha Chamallas, Adrienne Davis, Maxine Eichner, Elizabeth Emens, Rebecca Hollander-Blumoff, Clare Huntington, Shari Motro, and Laura Rosenbury; the enormously valuable conversation at the feminist legal theory gathering at Fordham Law School in 2013; and the invitation to discuss these ideas again at the 2014 Annual Meeting of the Law & Society Association. Finally, we are grateful for all that we learned from the students who enrolled in “Regulating Sex: Historical and Cultural Encounters,” Washington University in St. Louis, 2010–2015, and cheerfully engaged with us in this experiment.
AFTERWORD: SAMPLE SYLLABUS (EXCERPTS)
SEMINAR REGULATING SEX: HISTORICAL
AND CULTURAL ENCOUNTERS

Spring 2015

“[S]exual citizenship is an ambivalent practice, simultaneously subversive and disciplin-
ary.” (Brenda Cossman, 2007, p. 9)

A. Focus and scope: Emphasizing culture, society, and the ways both change over time, this seminar will examine sexuality, law, and social work as liberatory discourses and as regulatory instruments. In particular, the seminar will consider how law and social work do and do not regulate sexual behavior, norms, and values and how, in turn, these sexual forces shape law and social work practice. This explicitly interdisciplinary course uses materials from law, social work, literature, and popular culture and contrasts conventional legal and social work analyses with feminist and other alternative frameworks, including queer theory, social constructionism, intersectionality theory, ecological and strengths perspectives, and symbolic interactionism.

B. Course objectives: Students will become acquainted with sources, meth-
odologies, and frameworks that highlight the dynamic relationship between culture and law, privacy and legal regulation, and power and sexual citizenship. They will examine the language of law, assumptions underlying legal regulation, and law’s aspirations, compromises, and shortcomings. Students will have opportunities to converse across disci-
plines, to perform multidisciplinary research, and to use both personal experiences and imagination to enrich understanding. Students will also develop their skills in analytical thinking and writing – producing a first draft and a revised seminar paper with individualized attention from the instructor(s).

C. Course requirements and grading: All students will be graded according to their contributions to class discussion (1/3), first drafts of the seminar papers (1/3), and final versions of seminar papers, which should reflect revisions and feedback (1/3). As we shall explain during our first class meeting, we strongly encourage students to use recently published books as points of departure for their papers. Although a paper’s quality is more important than its length, papers should extend roughly to 15–20 pages (including footnotes). Criteria used to evaluate papers
are, first, analysis and, then, research, with writing style, grammar, introduction/thesis statement, and citation form also considered.

Seminar papers should provide a well-researched analysis of a topic connected to the seminar’s focus and scope, described in A. Each student should use as a point of departure a recently published book related to regulating sex. (The book might be “related to” regulating sex through its explicit coverage or through its silence about sex or sexual regulation, which could have been addressed to produce more thorough investigation or treatment.) We envision what is sometimes called a “book review essay” – that is, a commentary that uses the occasion of a new book to write a review and then elaborates by exploring more thoroughly the problem examined or issue raised by the book. We have provided a list of books for you to consider, but you might choose one that does not appear on the list. We hope that all students will select different books, and we shall be available to work with you to select a book that you find exciting, stimulating, and worthy of your efforts. We would be happy to consider scheduling some extra time as “writing workshops” over (brown bag) lunch immediately after class for interested students.

Throughout the semester, we, your instructors, hope you will consult with one or both of us as you develop your projects. We shall be available to each of you as you select your book, formulate your thesis, prepare your draft, and rewrite your final paper. In order for us to provide relevant feedback, your first draft must reflect substantial research and writing effort. To discuss suggestions for revisions of first drafts, each law student will meet individually with Professor Appleton and each social work or humanities student will meet individually with Professor Stiritz. We welcome additional consultations with either or both of us.

D. Syllabus and schedule:

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<th>Class</th>
<th>Date</th>
<th>Topics and Assigned Readings (to be discussed on the date listed)</th>
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<td>1/12</td>
<td><strong>Introductions</strong></td>
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<td><strong>6. Tina Timm, “Do I Really Have to Talk about Sex?” Encouraging</strong></td>
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<td><strong>Beginning Therapists to Integrate Sexuality into Couples Therapy</strong> (2009).</td>
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<td>1/19</td>
<td>No class: Martin Luther King, Jr., Holiday</td>
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<td>1/23</td>
<td>Deadline for submitting selection of paper topic. (Students should have met with instructor(s) prior to submitting their selections.)</td>
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<td>1/26</td>
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<td><strong>Bondage: Then and now</strong></td>
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<td>2/2</td>
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<td><strong>Power: Then and now</strong></td>
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<td>1. Sarah Ruhl, <em>In the Next Room or the Vibrator Play</em> (2010)</td>
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<td>2/6, 2/7, or 2/8</td>
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<td>An informal evening of film, discussion, and dinner.</td>
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<td>2/9</td>
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<td><strong>Identities, Fluidities, Plasticity</strong></td>
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<td>1. The “Moynihan Report” (1965)</td>
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<td>4. <em>Glenn v. Brumby</em> (11th Cir. 2011)</td>
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<td><strong>Marriage: Then and now</strong></td>
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<td><strong>Beyond marriage</strong></td>
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Going Wild: Law and Literature and Sex

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<tr>
<th>Class</th>
<th>Date</th>
<th>Topics and Assigned Readings (to be discussed on the date listed)</th>
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<tr>
<td></td>
<td>3/2</td>
<td><strong>Sexual unfolding in context</strong></td>
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<td>5. Model Penal Code: Sexual Assault and Related Offenses (2014)</td>
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<td>(draft statutory language and memorandum)</td>
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<td></td>
<td>3/6 (Fri.)</td>
<td>First drafts due</td>
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<tr>
<td>#7</td>
<td>3/16</td>
<td><strong>More sexual unfolding in context</strong></td>
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<td>2. Nicole Fava &amp; Lana Bay-Cheng, <em>Young Women’s Adolescent</em></td>
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<td>Experiences of Oral Sex: Relation of Age of Initiation to Sexual</td>
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<td>Motivation, Sexual Coercion, and Psychological Functioning (2012)</td>
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<td>3. Paula England et al., <em>Hooking Up and Forming Romantic</em></td>
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<td>Relationships on Today’s College Campuses* (2008)</td>
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<td>6. Allette Brenner, <em>Transforming Campus Culture to Prevent Rape: The</em></td>
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<td>Possibility and Promise of Restorative Justice as a Response to Campus</td>
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<td>Sexual Violence* (2013)</td>
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<td>8. Model Penal Code (review from class #7)</td>
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<td>#8</td>
<td>3/23</td>
<td><strong>Pregnancy: Then and now</strong></td>
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<td>4. Roe v. Wade (1973)</td>
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<tr>
<td>#9</td>
<td>3/30</td>
<td><strong>More pregnancy: Then and now</strong></td>
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<td>2. Lee Smith-Battle, <em>Displacing the “Rule Book” in Caring for Teen</em></td>
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<td>Mothers* (2003)</td>
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<tr>
<td>#11</td>
<td>4/6</td>
<td><em>Sex exceptionalism</em></td>
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<tr>
<td>#12</td>
<td>4/13</td>
<td><em>Sexual citizenship, community, and justice</em></td>
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4/20 (Mon.) Final papers due

REFERENCES


Montgomery Highway, Inc. v. City of Hoover, 1508 45 So. 3d 319 (Ala. 2010).


Reliable Consultants v. Earle, 517 F.3d 738 (5th Cir. 2008).
Tiefer, L. (2012, April 12). Is sex more like dancing or digestion?: Unpacking the dangers and complexities of the medicalization of sexuality. In Lecture. Indiana: Lecture conducted at Indiana University of Pennsylvania.
Twyman v. Twyman, 855 S.W.2d 619 (Tex. 1993).


