

Polyamory – Intimate Practice, Identity or Sexual Orientation?

Abstract

Polyamory means different things to different people. While some consider polyamory to be nothing more than a convenient label for their current relationship constellations or a handy tool for communicating their willingness to enter more than one relationship at a time, others claim it as one of their core identities. Essentialist identity narratives have sustained recent arguments that polyamory is best understood as a sexual orientation and is as such comparable with homosexuality, heterosexuality or bisexuality. Such a move would render polyamory intelligible within dominant political and legal frameworks of sexual diversity. The article surveys academic and activist discussions on sexual orientation and traces contradictory voices in current debates on polyamory. The author draws on poststructuralist ideas to show the short-comings of sexual orientation discourses and highlights the losses which are likely to follow from pragmatic definitions of polyamory as sexual orientation.

Key words

polyamory, sexual orientation, homosexuality, bisexuality, heterosexuality

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The term ‘polyamory’ emerged in debates on responsible non-monogamy within counter-cultural communities in English-speaking countries, where it came to stand for ‘the assumption that it is possible, valid and worthwhile to maintain intimate, sexual, and/or loving relationships with more than one person.’ (Haritaworn et al. 2006: 518). There is a growing body of research into polyamory across the social sciences (cf. Barker and Langdrige 2010, 2011). Polyamory has been interpreted as a relationship practice (Lano and Parry 1995), philosophy (Klesse 2007), theory (Emens 2004), lovestyle, relationship orientation (Anapol 2010) or identity (Barker 2005). There have also been suggestions that polyamory could be understood as a sexual orientation. It is not uncommon for poly-identified people to refer to polyamory as a ‘hard wired’, durable disposition, which deeply informs their sense of selfhood. Recently, Tweedy (2011) has presented a legal argument for including polyamory into USA workplace anti-discrimination legislation via its (re)conceptualisation as a sexual orientation. In this article, I critically discuss such framings of polyamory as a sexual orientation. In the first part of the paper, I define sexual orientation and highlight its significance in debates in sexology, the social sciences, sexual politics and in the law. In the second part, I draw on social constructionist, poststructuralist and queer theories to demonstrate the drawbacks of sexual orientation theories, namely their mooring in essentialist understandings of the subject. In the third part of the paper, I address the ways in which polyamory has been represented through the language of sexual orientation. Here, I am particularly concerned with the suggestion that a sexual orientation agenda could effectively advance the civil rights struggles of the polyamory movement. In the concluding section, I highlight the problematic effects that such a strategy could have for a radical sexual politics around non-monogamy.

The Conundrum of Sexual Orientation

Most sexuality research up to the 1980s was structured by dichotomous models, according to which people fall within the categories of either heterosexuality or homosexuality (manifested in desire for the ‘other’ or the ‘same’ sex respectively). This categorisation implies a binary construction of sexual difference, which casts the human population into clearly sexed (and gendered) beings: males and females (Fausto-Sterling 2000). By defining heterosexuality and homosexuality on the grounds of sexual attraction for either one or the other sex, sexual orientation and sex/gender positions become inextricably intertwined (Butler 1990). Transgenderism, transsexuality and intersexuality therefore unsettle many taken-for-granted assumptions regarding both sexual orientation and sex/gender (Nagoshi et al. 2012).

‘Sexual orientation is often described in terms of the sex of one’s object choice: whether that sex is the “same sex” or “other sex”, such that, according to Janis Bohan, “one’s sexual orientation is defined by the sex (same or other) of the people to whom one is emotionally and sexually attracted (1996: xvi). (...) The “two sex” model quickly converts into a model of two orientations: straight or queer, whereby “queer” becomes an “umbrella” term for all nonstraight and nonnormative sexualities’ (Ahmed 2006: 68).

Ahmed’s queer- inspired definition is advantageous over more conventional ones, because it acknowledges the multiplicity and contingency of non-heterosexual desires and identifications. Its shortcoming is that she does not consider bisexuality. Western theories of sexuality often build on constitutional references to bisexuality, even if the category remains nominally marginalised in most sexual orientation models (Angelides 2000). Ahmed’s silence

on bisexuality can be read as an integral part of the wider elimination of bisexuality from queer theoretical discourse (Young 1997). Other discussions of sexual orientation include bisexuality as a central category. Evans (2004: 207/208) defines sexual orientation as: '[a] description of who and what one desires sexually, one's object choice. (...) It is used to refer to whether one is heterosexual, homosexual, or bisexual'. Evans sees sexual orientation manifested in durable dispositions and juxtaposes it with sexual preference, 'a term with more transitory connotations' (2004: 2008). Diamond (2008: 2) suggests that sexual orientation models assume 'that an individual's predisposition for the same sex or the other sex is an early-developing and stable trait that has a consistent effect on that person's attractions, fantasies and romantic feelings over the lifespan'. Due to these connotations sexual orientation models obstruct our perception of common experiences of erotic fluidity. The same effect applies to the contingency of gender identifications (Bornstein 1994, Nagoshi et al. 2012).

Sexual Orientation and the History of Sexual Knowledges

Sexual orientation is one of the chief concepts through which Western culture has come to understand sexuality. In the following sections, I trace the history of the term in the fields of sexology, psychology, biology, the social sciences, sexual politics and legal studies. Notions of sexual orientation emerged from within sexology, which in the 19th century started to explore desire through the frame of 'deviation' since (Bland and Doan 1998). Early sexological writing was concerned with the multitude of perversions, but the debate became increasingly obsessed with the question of homosexuality (Weeks 1990). Foucault (1990) showed how sexology effected the construction of novel subjectivities through typologisation and interiorisation. 'Homosexuality appeared as one of the forms of sexuality when it was

transposed of the practice of sodomy onto a kind of interior androgyny, a hermaphroditism of the soul.' (ibid.: 43). The idea of heterosexuality emerged in the context of this burgeoning discourse on pathology and perversion and came to stand for an assumedly natural state (Katz 1995). Nineteenth and early 20th century theories of homosexuality operated along the premise of gender inversion, which is exemplified in the works of Richard von Krafft-Ebing, Magnus Hirschfeld, Karl Heinrich Ulrich, Carl Westphal, Havelock Ellis and Edward Carpenter. Most theories assumed a primarily congenital (hormonal or genetic) determination, even if some writers speculated about latency, grading or acquisition. Brickel (2006) argues that an ongoing concern with liminality and fluidity sustained a sexological counter-narrative throughout the 19th and 20th centuries. The thesis of congenital conditionality went hand in hand with the assumption of stark bodily differences. Sexual orientation research reported differences between homosexual and heterosexual people with regard to fat distribution, metabolism, hair texture, body height, lisping, lipid levels, posture, mental health, etc. (Murphy 1997). The scientific mythologies on queer embodiment were also shaped by racist and anti-Semitic stereotypes (Somerville 2000, Mosse 1985)

Psychological Interventions

Freud (1905/1994) rejected both the gender inversion myth and its biologicistic underpinnings. Taking his starting point from the assumption of a primordial bisexual disposition, Freud explains the fixation of gender-of-object choice as the result of the intra-psychic developments bound up with the resolution of the Oedipus complex. Both homosexuality and heterosexuality, therefore, were in need of theoretical explanation. The radicalism of this insight was hampered by Freud's continuing investment in remnants of biologism, as evidenced in reliance on a theory of primordial bisexuality or an instinct model and his

discussion of ‘constitutional factors’ and phylogeny¹. Moreover, by explaining homosexuality as the *failure* to resolve the Oedipus complex, he framed it as deviation from heteronormative genitality. This bias laid the groundwork for later explicitly homophobic adaptations in neo-Freudian theories (Angelides 2000). This notwithstanding, Freudian psychoanalysis grounded an alternative perspective of sexual orientation as an effect of psychological developments. This gave rise to multiple theories on identity formation within psychology and the social sciences (Sandfort 2000). The two major approaches within sexual theories of the late 19th and early 20th centuries focused either on congenital determination or psychological development (quasi-determination). Later accounts often mixed elements from within both paradigms. ‘People become homosexual, bisexual or heterosexual because of what happens to them partly in their prenatal history and partly in their postnatal history’, argues, for example, Money (1988: 6-7).

Biological Sexual Orientation Research

The belief that sexual orientation can be explained by clues drawn from biology has remained pervasive and powerful. Biological sexual orientation research has been driven by a concern with the aetiology of homosexuality (Murphy 1997, LeVay 1996). In recent decades, research activity focused on genetics, brain structure, hormones and the possible interrelation between these factors. There has been cross-fertilisation between research into sex differences and sexual orientation. Insights derived from research into mammals (namely rodents) have been applied to human sexual orientation models (Fausto-Sterling 2000). The assumptions of biological determinism and inheredibility are further sustained by theories from within socio-biology and evolutionary psychology (Stein 1999).

Sexual orientation research published in the 1990s in the USA, which suggested the

¹ The study of phylogeny is concerned with the evolutionary history of groups of organisms and their relationships among one another.

possibility of locating the causes of homosexuality in brain structure or genetic sequencing, was subject to an intense media coverage. In the early 1990s, LeVay (1991, 1993) published brain research which claimed that the size of the INAH3 region of the hypothalamus was smaller in gay men than in heterosexual men. In 1993, Hamer and his colleagues claimed to have isolated a gene sequence (a string of genes on a chromosome), which may cause male homosexuality. The sequence, called Xq28, contains hundreds of genes and is located on a small stretch of the X chromosome (Hamer and Copeland 1994). LeVay and Hamer (1994) later synthesised their research findings by linking genetic sequences with processes of protein synthesis, prenatal hormone secretion, specific reactions in the hypothalamus and the genesis of same-sex desire. Genetic arguments received further backing from research, which compared groups of identical (monozygotic), non-identical (dizygotic) twins and adoptive siblings (Bailey and Pillard 1991, Bailey et al. 1993).

The above-mentioned studies have been criticised on various grounds. Authors stated reservations regarding pre-perceived assumptions about gender and sexual orientation (e.g. essentialism, inversion models), limited sample sizes, inconclusive sampling criteria, non-controlled variables, non-sustainable inference, etc. (cf. Murphy 1997, Stein 1999). The research programme into the biological determination of sexual orientation has so far not produced plausible or conclusive results. The interpretation of these studies focused on biological traits only. It thereby omitted social factors (such as experience) as potential factors in shaping not only complex behaviours (such as partner choices), but also biology (e.g. neurological clustering) (Rogers 1999). Many reject research into the causation of homosexuality on purely political grounds, because of fears that such knowledge could foster medical interventions with the aim of cure or erasure, for example, by the means of therapy or hormonal and genetic engineering (Murphy 1997).

Social science models

Sexual orientation models have also been used in social scientific research. Researchers from within the empiricist tradition have been concerned whether and how sexual orientation can be measured and how measurement tools can be utilised in survey research (Gonsiorek and Weinrich 1991). Kinsey's et al. (1948) sexual orientation model places subjects on a seven point scale ranging from 0 (exclusively heterosexual) to 6 (exclusively homosexual) based on their sexual experiences and psychosexual reactions. A further category X was supposed to account for no social-sexual contacts and reactions. The so-called Kinsey scale expresses a dispositional view of sexual orientation by focussing on behaviour, desire and fantasies. It is preferable over the hypothesis of discrete sexual categories in that it assumes a continuum of interrelated experiential phenomena, which allows for representing bisexualities.

The Kinsey scale was widely deployed in survey research and was developed into more comprehensive models, such as the Klein Sexual Orientation Grid (KSOG), which integrates sexual attraction, sexual behaviour, sexual fantasies, emotional preference, social preference, self-identification, lifestyle and a time factor into a multi-variable model (Klein 1993). Critics see the bipolarity and one-dimensionality of these models as a limitation. They are primarily and exclusively concerned with gendered object choice, sex/gender positions are treated as foundational and same-sex and other-sex desires are not conceived as potentially independent traits.² This obstructs adequate representation of asexuality and various modes of bisexuality (Stein 1999). These objections notwithstanding, arguments derived from Kinsey's categorisation have been adopted widely in lesbian, gay and bisexual social movement milieus.

² If people move along the scale from 0 to 6, their disposition towards same-sex choices increases at the expense of their disposition towards other-sex choices

Social movement debates

Sexual orientation discourse has appealed to activists, because it helped articulate an effective equal rights agenda. If gay and lesbian people are considered to have no choice about their sexual attraction, they have to be accepted as a distinct group within humanity (LeVay 1996). This has implications for criminal law (among others), because it appears to be un-just to punish people for something they have no choice about. Critics of this strategy argue that biological essentialism does not provide effective protection from persecution, which can be evidenced with the extermination politics of the Third Reich (Stein 1999).

In the 1960s and 1970s, many lesbian and gay movements were inspired by the USA Black civil rights movement, which reinforced the adaption of a so-called ‘ethnic model’ of gay sexuality (Epstein 1987). Sexual orientation models denoted sufficient biologist grounding for mobilising around a race/sexuality analogy. Black theorists have rejected this analogy as a simplification of the multi-layered experience of queer people of colour and as an obscuration of the nuanced workings of racism (Schueller 2005). Moreover, sexual orientation had more currency among gay male activists than lesbians and bisexual women, because of the central role of choice at the heart of the figure of the woman-identified-woman in political lesbianism and female erotic autonomy in bisexual feminism (Whisman 1996, Gregory 1983). Yet the mainstream currents of lesbian, gay and bisexual movements embraced sexual orientation as the most suitable rallying point for equal-rights campaigns (Monro 2005).

Legal politics

Sexual orientation is nowadays thoroughly engrained in jurisdictions across the globe. After decades of refusal, sexual orientation – and gender identity – have made inroads into international human rights law in the course of the 2000s (Waites 2009). Sexual orientation was first mentioned in a resolution of the former UN Commission on Human Rights in 2000.

The major break-through came with the 2006 Declaration of Montreal of the International Conference LGBT Human Rights and the 2006 ‘Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity’ (O’Flaherty and Fisher 2008). On June 17, 2011, the United Nations Human Rights Council adopted a resolution (UN Human Rights Council 2011a) which requested that the United Nations High Commissioner for Human Rights drafts a report on human rights violations on the grounds of sexual orientation and gender identity and to detail legal strategies to combat these malpractices. The report was published in December 2011 (UN Human Rights Council 2011b).

There have also been significant developments in European Union human rights legislation. The Treaty of Amsterdam (1997) contained an anti-discrimination clause which refers to sexual orientation. The European Council Directive 2000/78/EC established the requirement of EU states to prohibit sexual orientation discrimination in public and private sector employment (Waites 2009, Beger 2004). The EU Fundamental Charter of Rights, which came in force with the Lisbon Treaty (2009) also includes references to sexual orientation (but not gender identity): in Article 21, which prohibits discrimination (EU 2010).

The ‘Yogyakarta Principles’ were proposed by a group of internationally distinguished human rights experts who met in Yogyakarta (Indonesia) in 2006 to define global standards regarding the application of international human rights law in relation to sexual orientation and gender identity. Although the principles advanced the awareness of human rights in these areas, both issues remain contested among state representatives and law and policy makers within the global public sphere. Transgender rights have been even stronger marginalised than sexual orientation in UN debates on human rights. The ‘International Bill of Gender Rights’, agreed upon in 1996, was followed by the inclusion of ‘gender identity’ into the Yogyakarta principles only in 2006. Procedures, treaty bodies and states previously either

ignored gender identity altogether or collapsed it into the categories ‘sexual minorities’ or ‘sexual orientation’ (O’Flaherty and Fisher 2008). While the Yogyakarta principles certainly contribute to greater conceptual clarity and consistency in the legal arena, both core concepts (gender identity and sexual orientation) have been subject to criticism, because they mobilise essentialist interpretations of gender and desire. Some transgender activists would have preferred the term ‘gender expression’, which would have been more suitable for the representation of blurred or shifting identifications (Currah and Thomas 2006, Waites 2009). Sexual orientation, too, connotes a deep-rooted disposition and suggests uni-directionality and immutability. Waites (2009: 151) argues that ‘installing “sexual orientation” in human rights discourses entails (...) exclusionary effects for a huge range of people worldwide who do not relate sexually only to one gender’. Although some legal provisions include references to bisexual behaviours or identifications³, Waites proves to be right, if we look at the practical workings of the law. Research demonstrates that it is extremely difficult for asylum seekers to demonstrate persecution on the basis of sexual orientation, if they present a bisexual identity or life story (IGLHRC 2007, Reehag 2008). In the following section, I deepen my discussion of the theoretical objections to the concept sexual orientation.

The Problems with Sexual Orientation

Powerful criticism of the sexual orientation discourse has been raised from within social constructionist scholarship, life course research, queer theories and poststructuralist legal studies. Social constructionist accounts of sexual orientation have aimed at providing alternative understandings to biological or psychological determinism and universalism (Stein 1999, Heckert 2005). Most social constructionists target the problem of essentialism, but at times they rebut the very concept of sexual orientation. Plummer hints at an

³ This is the case, for example, with the Yogyakarta Principles, the UK Equality Act 2006 and most of the USA workplace anti-discrimination statutes reviewed by Tweedy (2011).

incommensurability between sociology and sexual orientation models, when he argues that sociology embraces identity construct models, whereas ‘the orientation model is found among geneticists, clinicians and behaviourists alike and suggests that a person’s sexual orientation is firmly established by mid-childhood’ (Plummer, quoted in Waites 2009: 145). Others have rejected the polarisation of biology and culture, life sciences and social sciences or of essentialism and constructionism. ‘Human eroticism always encompasses biopsychic dispositions, cultural possibilities, and personal choices’, argues Murphy (1997: 4). Social constructionist insights are backed by life course research, which demonstrates that people’s sexual behaviours vary across their life experience (D’Augelli and Patterson 1995, Fox 1996). Women frequently report more fluid patterns of desire than men and are more likely to consider identity changes in response to particular experiences (Diamond 2008). Trans, gender-queer, non-gender or pan-gender identification tend to complicate dominant sexual orientation and sex/gender models (Sanger 2010). Sexual orientation theories are further fraught with the problem of cultural universalism: Homosexuality, heterosexuality and bisexuality are categories with a specific Western genealogy. Even if these identity categories are commonly used in global sexual politics (Altman 2001), they do not necessarily resonate with local vernaculars, meanings and identifications. In specific localities, appeals to the allegedly universal global categories of LGBT rights activism often coexist with persisting local identifications (Dave 2011). Universalist categories are also unable to accommodate the multiple entanglements of diasporic lives (Manalansan IV 2003).

Queer theorists have highlighted the normative ways in which sexual orientation thinking regulate gender presentation and sexual desire (Butler 1990, 1993). Sedgwick (1995) refutes the epistemic violence at the heart of reductionist sexual orientation thinking which ignores the rich diversity of eroticism and the multi-directional flows of desire. Some queer theorists have countered the notion of sexual orientation by developing the conceptual inventory

proposed by Deleuze and Guattari (Heckert 2010, Nigianni and Storr 2009). Deleuze and Guattari (2009) stress the positive, productive, fluid and effervescent quality of desire.

Talking of 'desiring machines', 'machinic desire' or 'assemblages' they discard essentialist individualism.

Critical legal scholars, too, have applied queer critiques to the legal and political processes in which rights are mediated via the concept of sexual orientation. Individual and collective (sexual) identities are not seen as pre-given, but as produced in social struggles (Stychin 1995). Anti-discrimination and human rights campaigns mobilise identities compatible with these legal frameworks, modelled upon the notion of the unitary, individualised and rational subject (Morgan 2000, Stychin 2003). Appealing to sexual orientation, they reinforce the idea of homogenous representative collectivities around ideal-typical L-G-B-T positions. This limits the scope for recognising the true diversity of sexual and gender dissidence and for understanding the interconnectedness of various modes of oppression (Herman 1993a, Beger 2004).

Social constructionists and queer theorists have produced a powerful body of work dedicated to the refutation of sexual orientation models. Some have also suggested a radical redefinition of sexual orientation for a better understanding of human eroticism. Ahmed (2006:3) returns to the spatial meanings of the term to foreground agency, choice and commitment. Murphy (1997) expands the meaning of sexual orientation to include all our sexual interests and tastes and all the dynamic and subtle features of our erotic life experience. Ahmed's and Murphy's alternative definitions are valid attempts to unfreeze the meanings associated with the idea of sexual orientation. Yet their accounts have few similarities with the usage of term in the world of medicine, science, law and civil rights politics. Sexual orientation is a core concept in these fields and access to rights and resources is frequently channelled mediated via modes of politics and representation steeped in sexual orientation discourses. It may go too far to

argue that power resides in this category, but it certainly structures the field of power within sexual politics. Beger (2004) notes the gap between the radical deconstructive insights of queer theory and the discourses which determine current human rights frameworks. Queer-inspired activists face a dilemma when they ponder on the risks and damages implied in strategic deployments of sexual orientation discourses. Recent debates concerning whether polyamory can be represented as a sexual orientation bring to the fore the same difficulties. In the following, I discuss current definitions of polyamory and identify which elements sustain sexual orientation discourses and poly civil rights agendas.

Polyamory – a Sexual Orientation?

The term polyamory is closely bound up with debates on consensual non-monogamy. Some claim that the term was invented in the early 1990s by the founders of a neo-pagan church in the USA (Anapol 2010), but variants of the word have been around since the 1950s (Alan 2010). The concept resonates with critiques of compulsory monogamy in other counter-cultural milieus, including leftist, feminist, lesbian, gay male, bisexual, transgender, BDSM and queer activism (Klesse 2011). As a relational practice, polyamory sustains a vast variety of open relationship or multi-partner constellations, which can differ in definition and grades of intensity, closeness and commitment. For some, polyamory functions as an umbrella term for the multiple approaches of ‘responsible non-monogamy’ (Lano and Parry 1995). The ethical dimension of polyamory stems from its endorsement of consensus and a set of interrelated values, such as honesty, self-knowledge, self-possession, integrity and the valuing of sex and love over jealousy. These values are implicated in a range of theories around polyamory, which sustain a philosophical meta-discourse (Emens 2004). Some have described polyamory as a relationship orientation, designating a personal disposition to be prepared to enter more than one intimate and/or sexual relationship simultaneously. Anapol

(2010: 1) sees polyamory as a 'range of lovestyles that arise from an understanding that love cannot be forced to flow or be prevented from flowing in any particular direction'. Finally, polyamory has also been described as a distinctive identity (Barker 2005). I will discuss poly identity narratives in more detail, because representations of polyamory as identity most strongly resemble sexual orientation discourses.

Some participants in my 1997-2003 UK study (XXX) highlighted that polyamory provided an important reference for identification. 'I identify as bisexual and polyamorous', explained, for example, Marianne, who went on to claim that coming to terms with her polyamorous identity was much more difficult than accepting her bisexuality. Marianne's detailed account of her struggles shows all the elements, which Cass (1979) describes as being central to lesbian and gay identity formation (i.e. identity confusion, identity comparison, identity tolerance, identity acceptance, identity pride, identity synthesis). Poly identity stories closely mirror the structure of classical coming-out narratives. For some research participants, polyamory was just one layer in multiply-interwoven coming-out stories (e.g. as bi, BDSM and poly). The resemblance of poly and LGBT coming-out processes is frequently acknowledged in psychotherapeutic literature (Weitzman 2006). At the same time, poly activist writing produces politicised coming out discourses (Rambukkana 2004).

Barker's (2005) research found that while some poly-identified people see polyamory as a choice of practice, others claim it as a natural state of being. Some people suggested that they were 'essentially wired' to be polyamorous. Essentialist variants of polyamory narratives on polyamorous identities resonate with ideas on sexual orientation. Even if they do not necessarily imply a fixation of the sex (or gender) of object choice, they share with classical sexual orientation accounts the insistence on stability and durability. The affinity of poly identities with sexual orientation models is often reinforced through a strategic pairing of polyamory with identities which are more easily recognised as 'sexual orientation', as

evidenced in claims such as ‘I am poly and bisexual’. A similar effect is achieved through the technique of constructing an analogy between different coming-out experiences (coming out as poly compared with coming out as queer or BDSM, etc.).

Essentialist identity narratives are an indicator of the prevalence of minoritising identity narratives in contemporary polyamory culture. Emens (2004) adopts Sedgwick’s (1995) distinction between minoritising and universalising tropes on homosexual identity for her discussion of polyamory. According to Sedgwick, minoritising views suggest ‘that there is a distinct population of persons who “really are gay”’ (quoted in Emens 2004: 340).

Universalizing views assume a closer proximity between the categories heterosexual and homosexual and frame same-sex desire as a characteristically human potential. Emens claims that most poly writings deploy universalizing arguments. For example, the common comparison between the cheating majority and honest polyamorists in the poly literature suggests a widespread disposition towards non-monogamy in the population. The privileging of love over sex, too, has a universalising effect by mobilising the mainstream values of romantic love for the recognition of polyamory. Kaldera (2005: 102) advances a further universalist argument when he argues that it is possible to learn the cultural values of polyamory. In his study on neo-pagan polyamory, half of the children raised in poly families assumed a poly identity as adults. This corresponds with a universalising construction of polyamory in mainstream culture, which recognises the common nature of the fantasy of sleeping with multiple partners, even if it does not condone the practice. In contrast to the common perception of lesbian and gay identities, minoritising discourses regarding polyamory are poorly developed.

Emens believes that the hegemony of a universalising logic poses a serious problem for polyamory rights activism. ‘Rather than empathizing with others who share one’s traits, people often fear or shun people they could become, particularly when the common traits are

stigmatized' (2004: 345). She refers to this reaction as the 'paradox of prevalence' and explains it as an aggressive defensiveness designed to ward off anxieties regarding one's partner's or one's own potential transgressions in the face of the widespread failure of monogamy.

Strategic essentialism could provide a promising remedy for this dilemma: 'Convincing the mainstream non-monogamists that polyamorists are a recognizable group with a distinct identity might be polys' best chance of overcoming the effects of the paradox of prevalence' (2004: 352). However, ultimately her reservations take the upper hand. She cautions that the time and circumstances are not right for an essentialist agenda and that strategic essentialism could also undermine radical poly politics.

Tweedy (2011) acknowledges the downsides of essentialist politics, but she is convinced that the classification of polyamory as sexual orientation in state-based workplace anti-discrimination legislation would be beneficial for polyamorous people and the wider social justice-agenda of USA anti-discrimination law. Tweedy argues that poly identities are sufficiently engrained in many people's sense of personhood to qualify for sexual orientation status. She points to the profound significance of poly values, the risks of poly lives, the cultural significance of romantic relationships and the analogy between homosexuality and polyamory. She provides evidence for discrimination against polyamorous people in marriage law (couples only), criminal law (anti-bigamy and adultery laws) and family law (discriminatory custody decisions). Tweedy suggests that the sexual orientation category as it is currently defined in USA anti-discrimination laws is sufficiently flexible to accommodate polyamory. The definitions vary widely across different statutes and some states also refer to gender identity as an element of sexual orientation. Although many LGBT activists reject this conflation and advocate for the inclusion of gender identity as an independent category, these cases demonstrate the malleability of the category. It proves the feasibility of expanding the

definitions of sexual orientation in a ‘piecemeal way’ to include further preferences, including polyamory. Tweedy concludes that ‘it makes conceptual sense for polyamory to be viewed as part of sexual orientation.’ and that ‘anti-discrimination protections for polyamorists are warranted’ (2011: 1514). Although anti-discrimination protection for polyamorous people is an important value, I consider the risks bound with advocating sexual orientation models of polyamory to be severe.⁴

On the Drawbacks of the Conflation of Sexual Orientation and Polyamory

In the following, I argue that the promotion of sexual orientation models of polyamory will strengthen one-dimensional poly identity-political currents in the wider field of politics around consensual non-monogamy. The equation of polyamory with sexual orientation may undermine the disruptive potential of the category polyamory, achieve only selective protection under the law, obstruct the ability of poly movements to pursue broader alliances, and foster a politics of recognition at the expense of a more transformative political agenda.

For many, polyamory is incommensurable with any rigid categorisation or typologisation (Aviram 2009). They believe that the value of polyamory resides in its endorsement of the fluidity and unpredictability of emotions and erotic desire. Polyamory provides a plot for desire without any necessary references to gendered object choice. By encouraging multiple involvements, polyamory sustains an imagination of erotic intimacy which transcends the binaries of sex/gender and homosexuality/heterosexuality. From this perspective, polyamory shares with bisexuality the critical potential for ‘undoing’ binaries. Some authors suggest that the critical potential of both concepts is enhanced if they work in tandem. According to Barker (2005: 2), polyamorous bisexuality is even more effective than monogamous

⁴ Even Tweedy (2012: 1513) cautiously remarks: ‘If it turns out that it is considered too risky to add polyamory to existing definitions of sexual orientation, other possibilities for protecting polyamory should be explored.’

bisexuality in troubling ‘the male/female and straight/gay binary constructs at the root of compulsory heterosexuality’. Anderlini-D’Onofrio (2009) believes that polyamory shares with bisexuality the potential for recreating sexuality in the spirit of an *ars erotica* beyond the modernist trappings of essentialist identity categories.

It is important to recognise that such a strategic alignment of polyamory and bisexuality has its drawbacks, too. Polyamory is not grounded in any particular sexual identity. Although polyamory is quite popular among *some* sections of bisexual communities, its position has always been contested and controversial (Klesse 2007). The emphasis of the affinity between polyamory with bisexuality as part of a deconstructive argument may have the unintended consequences of reinforcing stereotypes, which counteracts any deconstructive ambition. It may be preferable to stress polyamory’s potential to deflect from gendered object choice. Polyamory brings to the fore the question of what kind of relationships a person may want to engage in, rather than what kind of gender or ‘sexed’ bodies they are responding to. Poly perspectives can therefore lead us away from narrow questions of individual identification to a more nuanced understanding of mutual interactions and associations. These qualities are lost in the definition of polyamory as sexual orientation.

To the extent that an equation between polyamory and sexual orientation is supposed to enable access to legal protection, this could implement a divisive bias separating polys from other non-monogamous people. The governmental policies and legal provisions of many societies continue to invest into monogamy as an assumed indicator of commitment, stability and authentic kinship bonds. Cultural norms put pressure on people to be monogamous. The law, too, is practiced in ways that promote and institutionalise monogamy. Many laws (such as criminal adultery laws, bigamy laws, family laws, custody cases, workplace discrimination laws, and zoning laws) discriminate against non-monogamous people, including polyamorous

people. Tweedy's (2011) proposal is meant to resist this cultural and legal marginalisation. Effective legal protection against workplace discrimination would be an important achievement. It is impossible to address certain discrimination issues if the respective grounds are not defined in law (Grabham 2006). However, the revision of sexual orientation definitions to cover polyamory would define the grounds for protection in very narrow terms. Polyamory designates a highly specific subset of the wider universe of non-monogamous practice. It prioritise love and long-term commitments and designates a culturally specific social identity, which is largely confined to white, middle or upper class settings in the USA and Western societies (Sheff and Hammers 2011). Moreover, as Grabham (2006: 21) reminds us: 'Discrimination law (...) employs grounds not in the sense that we hope they are being used – as reminders of the structural inequalities that mark our world – but instead as defences against the complexities inherent in how those structural inequalities are played out at an interpersonal level'. This means that some non-monogamous people may feel de-authenticated, if they turn to polyamory as a ground for claiming discrimination (the best case scenario) or that they will be effectively denied protection against discrimination on this ground (the worst case scenario).

If legal rights are mediated via essentialist categories of personhood, access to these rights is determined by the ability of claimants to match these subject positions. Non-monogamous people who do not use the script of romantic love and long-term partnership are likely to fall outside of the traits covered by sexual orientation definitions. People who engage in sex work are extremely unlikely to receive protection on the grounds of sexual orientation. . There is evidence from within other areas of the law, which shows that people, who may be nominally entitled to certain rights, may fail successfully to claim them, if their identities, behaviours, desires or intimacies raise the suspicion of ambiguity, indeterminacy or fluidity (Rehaag 2008). Inscribing polyamory into law via an expansion of sexual orientation definitions will

only serve a small subsection of people engaged in non-monogamous ways of life. This is why I think it is preferable to explore alternative routes for anti-discrimination protection of non-monogamous and polyamorous people.

The promotion of essentialist models of poly as a socio-political and legal strategy is likely to reinforce an even stronger identity-focused political orientation of the poly movement, which is likely to work against broader alliances in the politics around non-monogamy. Research indicates that polyamorous people often distance themselves from other, more sex- or pleasure-focused styles of non-monogamy (such as queer public sex cultures, swinging or 'casual' sex) (Klesse 2007). The readiness of the polyamory movement to build coalitions across various non-monogamous interests is already limited. It is not un-warranted to fear that pushing minoritising identity models will marginalise coalitional strategies even further. While it may be fairly obvious why people who engage in different kinds of non-monogamy may want to act in solidarity, coalitions across different forms of oppression are even more difficult to forge. The ties of solidarity have to be woven consciously and reflexively. There is no necessary link between different oppressions and the 'chains of equivalence' between them have to be worked out ideologically and practically (Laclau and Mouffe 1985, Herman 1993b). Current poly writing does not have much to say about the problem of economic class, racism, sexism, ageism or ableism (Haritaworn et al. 2006).

The expansion of essentialist poly identity models is likely to strengthen the ambitions to gain group recognition. This again is likely to go at the expense of a more comprehensive transformative political agenda. I do not want to diminish the relevance of a politics of recognition. According to Charles Taylor, '[n]onrecognition or misrecognition . . . can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being.' (quoted in Tweedy 2012: 1493). The debate triggered of by an exchange between Fraser

(1997) and Butler (1997) has brought to the fore a more nuanced understanding of the theme of recognition in sexual politics. Despite persisting disagreement on the role of sexual politics within political economy, Fraser (1997) acknowledged that misrecognition is a materially grounded practice, because it has harmful effects and tends to be institutionalised. Moreover, she conceded that claims to recognition can be formulated in ways that include demands for redistribution (Fraser 2003). Barker (2012: 193) goes further, when she argues in her analysis of the debates on same-sex marriage that the ‘law uses recognition and non-recognition to control access to economic resources’.

Yet even if complex politics of recognition are in principle possible, many approaches focus on collective identities, cultural practices and state responses. This renders the politics of recognition vulnerable to certain fallacies. The first fallacy relates to the legal aspect of such politics⁵ and consists in succumbing to the illusion that gaining legal recognition equals liberation. As I have shown above, if people wish to claim rights, they must fit the categories of the law. This opens up the scope for surveillance and regulation, imposing conformity on those who seek recognition through the law (Smart 1989, Barker 2012). The second fallacy consists in the allure of assimilationism. As queer-of-colour theorists have argued, assimilationist strategies tend to render collective actors in the Global North insensitive towards the exclusivist dimension of nationalist and other normative agendas: ‘The politics of recognition and incorporation entail that certain – but certainly not most – homosexual, gay and queer bodies may be temporary recipients of the “measures of benevolence” that are offered by liberal discourses of multicultural tolerance and diversity. This benevolence toward sexual others is contingent upon ever-narrowing parameters of white racial privilege, consumption capabilities, gender and kinship normativity, and bodily integrity’ (Puar 2007, xii). Advancing the equation of polyamory with sexual orientation, therefore, carries

⁵ Of course, politics of recognition are more complex and go far beyond the politics of claiming legal rights (Herman 1993b).

significant risks. It gives away the unruly potentials of polyamory and narrows the discursive terrain for articulating a more radical politics around non-monogamy and polyamory.

Conclusion – Resisting Sexual Orientation

Sexual orientation models have been central to Western theories of erotic desire and sexuality. They have been criticised for a range of reasons. As Western constructs, they are culturally highly specific, but sustain a kind of cultural imperialism in many contexts. Dichotic sex/gender systems are paired with rigid, gender-deterministic erotic dispositions. The notions of other-sex and same-sex desire sustain a heterosexual/homosexual binary, with bisexuality emerging as a contingent, precarious, non-authenticated third position. Sexual orientation models thus obstruct the intelligibility of intersex, transgender, gender-queer or pan-gender identities and erotic subjectivities. As a normative trope, sexual orientation can be evoked to police people's desires and sexual behaviours and to reinforce rigid boundaries around identities and communities. Sexual orientation discourse arrests the multi-directional flows of desire. The incorporation of polyamory into sexual orientation frameworks is more likely to damage radical politics of non-monogamy and polyamory than to enhance accurate representations of the diversity of erotic experience. Operating along a minoritising logic, sexual orientation models refashion polyamorous people as a distinctive sexual minority. This is likely to undermine alliances across different non-monogamous identities and other forms of oppression. It carries the risk of reinforcing reductionist and exclusive identity-political currents within poly politics.

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