

A Proper Account of Improper Sex

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Karen Dubinsky, *Improper Advances: Rape and Heterosexual Conflict in Ontario, 1880-1929* (Chicago: University of Chicago Press 1993).

"PEOPLE MAKE LOVE ... but not under conditions of their own choosing," (4) asserts Karen Dubinsky in *Improper Advances*, paraphrasing Marx on human agency in history. The workings of the sexual system in Ontario culture and society between 1880 and 1929, she argues, formed as contested a process as the rise of industrial capitalism in the same period. This was so due to the inequality — social, cultural, as well as economic — that characterized the conditions within which Ontarians acted sexually. In her striking first book Dubinsky analyzes the interlocking factors of gender, class, and ethnicity or race that shaped the heterosexual experiences of small-town and rural people, mostly women, in these years.

The history of sexuality began to emerge as a distinct area of study in North America in the 1970s and early 1980s, first as a subfield within women's history and then as part of gay and lesbian studies. The most common subjects of the history of sexuality remain heterosexual women, lesbians, and gay men, all of whom have been associated with "sex" in the language of the (heterosexual) male-dominant culture.¹ Dubinsky's focus on heterosexual women thus stands in the mainstream of current work in the field.

In the 1970s historians of women separated "sex" into sexuality and gender and emphasized the social rather than natural origins of the latter. Sexuality remained more enmeshed in a conception of the "natural" due to its link with

¹ As Jonathan Katz has noted, the history of heterosexuality has not yet emerged from the closet as a problematized, rather than an assumed, topic of study. Nor do heterosexual men yet have a sexual history of their own. See Katz, "The Invention of Heterosexuality," *Socialist Review*, 20 (1990), 8. Anthony Rotundo is one scholar who has been working on men's sexual history. See, for example, "Romantic Friendship: Male Intimacy and Middle-Class Youth in the Northern United States, 1800-1900," *Journal of Social History*, 23 (1989), 1-26.

biological reproduction, but that notion of "naturalness" has been continually whittled down as feminist and poststructuralist scholars have attacked the notion of a sexual instinct held in check by artificial cultural rules. British social historian Jeffrey Weeks, for example, argues that "'sexuality' is not an unproblematic natural given, which the 'social' works upon to control, but is, on the contrary, an *historical* unity which has been shaped and determined by a multiplicity of forces." Perhaps historians might best define sexuality as the social organization of erotic relations, relations which are defined differently in different times and places but which today centrally include heterosexual and gay and lesbian relationships. To write "the history of a subject in constant flux," as Robert Padgug describes it, may seem problematic in the abstract, but dealing with actual case studies is not so difficult, as Dubinsky's book demonstrates.²

Central among the "multiplicity of forces" shaping sexuality are "discourses," systems of meaning, or languages in the broad sense, used in various arenas such as the medical, the legal, or the religious. Understanding sexuality as Weeks reconceptualizes it above means replacing the notion of "nature" (sex) vs. "culture" with a vision of competing discourses at work in historical situations, discourses based in conflicting class, gender, and ethnic standpoints of participants. Dubinsky is to be commended for carrying out an analysis of these discourses without ponderous postmodern prose and setting it clearly in a materialist account of the power relations of Ontario society.³

Self-consciously rooted in contemporary socialist feminism, Dubinsky is, like US historians Kathy Peiss, Joanne Meyerowitz, Elizabeth Kennedy, and Madeline Davis, most interested in working-class rather than middle-class women.⁴ Dubinsky, however, examines not urban women but small-town or rural working-class women who were "the intended constituency of the Canadian social purity movement." (5) Concerned with the apparent timelessness of male sexual domina-

² Michel Foucault, *The History of Sexuality*, Vol. I, trans. Robert Hurley (New York 1978), 30, 41-9; Jeffrey Weeks, *Sex, Politics and Society: The regulation of sexuality since 1800* (London 1981), xi; Jeffrey Weeks, *Sexuality* (Chichester, UK 1986), 20-1; Robert Padgug, "Sexual Matters," in Kathy Peiss and Christina Simmons, eds., *Passion and Power: Sexuality in History* (Philadelphia 1989), 14-31. For an extended treatment of the constructedness of all sexuality, see Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York 1990), esp. Ch. 1.

³ Joan Scott, "The Evidence of Experience," *Critical Inquiry*, 17 (1991), 773-95; Sonya Rose, "Introduction and Comment," on "Dialogue: Women's History/Gender History: Is Feminist History Losing Its Critical Edge?" *Journal of Women's History*, 5 (1993), 90-1.

⁴ Kathy Peiss, *Cheap Amusements: Working Women and Leisure in Turn-of-the-Century New York* (Philadelphia 1986); Joanne Meyerowitz, *Women Adrift: Independent Wage Earners in Chicago, 1880-1930* (Chicago 1988) and "Sexual Geography and Gender Economy: The Furnished Room Districts of Chicago, 1890-1930," *Gender and History*, 2 (Autumn 1990), 274-95; and Elizabeth Lapovsky Kennedy and Madeline Davis, *Boots of Leather, Slippers of Gold: The History of a Lesbian Community* (New York 1993).

tion of women, she searches for the historical roots of male aggression and seeks to understand women's subjectivity, including both their agency and their victimization. While accepting male domination as a fundamental cause of male sexual violence against women, Dubinsky resists the totalizing application of this insight that makes women into nothing but victims. Instead, she addresses the impact of class, ethnicity, and race, placing both men and women in the dense fabric of their interlocking social identities in order to assess the relative power they had in their sexual misadventures and the subsequent legal processes. Although the interpretive commentary is at times too compressed and the organization a source of overlap and repetition, *Improper Advances* is a rich and fascinating book that makes a major contribution to the Canadian social-historical study of sexuality.

Dubinsky uses court records of sexual assault, seduction, and abduction in 25 Ontario counties between 1880 and 1929 to gain an entrée into working-class lives, where historians face the usual dearth of self-conscious middle-class sources such as diaries and letters. Like the reports of reformers and social workers and prescriptive materials used by Peiss and Meyerowitz, these sources were not created by the working-class participants. But Dubinsky reads convincingly between the lines to suggest motivations and expectations that women might have had in bringing charges.

Dubinsky superimposes her own organization on the formal legal categories according to whether the acts appear to have been predominantly violent or consensual. Rape and indecent assault comprise her first category, seduction and abduction the second. This useful division, however, highlights one of the drawbacks of these sources: coercive encounters far predominate over consensual ones since satisfying interactions do not lead to court actions. Thus Dubinsky shows us much more about women's (and their parents') sense of danger than about their sense of pleasure in heterosexual relations.

In their useful overview of the history of sexuality in the United States John D'Emilio and Estelle Freedman explore three components of that history — sexual meanings (for example, procreation, physical pleasure, power over others), sexual regulation (how “society channels sexuality into acceptable social institutions”), and sexual politics (“the competition between interest groups that attempt to reshape dominant sexual meanings”).⁵ The sources and approach of *Improper Advances* produce a focus on one meaning — sexuality for women as a source of male physical and cultural power over them. The book deals most centrally with the regulation of women's sexuality (and finds such regulation both different from and more extensive than the regulation of men's sexuality). Less centrally, it addresses the politics of sexuality. I will comment on four substantive themes in the book: women's subjective experience of heterosexual “deviance” and its regulation (mostly in Chapters One and Three), the tensions between dominant

⁵John D'Emilio and Estelle B. Freedman, *Intimate Matters: A History of Sexuality in America* (New York 1988), xv-xviii.

cultural constructions of sexuality and the patterns of sexual practice that legal records show (especially Chapters Two and Five), the intersection of class and gender, which appears throughout, and finally, more traditionally public historical changes — the development of formal legal procedures to control sexuality and the use of sexual imagery in “nation-building” rhetoric (especially Chapters Four and Six). In each of these areas Dubinsky makes striking and original contributions.

Dubinsky sets her reconstruction of women’s subjective experience of sex — their consciousness of both danger and pleasure, their efforts to resist abuse and pursue desire — squarely in feminist theoretical debates. In large outline, the narratives that Dubinsky recounts confirm how basic a division of social power gender represents. They also support the analysis of rape developed by second-wave feminism — that sexual assault serves as a means of male control of female autonomy based on the claim of ownership of women’s labour and sexuality. Over the period covered, rape became considered an offense against the woman, not just against her father or husband, and more convictions were obtained. But nevertheless, just as 1970s anti-rape workers found, defence lawyers throughout this period sought to turn the blame onto the woman, especially if she had exercised self-assertion or independence from (appropriate) male control. Yet Dubinsky also distances herself from some recent feminist thinking that equates heterosexual sex with rape. By examining women’s historical experience in detail Dubinsky restores agency to women and denies that women are just victims or that heterosexual women are dupes of false consciousness for seeking pleasure from men.

Dubinsky shows women as agents pursuing their sexual interests in a variety of ways. Because women were censured for expressing sexual desire, we hear little of it directly, but we certainly see women resisting unwanted sexual advances and seeking male companionship, respect and safety in marriage, and sometimes pleasure or excitement in the forbidden. They had to contend with the prohibition on women’s pursuit of self-interest, but certainly they did pursue such interest. Men recognized women’s agency by attributing deviousness to them. Women coped with their crippled position by helping and warning one another, Dubinsky argues, and trying to avoid danger and ward off male aggression.

The women’s stories reveal how deeply cultural scripts shaped the way they experienced sexuality and acted on their own behalf. Strikingly, she finds, for example, that shame, stemming from acceptance of the division between “good” and “bad” women, outweighed women’s fear of physical violence, as shown by cases where men obtained their ends by threatening women with social disgrace: one attacker told his victim that “he would give me the worst name any woman ever had in Goderich” if she told her husband of the rape. (16) Middle-class feminists of the period, probably due to their material dependence on men, were unable to surmount this moral framework and so developed little critical analysis of rape. (Interestingly, Linda Gordon has shown that US black women activists took a much stronger stand against male violence — white or black — in this period than white women reformers, who tended to accept male violence as a

given.⁶ Perhaps their keen awareness of racist accounts of black sexuality inspired them also to reject shame or blame as women for men's violence.)

Patriarchal discourse not only produced shame but also marked women's language, making sex something (active) men did to (passive) women: women described being "used roughly" or "interfered with." (17) Dubinsky does not, however, perceive the women as trapped or "determined" by the discourse. Instead, she points to activity and resistance, from fighting back, to abortion, to the bringing of legal charges.

In court women made self-defensive use of whatever sources of cultural legitimacy they could garner. Most frequently they drew for legitimation on their character as good women or their status as mothers. Although higher class status made "character" easier to claim, working-class people, male and female, also accepted and were judged by standards of respectability that made a difference in court. Ila G., "a respectable working girl from a southern Ontario farm family," was pursuing a complaint of rape against a fellow mill worker. In court she exhibited strong personal pride that sustained her in the face of hostile suggestions by the defence lawyer that she had invited sex. Other women drew strength from their status as mothers: Dubinsky recounts the cases of Angelina Napolitano, a pregnant Sault St. Marie wife who in 1911 murdered her husband for forcing her to prostitute herself, and of Annie Robinson, who in March 1908 killed the infants born to two of her daughters, products of incestuous relations with the girls' father, James Robinson. Both women cited mother love as one source of their murderous actions. Later public campaigns by feminists and floods of letters from the public sounding the theme of wounded motherhood saved them from hanging and reduced their time in prison. For the late 19th and early 20th centuries, as Linda Gordon has noted, the work of mothering was a genuine source of dignity and some social power for women.⁷ That reality affected women's consciousness and ability to act as well as the responses of lawyers and public commentators. Thus, though claims based on "character" or motherhood were not available to all women, those who could do so used them to fight back.

In Chapter Three Dubinsky addresses narratives of sex that at least began more positively. She argues that seduction and abduction charges frequently involved consensual sex. Young women and their parents used the seduction law to press sexual behaviour into acceptable channels, as, for example, to force a marriage in the case of pregnancy. Parents especially used abduction charges to break off daughters' relations with married men or men of undesired class or ethnicity. The cases of seduction, like those of assault, point to women's (or their parents') desire for marriage and respectability, a powerful motive since men controlled material

⁶Linda Gordon, "Black and White Visions of Welfare: Women's Welfare Activism, 1890-1945," *Journal of American History*, 78 (1991), 559-90.

⁷Linda Gordon, *Woman's Body, Woman's Right: Birth Control in America*, 2nd ed. (New York 1990), 115.

resources they had no other access to. Abduction charges highlight the rarer cases where young women acted on what looks like romance: desire for the forbidden and exciting. In the end these cases (only 70 out of 665 that Dubinsky uncovered) show that some young women chose to engage in sexual activity that violated formal rules but that they usually ended up caught by parents, police, or pregnancy.

Dubinsky's careful search for evidence of women's sexual subjectivity is not matched by a corresponding exploration of male consciousness, probably due both to her own interest and to the orientation of her sources toward the scrutiny of women. The most prevalent evidence of men's beliefs is their pervasive defence of themselves with the accusation that women were devious schemers who took advantage of men's passions or affections. A brief passage in Chapter Five discusses the tension between two prescriptions for manly behaviour — self-control and chivalry vs. aggression. I do not fault Dubinsky for the lesser attention to men, but I do think more historians should investigate male consciousness, in order more fully to answer Dubinsky's question of "why men so often hurt women." (10)

A second major theme of this book shifts from an interior view of women's experience to a quantitative account of incidents of assault in relation to cultural representations of them. The clearest and most tightly organized section of the text — Chapter Two, "Discourses of Danger: The Social and Spatial Settings of Violence" — shows an inverse relationship between the situations official rules warned women against and the places where they actually tended to suffer assault. Again, Dubinsky's findings confirm feminist theory — patriarchal ideology shepherded women into domesticity and male control by displacing the dangers of those places onto the public world. Strangers such as the "dangerous foreigner, the wandering tramp, the immoral taxi driver" accounted for 71 (one-third) of the cases of rape in the study, while in the remainder, including 66 assaults by household members, the women and men knew each other. (37, 58) Dramatic cases of rapes that were an induction into prostitution, made much of in the panic over "white slavery" at the time, formed a minuscule proportion of cases. This chapter and Chapter Five, which contrasts sexual ethos and practice, additionally undermine the stereotype that cities were more dangerous than rural areas. Rural threats such as the berry patch never gained a place in the cultural discourse in the way that city streets did. Cities may indeed have loosened the immediate grip of the patriarchal family over young women's sexuality, as studies like Peiss's, Meyerowitz's, and Kennedy and Davis' show. One concludes it was this loss of control rather than danger to women that generated the images of urban peril.

Of particular interest to working-class historians is Dubinsky's analysis of sexual violence in the workplace. She finds that both middle-class reformers and the labour movement focused their attention on dangers to factory workers but that over half of all workplace assault targeted domestic servants, the largest category of female wage-earners. Domesticity lacked voice partly because of isolation and lack of unions. Their situation also neatly fit into the cultural expectation that domesticity equalled safety.

Although cultural representations and women's collective experience frequently diverged and women found that "the patriarchal, hierarchical household often locked danger and exploitation in," (63) representation and experience could also be parallel. Extremely isolated and powerless women found the world outside the family very dangerous also. For example, in February 1908 seventeen-year-old Mary T., who had left home in Elgin and sought work in Kingston, was gang-raped after accepting money from a man when she was jobless, homeless, and hungry. Most importantly, Dubinsky shows in Chapter Five that hierarchies of social power permeated the sexual ethos of the period and pressed sexual practice in the direction of dominant cultural narratives. Poor women like Mary T., as well as Native and immigrant women, for example, were portrayed in Anglo culture as sexually promiscuous. Such ideas gave men "permission" to assault them and also led to greater state surveillance, which made it appear that "immigrant women took more than their share of sexual risks" (141) — performing abortions or running away with boyfriends, for instance. Dubinsky points out that we often can not know how well cultural representations jived with practice, especially among non-hegemonic groups. Historians can only continue to explore, in the context of social power relations, the tensions and contradictions within and between the representations we have.

As its third major theme, *Improper Advances* offers a subtle account of the interplay of class, ethnicity, and gender in these cases. Dubinsky shows throughout that male power over women was profound within the bonds of shared class or ethnicity. In one of her most dramatic cases, Colonel Ray, an upper-class Port Arthur man, owner of a bank and board member of a town newspaper, was charged with assaulting an upper-class woman, the pregnant wife of a physician. Whatever the truth of the charge, Ray's political and social power were evident in the newspaper coverage (or lack of it), his charges that the victim was a "designing woman," (134-8) and an ultimate verdict of not guilty. Yet both middle-class and working-class commentators tended to deny the power of gender among themselves by projecting blame for sexual danger onto men of another class. The Knights of Labor, for example, supported seduction legislation, voicing concerns about employers who exploited wage-earning women and supporting woman suffrage as a remedy for women's powerlessness, but they seemed unable to see any problems with male power within the working class. Similarly, middle-class feminists pointed to sexual exploitation of women among immigrants and natives rather than by their own male peers.

Dubinsky, however, does not allow gender to overshadow class and ethnicity but integrates them, showing how class or ethnic identity could raise or lower the power an individual had by virtue of gender. For example, in abduction cases where the man was an immigrant or Francophone and the woman Anglo-Canadian, courts and newspapers tended to blame the man; where both were non-WASPs, courts judged both as culpable. In assault charges against high-status Anglo-Canadian

men like Colonel Ray, the man's power was virtually unassailable: almost all were found not guilty.

In the final major theme of the book Dubinsky links her analysis of sexual experience and its cultural construction to the legal and political arenas. Chapter Four, "Spectacle, Scandal, and Spicy Stories" traces moments in the uneven process of change from a local and popular control of crime and morality to sexual regulation in the formal state institution of the court. Powerful people denounced community regulation of sexual behaviour in collective actions like charivaris and called for reliance on police and courts as a means to the triumph of civilized behaviour over "mob rule" by ruffians and lawless peasants. Dubinsky's framing of this change in terms of the "theater" of the court serving as ideological legitimization of remote state authority is quite effective. In addition, because respectable women were not supposed to participate in the public arena, Dubinsky argues that "Promotion of the legal system as a place to settle sexual scores helped skew the odds in favor of men. Men's stories were more readily believed, and men generally had less to lose in a public airing of private life." (93)

In Chapter Six, "Sex and the Single-Industry Community: The Social and Moral Reputation of Rural and Northern Ontario," Dubinsky examines the sexual components of the rhetoric of regional boosterism and nation-building. This section illustrates a different strand of the history of sexuality, promoted by historians Carroll Smith-Rosenberg and Joan Scott — the use of sexual images and codes as a language to discuss other social issues.⁸ Dubinsky describes the polarized moral reputations that reformers and social commentators attached to Northern and Southern Ontario during the period of resource and industrial development of the North. Images of the "immoral" North and the "chaste" South expressed fears among southern Ontario leaders about the predominantly male and often politically radical immigrant population of the North as well as about economic decline and population loss in southern farming areas. Dubinsky's treatment of this symbolic function of sexuality is fascinating but too brief; expanded, it could have been a separate study. In particular, I would like to know more about the people who promoted the images and the precise relationship of their interests to the issues of development and migration in the two regions.

Dubinsky very successfully lays out and analyzes the operations of heterosexuality gone astray in her period, showing the collusion of force and shame in men's sexual domination of women and strongly confirming a feminist analysis of how sexual violence functions to limit female autonomy. In rich and complex ways she dissects the relationship between cultural prescriptions and definitions and the collective experience of women to show the tensions between them,

⁸Carroll Smith-Rosenberg, *Disorderly Conduct: Visions of Gender in Victorian America* (New York 1985), especially the essays "Davy Crockett as Trickster" and "The Abortion Movement and the AMA, 1850-1880," and Joan Scott, *Gender and the Politics of History* (New York 1988), 44-5.

especially how male aggression pervaded all social spaces, and most particularly those that cultural ideology labelled safest. The amount of coercive sex in her evidence is so great that it overshadows her use of the seduction and abduction cases to argue for consensual sex. Nevertheless, she certainly shows that while all women experienced male domination, they were not just victims but also held and exercised power in various ways. Sometimes they drew on the sources of esteem that were permitted, especially motherhood, and sometimes they gained a relative advantage from class or ethnic privilege. Certainly they acted.

The book does not enlighten us much on the issue of change over time, however, showing instead what Dubinsky calls the "awful sameness" of male sexual violence and women's subjective experience of it both over her period and up to today. (10, 163) Since she suggests that the presence of a women's movement redefining sexual discourse is essential, the fact that most women activists of her period did not address sexual autonomy provides some explanation. In my view, a discourse of female sexual autonomy and power must be based on women's economic power and independence. That these elements remain limited for most women even today seems to me to account for much of the "awful sameness." The way Dubinsky organizes the presentation of her findings also de-emphasizes the change over time that she does find, such as the increasing rates of conviction for sexual assault over the period. Her conclusion about the continuity over time, however, seems justified, given the enormous staying power of the patriarchal cultural dynamics she describes.

I find two problems in the presentation of the book. The rich and well-analyzed case histories tend to stand out more than the interpretive framework. Sometimes theoretical connections are too compressed for ready comprehension, as in the important summary passage at the end of Chapter Five on the sexual cultures of ethnic and racial minorities. Thus, the place of a particular explication in the larger argument is not as clear as it might be. In addition, the sequence of chapters — based on the principle of moving the focus from the individual to the community to region and nation — produced some repetition, as in Chapters Two and Five, and Five and Six, which all dealt in some way with the degree of correlation between cultural representations and patterns of sexual practice shown by the legal cases. Also, Chapter Five ("Courtship, Popular Mores, and Regulation") included a section on family and community moral supervision that would to my mind have been more logically placed in Chapter Four (on the shift from informal community control to legal procedures).

On a minor note, the editing was poor. Numerous grammatical and typographical errors, including the consistent misspelling of one historian's name (Thomas Laqueur), marred the text and notes. Serious inconsistencies between Table 3 and the text discussion on pages 36 and 37 never became clear. Dubinsky lightly protests the Press' Americanization of her spelling. They would have done better to attend to these mistakes.

All in all, *Improper Advances* makes a significant contribution to the history of sexuality in North America. Despite the weight of patriarchal discourse that often silences or distorts the voices of the women she seeks to hear in her evidence, Dubinsky does allow us to perceive women in the past struggling to resist abuse, claim some restitution, and even occasionally pursue sexual adventure.

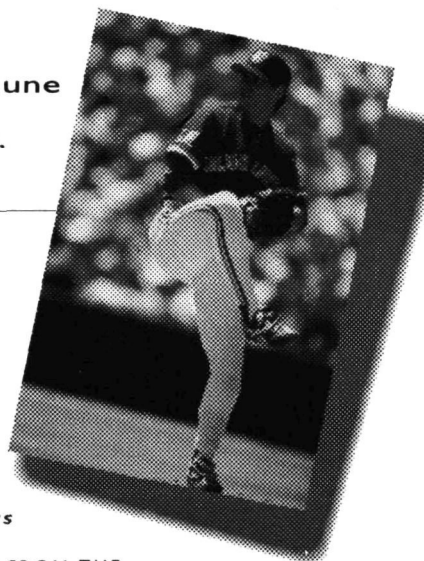
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