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2008

## **A Woman's Right to be Spanked: Testing the Limits of Tolerance of S/M in the Socio-Legal Imaginary**

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**A Woman's Right to be Spanked:  
Testing the Limits of Tolerance of S/M in the Socio-Legal Imaginary**

Picture this: a woman is hired as the secretary of a sole practitioner, a lawyer. During one meeting with her boss, he interrogates her about her sex life. Later, the woman is told to bend over the boss's desk to receive a spanking for making repeated spelling errors. At one point she is seen delivering the mail to her boss while crawling on her hands and knees, with the letters clutched in her mouth. In another instance she is gussied up as a horse on his desk complete with a bridle and a saddle. And finally, not only is making coffee for the boss part of the job, but she has to do this while her hands are tied up. While this may sound like a definitive if extreme case of sexual harassment, in fact it is the plot to a love story. And in the end, the boss and his secretary in the movie called *Secretary* live happily and sadomasochistically ever after.

In many ways, *Secretary* forges new ground for the sadomasochist subject in the social imaginary<sup>1</sup>. Typically, sadomasochism in film is used to advance the suspense, the danger, or the moral decline of the characters. Thrillers like *Basic Instinct* and *Body of Evidence* use sadomasochism to hyperbolize the seductive power of the femme fatale character as she lures her unwitting lover into more and more peril. In thrillers where the male protagonist is the dominant, as in *Tightrope* or *Killing Me Softly*, the men are also portrayed as morally ambivalent characters and prime suspects in the unsolved murders.

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<sup>1</sup> I use the term "social imaginary" based on Charles Taylor's work in *Modern Social Imaginaries* (Durham: Duke University Press, 2004) which outlines an epistemological discursive site where: "ordinary people imagine their social existence, how they fit together with others, how things go on between them and their fellows, the expectations that are normally met, and the deeper normative notions and images that underlie these expectations" at 23. The social imaginary is not theory but rather is comprised of images, stories, and I would add, national mythologies. The social imaginary creates a common picture of reality shared by most, if not all, members of a given society. I posit that popular cinema in Western society is one of the most dominant apparatuses of the social imaginary that both shapes and is shaped by how "ordinary people" imagine their social existence.

In films that feature gay sadomasochism, such as *Cruising* or *Frisk*, danger appears to inhere in such kinky practices. And historically, romance films that feature sadomasochistic dynamics have also been tainted with the brush of death. The intense romantic dramas *Last Tango in Paris* and *Bitter Moon* both climax tragically, with one lover, on the verge of insanity, murdering the other (and in the case of *Bitter Moon*, then committing suicide).

*Secretary* bucks these trends. And, instead of being criticized for breaking with the cinematic conventions regarding sadomasochist desire, it was applauded by audiences and critics.<sup>2</sup> One notable example is Sarah Smith's conference paper, "BDSM Romance: Constructing Normality in *Secretary*", which argues that the film "articulates a sex positive filmic space" for the BDSM couple through narrative techniques, such as character development, set design, and voice-overs.<sup>3</sup> While I agree with this general assessment, I argue that the film also purchases sympathy for this sexually unconventional couple by conforming to other ideological imperatives of a Hollywood love story. I posit that *Secretary* exists in the paradoxical overlap between subversive sexuality and conservative morality. It is both non-normative *and* normative. While the narrative challenges the sexual hierarchy that marginalizes (some) kinky sexuality, it firmly entrenches other cultural stratifications.

In order to explore *Secretary*'s complex engagement with sexual normativity, I draw two discursive comparisons. In Part One, I compare *Secretary* to the film *9 ½*

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<sup>2</sup> It has a median rating of 8 out of 10 on the internet movie database with its users (<http://www.imdb.com/title/tt0274812/ratings>), received 3 out of 4 stars by Roger Ebert (<http://rogerebert.suntimes.com/apps/pbcs.dll/article?AID=/20020927/REVIEWS/209270303/1023>) and won the Special Jury Prize at the Sundance festival.

<sup>3</sup> Sarah Smith, "BDSM Romance: Constructing Normality in *Secretary*" (paper presented at the conference: "Shades of Sexuality in Film; Exploring the Aberrant, the Normal and the Space Between", at San Francisco State University, October, 2005) [unpublished].

*weeks*. Both of these films can be characterized as kinky love stories premised on the sadomasochistic dynamic of male sexual dominance and female sexual submission. Yet, while *9 ½ weeks* ends in heartbreak, *Secretary* ends in marriage. I deconstruct the narrative and aesthetic components of the two films that uphold their respective and contrasting normative visions, arguing that *Secretary* did indeed manage to portray an s/m relationship as both non-pathological and culturally intelligible. Yet, a close discursive analysis reveals that the narrative relied upon other hegemonies to make the couple acceptable: their whiteness, their attractiveness, their male-top/female-bottom gender dynamic, the mildness of their kinks, and their interpolation into the law of marriage. In Part Two, I consider *Secretary* in relation to a trilogy of British cases on s/m, *R v. Brown*<sup>4</sup>, *R. v. Wilson*,<sup>5</sup> and *R v. Emmett*<sup>6</sup>, and one American divorce case on s/m, *Twyman v. Twyman*<sup>7</sup>. Reading these cases in relation to *Secretary* reveals the extent to which tolerance of s/m in the socio-legal imaginary is contingent upon the concepts of marital privacy and spousal fidelity.

The purpose of this article is to use *Secretary* as a lens to explore the imaginative limits of our socio-legal culture regarding sadomasochism. I seek to map out in what ways *Secretary* has charted new ground for sexual diversity, in particular as compared to *9 ½ weeks*. At the same time, it is imperative that we not lose sight of the other hierarchies that become reinstated in the story's bid for s/m acceptability. By doing a comparative analysis of *Secretary's* normative vision to other socio-legal narratives, I

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<sup>4</sup> *R. v. Brown* [1994] 1 A.C. 212; [1993] 2 All E.R. 75; (1993) 97 Cr. App. R. 44 [*Brown* cited to Cr. App. R.]

<sup>5</sup> *R. v. Wilson* [1996] E.W.J. No 4692; [1996] 2 Cr. App. R. 241 [*Wilson* cited to Cr. App. R.].

<sup>6</sup> *R v. Emmett* Lexis Nexis: Court of Appeal (Criminal Division) 18 June 1999, EWCA Crim 1710.

<sup>7</sup> *Twyman v. Twyman* 855 S.W.2d 619 [*Twyman*].

hope to reveal the complexity involved in assessing the counter-hegemonic impact of the film.

### **Part One – Bottoms Up! Shifting Perceptions of S/M from *9 ½ weeks* to *Secretary***

The 1986 movie *9 ½ weeks* garnered both notoriety and praise for its head-on depiction of a sadomasochistic relationship.<sup>8</sup> While providing unprecedented glimpses of kinky sexuality to a mainstream audience, the moral of the romantic drama suggests that such a relationship cannot be sustained. Sixteen years later, the film *Secretary* revisions the possibilities of a male-dominant/female-submissive love story, this time refusing to imitate the tragic ending characteristic of s/m loves stories in film.

Before deconstructing the narrative and aesthetic components of each film that justify their different conclusions, a quick sketch of the major plot points will help ground our analysis. In *9 ½ weeks*, Elizabeth (Kim Basinger), an art gallery employee, falls under the seductive spell of an extremely wealthy commodities broker named John (Mickey Rourke). In the nine and half weeks that span their relationship, their kinky activities escalate from Elizabeth submitting to being blindfolded in their first sexual encounter, to her participating in a threesome with a sex worker in their final tryst. This final activity, from which Elizabeth ultimately flees, becomes her wake up call that she has allowed the pleasure of submissiveness to supersede dignity and self-respect. The next day, the movie concludes as Elizabeth tearfully leaves John.

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<sup>8</sup> Roger Ebert begins his 3 ½ star review of the film by stating, "The movie "9 1/2 Weeks" arrives in a shroud of mystery and scandal, already notorious as the most explicitly sexual big-budget film since "Last Tango in Paris."

<http://rogerebert.suntimes.com/apps/pbcs.dll/article?AID=/19860221/REVIEWS/602210301/1023>

In *Secretary*, the awkward and fragile Lee (Maggie Gyllenhaal) begins her first job as a secretary in the law office of Mr. Grey (James Spader). Soon thereafter it becomes apparent to both of them that while Grey likes to dominate Lee, she likes to submit to her boss. They work these erotic dynamics into their office-life such that, for example, a typo by Lee will result in a sound spanking from her employer. Grey, however, decides that such a perverse affair cannot continue and he fires Lee, thereby terminating their affair. But instead of ending the movie at this point, which would have imparted a comparable moral message to the one in *9 ½ weeks*, Lee ultimately refuses to accept Grey's reasoning. She holds a sit-in vigil at his office to prove her submissive love to him and comes out to her community as a sadomasochist. Grey is convinced and they reconcile. She leaves her job as legal secretary and becomes his lawful wife, and this closes the film.

In the narrative logic of each movie, both endings feel correct, even though the sadomasochistic sex in *Secretary* is much more hardcore than that in *9 ½ weeks*. One important way the filmmakers justified the respective endings is through their portrayals of the heroines' personal journeys. In *9 ½ weeks*, the audience is introduced to Elizabeth as a successful and independent woman. She has a prestigious job at a New York City art gallery and socializes with the city's elite art crowd. Yet, as her relationship with John unfolds, her independence slowly drains away. Her lover not only orchestrates their sexual encounters, he chooses what she will wear, enjoys feeding her by hand, insists on brushing her hair, and unilaterally decides when they will be together and when apart.<sup>9</sup> A few times, Elizabeth asserts herself and resists playing along with activities she finds

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<sup>9</sup> He states to her, "I'll do the dishes, buy the groceries, make the food. I'll feed you, dress you in the morning, undress you at night, bathe you, take care of you."

degrading. She does not allow John to spank her and she refuses to continue crawling on the ground, despite John's insistence that she do so, punctuated by threats with his belt. She finally terminates their relationship when John introduces a third-party into their sex play by hiring a sex worker. The experience of seeing this other woman touching her lover is utterly degrading for Elizabeth and she flees the scene in disgust. Later that night, Elizabeth vomits in a sink, clearly revolted by the sexual scenarios in which she has participated. The audience understands that she has suddenly recognized her sexual desires and submissiveness as an abject phenomenon, an "otherness" contained within her that she is now seeking to expel.<sup>10</sup> When she leaves John the next day, there is a sense that she has regained her autonomy. A highly symbolic image in the movie portrays her leaving John's building complex, where it looks as if she is leaving a prison-like structure.



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<sup>10</sup> Irena Makarushka, "Women Spoken For: Images of Displaced Desire" in Joel W. Martin and Conrad E. Ostwalt Jr., eds., *Screening the Sacred: Religion, Myth, and Ideology in American Popular American Film* (Boulder: Westview Press, 1995) at 147, Makarushka argues that Elizabeth "is horrified at the recognition of an otherness within herself, an otherness she cannot name" and later at 148 Makarushka states of Elizabeth, "Overcome with revulsion, she vomits, and her self-loathing is transformed into resolution."

While *9 1/2 weeks* ends with Elizabeth leaving a kind of prison of passion, *Secretary* begins with its heroine Lee being released from confinement. The plot commences with Lee having just completed in-patient treatment at a mental institution due to her history of perpetrating self-inflicted harm. In moments of acute distress, she physically injures herself, usually through cutting. After her discharge from the hospital, Lee moves back in with her parents in the suburbs of Los Angeles. She demonstrates none of the urban sophistication or independence that Elizabeth commanded at the beginning of *9 1/2 weeks*; instead, Lee is child-like and awkward. When her alcoholic father resumes his drinking, Lee again resorts to self-induced pain to cope with her feelings. But when she begins working for Mr. Grey, things start to change. Under his stern guidance, she begins to dress sexier and speak with more confidence, and stops cutting herself, for good this time. When Grey initiates a sadomasochistic affair in the office, Lee fully embraces her submissive sexuality, often taking the initiative to entice her boss into performing more s/m acts with her. Towards the end, she stands up to those in her community who would condemn her for her submissive sexuality and convinces Grey that they can, indeed, sustain a loving s/m relationship. For Lee, by partaking in sadomasochism, she not only finds true love and hot sex, but also her self-respect and mental health.

The personal journeys that Elizabeth and Lee take through s/m reap diametrically opposed consequences. While *9 1/2 weeks* features the descent of a confident and independent woman into subservience and objectification, *Secretary* portrays a troubled and insecure girl who develops into a self-assured and determined woman. In *9 1/2 weeks*, under the influence of sadomasochistic desire, Elizabeth becomes infantilized; she allows



John to take care of her appearance and to make virtually all of the decisions in the relationship. In *Secretary*, through s/m, Lee matures; she dresses more like a woman and asserts her own desires to both her family and her lover. And although both films portray sadomasochism as a highly erotic practice for the heroines, only *Secretary* portrays it as a healing practice. Not only is Lee aroused by Grey's s/m advances, she gains a sense of subjectivity by channelling her masochistic tendencies towards a sexual aim. Her body ceases to be an object for self-abuse, and instead becomes a self-directed vehicle for pleasure.

The portrayal of the two male dominants is also indicative of the contrasting normative visions of the two films. In *9 ½ weeks*, class is deployed to signal decadence and self-indulgence. John is *obscenely* rich.<sup>11</sup> This correlates with the popular conception that there is a connection between extreme affluence and sexual perversity. His class status also places him in a world unreachable to most audience members and as such, he is not someone ordinary people can relate to. John's personality is also daunting. He keeps a tight reign of control on both the relationship and himself. For example, when Elizabeth shows up unexpectedly at his workplace, he is emotionally punitive as he wants to control all the terms by which they are together. Only when she runs out of his office in humiliation does he relent. Even in the end, when Elizabeth has broken off the affair in tears, John's voice cracks for only a moment as he divulges details of his working-class background. When she shuts the door in his face, he continues to believe in his power to control her, giving her to the count of 50 to return.

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<sup>11</sup> It is interesting to note that often the rhetoric used to describe very rich people signals dirtiness and perversity: obscenely rich, filthy rich and stinking rich. For a detailed exploration of the cultural association between "dirtiness" and dollars see, William Ian Miller, *Eye for an Eye* (New York: Cambridge University Press, 2006) and in particular pages 180-196.

When she never reappears, he doesn't break down or run after her; he simply walks back into his bedroom. He has no interest in a woman whom he cannot control.

In contrast, Grey in *Secretary* appears more accessible, more human. His class status, though privileged, is not remarkable. His legal sole practice affords him a comfortable upper middle-class life, but nothing approaching the luxury that John enjoys. And, as opposed to John's arrogant self-control, Grey appears a desperate even pathetic man struggling with his inner demons. One scene evokes the visual trope of being closeted about one's sexuality as we see Grey fearfully hiding in a closet because an ex-girlfriend has unexpectedly shown up at his office.



Unlike John, Grey suffers from self-loathing, convinced that there is something perverse about his sexual tendencies. In his struggle to resist Lee's charms, he attempts to sublimate his urges by intense physical exercise. When he realizes the futility of this diversion tactic, he decides that he must fire Lee to keep temptation out of his way. In preparation for this, he begins writing her a letter of apology stating, "Dear Lee, This is disgusting. I'm sorry. I don't know why I'm like this." It is only because of Lee's perseverance that he manages to accept that his dominant sexuality is not disgusting, but rather a vital part of a beautiful and healthy relationship.

The different portrayals of the two male leads reveal a vastly different picture of the character types that make up an s/m relationship. John's upper-class status sets him apart from the norm. He is almost a caricature of a pure alpha male as dominating in the bedroom appears to be an extension of his domination of every situation. In contrast, Grey's middle-class status places him firmly within the norm. And, he is represented as a meek dominant, as being in control is not his total personality, but rather his sexual proclivity. In this way, *Secretary* attempts to disaggregate the role of being dominant in bed from being a domineering person. Similarly, in the case of Lee, the film disaggregates the role of being submissive in bed from being a subordinated person.

Another remarkable difference between *9 ½ weeks* and *Secretary* is how the presence of the law frames each narrative. In *9 ½ weeks*, the more Elizabeth succumbs to John's depraved scenarios, the more she descends into criminal behaviour. Some of the activities are mildly criminal, like engaging in public sex at the top of a clock tower. More seriously, Elizabeth shop lifts a necklace on John's instruction. On the cusp of illegality, John provides Elizabeth male attire so that she can pass as a man and accompany him to a private men's club. But later that night, they get into a street brawl with homophobic men who have read them as gay lovers. Perhaps the most illicit activity is when John arranges for a sex worker to join them in a threesome. And, as I have stated, this ultimately triggers a crisis for Elizabeth, who realizes that this passionate affair has simply gone too far. Thus, the inherent risk-taking of the criminal behaviour operates as a kind of aphrodisiac that feeds the couple's passion. But, more importantly, breaking the law becomes conceptually linked to sadomasochism in the narrative and signals the couple's descent into immorality.

In *Secretary*, the lovers not only abide by the law, they both work in a law office. Mr. Grey is a lawyer, a symbol and an upholder of the law. Of course, the film plays with the concept of sexual harassment, as Grey's probing personal questions, dominant style, and sexual advances would be tortious and criminal if the actions were not welcomed. Yet, it is clear from Lee's reactions that Grey's behaviour is positively the most welcome thing that has ever happened to her. And at the end of the film, she ceases to be his secretary and becomes his lawful wife. The law of marriage comes to sanctify their relationship. Thus, in contrast to *9 ½ weeks*, where criminality frames the couple's sexual conduct, in *Secretary* the law folds them into normativity and an idealized heterosexual order.

However, ultimately the most conspicuous difference between the two films' conflicting accounts of the nature of sadomasochistic desire is expressed in how each narrative paces the s/m activity. In *9 ½ weeks*, s/m is represented as an escalating activity. It starts off relatively mild, with John asking Elizabeth if he can blindfold her. Later, they play a food game where she keeps her eyes shut and he entices her with different flavours, sometimes sweet, like a maraschino cherry, and sometimes painful, like a jalapeño pepper. But soon, John is demanding that Elizabeth do things she finds degrading, like lift up her skirt for a spanking. She refuses this demand and begins angrily slapping him, outraged at his audacity. This fight segues into an ambiguous sex/rape scene on a dining room table that starts off as forced sex, but ends with Elizabeth seemingly enjoying the encounter.<sup>12</sup> Towards the end of the film, John attempts to convince her to crawl on the ground picking money off the floor, but she

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<sup>12</sup> Elizabeth Hirschman reads this act as an unambiguous rape, although concedes that Elizabeth embraces him after the sexual encounter: "Possession and commoditization in *Fatal Attraction*, *Blue Velvet*, and *Nine and ½ Weeks* (1991) 86 ½ *Semiotica* 1 at 30.

finds the “game” utterly degrading and refuses to continue. And, as I argued earlier, their criminal behaviour escalates from public sex to paying for sex.

The perilous nature of s/m is also expressed in the music of the film. As Hirschman suggests, the music communicates the theme of possession.<sup>13</sup> The opening credits are overlaid with Al Green singing, “Love and happiness/something that can make you do wrong...” The audience is alerted right from the beginning that the kind of love that is about to be depicted has the power to make the lovers “do wrong.” In other words, s/m is constructed as “wrong” in itself, or a practice that leads to wrong-doing. A racialized musical metaphor is conveyed when John plays for Elizabeth the Billie Holliday song, “Some Trees Bear Strange Fruit”, on their first date. The violence of lynching is complacently borrowed to hint at the upcoming violence and objectification that will soon characterize their relationship. And, once the affair starts to heat up, the song, “Slave to Love” indicates Elizabeth’s loss of control to this passionate affair.<sup>14</sup>

The escalating nature of John and Elizabeth’s activities resonates with a familiar hegemonic mapping of s/m relationships that chart such desires as dangerous or unsustainable. I have already mentioned that both *Last Tango in Paris* and *Bitter Moon* conclude with murder, but even where a relationship is not shown as fatal, it is usually seen as terminal. In the thriller, *Killing Me Softly*, although the dominant lover/husband

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<sup>13</sup> Hirschman, 23.

<sup>14</sup> The movie, however, ends on an ambivalent note. Halfway through the soundtrack accompanying the final credits of the film (that is, after most of the audience would have left the cinema or stopped their videocassette/DVD) is the song, “Let it Go” by Luba. The lyrics denounce “society” for forcing human nature to follow the “rules”, the “laws”, the “commandments”, “uniformity”, and “conventionality”. Instead the listener is encouraged to “let it go, let it free your body, let it move your soul.” What “it” is is not elaborated upon, but in the context of the film, “it” seems to be one’s passion and one’s urges. We are told in the last stanza to “abandon ideologies and disciplines” and to embrace “nonconformity” and “unconventionality:” an interesting message that seems more appropriate to the moral message of *Secretary* than that of *9 ½ weeks*. This suggests that there is, in fact, some complexity in the film’s normative gaze regarding the taboo of sadomasochism.

turns out not to be the killer, the couple still parts at the end of the movie. It is as if the previous sadomasochistic encounters had somehow corrupted their love, making it impossible or dangerous for them to continue their marriage. Interestingly, even when a film appears to have a sympathetic take on sadomasochism, as with the French film *Romance*, murder still forms part of the picture. In that film, sexually frustrated Marie finds fulfillment with Robert, an older man who introduces her to sadomasochism. But, instead of simply leaving her frigid and narcissistic boyfriend for her new skilful lover, she murders her boyfriend in the end. Though the violent outcome is displaced onto a non-sadomasochistic subject, the perpetrator remains a perverse sexual subject. Thus, there is a sense in the popular imagination that an s/m relationship will necessarily escalate in severity or depravity and, if you don't get out in time, culminate in violent destruction.<sup>15</sup>

But in *Secretary*, there is no escalation. Grey and Lee's first explicitly s/m encounter, when he spans her over his desk, is probably the most hard-core sadomasochistic activity they engage in. Subsequent activities include role playing and bondage but the lovers never pursue any dangerous or criminal activities. And, after Grey finally accepts that they can integrate s/m into a "normal" loving relationship, they have tender non-kinky intercourse. As Brenda Cossman has argued, "Sexual excess is, at this moment, contained within romantic love."<sup>16</sup> This is further expressed in the soundtrack that accompanies their reconciliation where Lizzie West sings, "What grace

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<sup>15</sup> In the little-known and absolutely horrendous sequel to *9 ½ weeks* called *Another 9 ½ weeks*, we discover that during the ten years after their affair, Elizabeth became a drug addict in Paris and died of an overdose. The sequel thus conforms to the Hollywood convention that sadomasochism leads to self-destruction and/or death.

<sup>16</sup> Brenda Cossman, "Sexuality, Queer Theory, and "Feminism After": Reading and Rereading the Sexual Subject" (2004) 49 McGill L.J. 847 at 870.

have I, to fall so in love”. Yet I would maintain that an important counter-hegemonic message of the film is that a relationship built on s/m desire does not have to escalate in severity, and can go back and forth from tender kisses to harsh spankings.

The contrasting understanding of the nature of s/m can be summed up in one notable visual metaphor, involving a mouse that appears in both films. In *9 ½ weeks*, towards the end of the film, there is a brief shot of a cat in an alley holding a dead mouse in its mouth. Indeed, throughout the film are various shots of dead animals about to be consumed by either humans or other animals. Elizabeth Hirschman reads the semiotic significance of this metaphor as conveying the notion that Elizabeth is meat or prey about to be consumed by her lover.<sup>17</sup> Although I believe Hirschman forces a procrustean feminist analysis onto the film that denies the pleasure Elizabeth derives from the sexual activities, it is clear that within the logic of the film, despite Elizabeth’s passionate enjoyment, she is being figuratively consumed by her lover.

In contrast, in *Secretary*, there is a brief scene which features Grey releasing a mouse from a humane trap that he keeps in his office. On a literal level, the fact that Grey keeps humane traps instead of fatal snap-traps indicates his compassionate and sensitive nature. On a metaphoric level, the semiotic significance of this, I believe, conveys the liberatory nature of their sexuality. For example, Lee might be temporarily confined in a bondage scene, but ultimately Grey is setting her free, from shame, from repression and from self-destruction. He is not interested in consuming her, but rather in finding ways for both of them to discover their sexuality.

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<sup>17</sup> Hirschman, 25.



So far, I have demonstrated the ways that *Secretary* has attempted to make room for female submissive and male dominant subjectivity within the terms of sexual citizenship. The woman is not a victim, but rather an agent of desire. The man is not a control-freak, but rather a closeted victim of self-repression. And the portrayal of s/m, not as a slippery slope that ends in crime, degradation or destruction, but rather as an avenue leading to mutuality, respect and true love, breaks from Hollywood conventions of this kinky practice. Yet, the film is also fraught with other hegemonic relations and assumptions about what must be embodied by an acceptable sexual couple.

One thing such a couple must apparently embody is whiteness. Although both couples in *9 ½ weeks* and *Secretary* are played by white actors, whiteness is performed very differently in each narrative. Consider the semiotic uses of the racialized body as background in the narrative of *9 ½ weeks*. The geographic locale of the relationship is New York City. And the film provides many fleeting shots of this urban, dirty and grey city where, for example, we see Elizabeth walking past garbage trucks. As Hirschman argues, the film makes use of the urban versus rural semiotic code, whereby the city represents a site of degradation, and the countryside a space of sanctity.<sup>18</sup> But one important aspect of this urban setting that Hirschman fails to comment upon is the inclusion of many shots, most notably in the opening scene, of Elizabeth passing

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<sup>18</sup> Hirschman, 24.



numerous people of colour as she navigates the busy sidewalks of Manhattan. For example, we see shots of African American joggers, an African American woman impatiently waiting for her dog to relieve himself, two different shots of African American men cleaning the window or mirror of a car for money, and one shot of an African American boy apparently running away from a white man he has just pick-pocketed.<sup>19</sup> Later that night, John and Elizabeth meet for the first time at an Asian butcher shop where the owner is seen spiritedly arguing with another Asian man in a “foreign” language. Their next chance-encounter happens at a street fair and the ambience is filled with the uplifting singing of a Caribbean band.



I posit that the people of colour in *9 ½ weeks* are used as semiotic props to dramatize the non-normative sexuality that Elizabeth and John are embarking upon. As Foster states, “blackness in cinema is often associated with bad conduct, hypersexuality,

<sup>19</sup> As such, the first instance of criminality featured in the film is embodied by a boy of colour.

monstrous behaviour, and the threat of otherness.”<sup>20</sup> These racial “others” signal a narrative space for sexual diversity and carnality. John and Elizabeth’s whiteness thus gets framed by the presence of the racialized other, who represent a more savage sexuality.

This use of the racialized body to signify sexual depravity is particularly conspicuous during their final sexual tryst. John has hired a Latina sex worker who speaks only Spanish throughout the encounter, and who is therefore racially marked as “other” both visually and orally.



It is this direct confrontation with the racialized (as Latina) and sexualized (as a sex worker) “other” that throws Elizabeth’s status as white into crisis. To be clear, I am not arguing here that the film is consciously promoting this message. Rather, the defining moment when Elizabeth finally recognizes her own degradation relies upon the logic of whiteness as the *unmarked* signifier of sexual purity, and the underlying cultural associations of Latina subjectivity to hypersexuality, dangerousness and depravity.<sup>21</sup>

The association between people of colour and depraved white sexuality thus creates a fissure in white subjectivity. In *Performing Whiteness: Postmodern*

<sup>20</sup>Foster, 68 (who refers the reader to Thomas Cripp’s books: *Slow Fade to Black* (Oxford: Oxford University Press, 1993) and *Making Movies Black* (Oxford: Oxford University Press, 1993).

<sup>21</sup> See Gwendolyn Foster, *Performing Whiteness: Postmodern Re/constructions in the Cinema* (New York: State University of New York Press, 2003) at 142 where the author argues that in Hollywood Latinas often signify “untameable sexual appetites”.

*Re/constructions in the Cinema*, Gwendolyn Foster argues that cinematic performances of whiteness often feature “whiteness as its own other.”<sup>22</sup> She argues that the “bad white” signifies “out-of control sexuality”<sup>23</sup>, and that in such films “the monster-other is not only white but in struggle with his own body....They are cultural relics, examples of “bad” whites often at war with their own (sometimes) “good” selves.”<sup>24</sup> Under John’s influence, in the midst of the multicultural diversity of the city, Elizabeth comes to embody the good-white/bad-white woman, struggling with her emerging carnal (read racialized) sexuality.

What helps Elizabeth re-embrace her good white self is the presence of an unambiguously good white character: Matthew Farnsworth, a painter that Elizabeth is working with. In the one scene that takes place outside of New York City, Elizabeth goes to meet Farnsworth at his cottage in the countryside. And, as Hirschman argues, “the countryside symbolizes the mutual sanctity which she [Elizabeth] and Farnsworth share and makes their ultimate degradation in the city all the more poignant.”<sup>25</sup> Again, while Hirschman does an insightful semiotic reading of the brief scene in the countryside, I would extend this analysis to consider its racial dynamics. Farnsworth lives away from the multicultural urbanity of the city. He comes to embody the good white, an identity that Elizabeth has slowly abdicated the more she has allowed John to take her on a deviant sexual journey. The moment that immediately precedes Elizabeth vomiting out her “otherness” takes place in the art gallery, where her eyes meet Farnsworth’s over a loud, drunken and debauched crowd of people. In that look she recognizes not just their

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<sup>22</sup> Foster, 3.

<sup>23</sup> Foster, 73.

<sup>24</sup> Foster, 68.

<sup>25</sup> Hirschman, 24.

mutual degradation, but also a place of goodness in his face that is signified as white - i.e., a whiteness that has not been tainted by urban (read racialized) depravity. Thus, despite the fact that *9 ½ weeks* ostensibly portrays a relationship between two white people, the narrative relies heavily on racial tropes that signify sexual immorality and whiteness as the unmarked space of goodness (though clearly open to corruption). In other words, the film in some ways is about managing cultural anxiety about the (dis)integrity of white identity. In the end, the lines get redrawn and we no longer have an internal struggle between the bad-white and the good-white in one body. Elizabeth recuperates her former good-white status and John remains unwaveringly a bad-white subject.

In *Secretary*, the couple never gets associated with racialized persons, as there are virtually no people of colour in the film.<sup>26</sup> But the fact that there are no representations of people of colour does not mean the story is racially neutral. As Richard Dyer has argued, if whiteness is only to be analyzed when there are racial “others” as a point of reference, this will, “reinforce the notion that whiteness is only racial when it is ‘marked’ by the presence of the truly raced, that is, non-white subject.”<sup>27</sup> (14) Thus, I posit that the almost pure white cast of *Secretary* has semiotic significance on its own terms, as well as in contrast to *9 ½ weeks*.

Although both the main leads are white, because of their gender roles, their whiteness is played differently on the screen. The character of Grey occupies the non-

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<sup>26</sup> There is one quick shot of a woman of colour in a crowd scene that lasts for less than a second.

<sup>27</sup> Richard Dyer, *White* (London: Routledge, 1997) at 14.

particularity of “being ‘just’ human.”<sup>28</sup> Because his race does not register in the popular imagination as being a race, he is simply a man with unusual tastes in the bedroom. If he was marked as Black or Latino, his sadomasochistic proclivities would most likely resonate with cultural associations of such men to animality. But as a white man, Grey has the privilege of invisibility and generality. His middle class status as a sole practitioner lawyer further neutralizes and makes invisible his race as white.

Lee, as a white person, also enjoys this hegemonic position of being non-raced. But because she is a woman, her body’s whiteness is particularly displayed (and objectified) for symbolic value.<sup>29</sup> In a number of shots, the film trades on her whiteness in order to convey her innocence. In one scene, she is sitting with her mother, her sister and her sisters’ friends by her parents’ pool. While Lee is covered from head to toe to avoid any sun exposure, the others are apparently getting a tan. Although all of the women are white, Lee’s determination to keep her skin as white as possible operates to heighten her symbolic whiteness, that is her “purity, cleanliness [and] virginity.”<sup>30</sup> These characteristics become evident at the end of the film in a most ironic fashion. After sitting for days at Grey’s desk in a white wedding dress, after urinating through that dress and onto the floor, Lee is still represented as a pure white bride when her lover comes to rescue her. He carries her to an upstairs room and lays her down on an indoor bed of grass, capitalizing on the link between a pastoral setting and acceptable, clean sexuality. Next, Grey bathes Lee, further emphasizing her emerging purity within their new hetero-normative relationship. Afterwards, the camera luxuriates in Lee’s thin naked white body

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<sup>28</sup> Dyer writes that white people enjoy the status of not being associated with the particularity of a racial category; they can stand in for all of humanity because their racial identity is construed as “neutral.” See page 2.

<sup>29</sup> See Dyer, 71 where he explores examples of white culture’s adoration of white femininity.

<sup>30</sup> Dyer, 70

while Grey remains fully clothed. And when they make love the next day, she is clad in little girl white socks and white panties. Though we know that she has had vaginal intercourse with another man earlier in the film, the symbolic value of her white and infantilized clothing seems to restore her virginity, (even as it hints at their naughty appropriation of little girl attire). In these shots, the whiteness of her racial identity and her bridal and virginal clothes operate synergistically to convey innocence, moral purity and beauty.



Despite the movie's celebration of literal and symbolic whiteness, the racial other does creep into the narrative in one oblique way. *Secretary* trades on the sexualization of the racial other through the use of fetishized art objects. During one music montage that occurs after Lee and Grey begin their s/m affair, the camera focuses on two consecutive shots of wooden statues that Grey keeps outside of his office. The figures appear to be of Asian origin and invoke hegemonic cultural associations of such imagery with mysterious sensuality. Layered over these images is the sumptuous voice of Leonard

Cohen crooning the love song, “I’m Your Man.”<sup>31</sup> In the off-space, the audience can glean that our two main characters are gratifying their sadomasochistic desires, as the sounds of spanking and Lee’s moans of pleasure meld with Cohen’s throaty voice.



This use of “exotic” objects to stand in for the white bodies of Lee and Grey as they engage in kinky sexuality reveals the extent to which, as Dyer has noted, “endemic to the representation of white heterosexuality, [is the construction] of sexual desire as itself dark.”<sup>32</sup> Yet, unlike *9 ½ weeks*, which uses actual human bodies of colour to represent the danger and “darkness” of the couple’s sexual desires throughout the movie, *Secretary* manages the threat of the other by employing racialized objects, not persons, to convey the kinkiness of the couple’s sexuality. As Dyer has noted, “projection of sexuality on to dark races was a means for whites to represent yet dissociate themselves from their own desires.”<sup>33</sup> As such, projecting the white couple’s sexuality on to a totemic representation of a “dark” culture exploits the racialization of “exotic” sexual practice without putting the whiteness of the two leads into crisis.<sup>34</sup>

<sup>31</sup> Although a close reading of the lyrics of this song reveals an irony to its message of total devotion. After listing all the roles that he is willing to play for his lover, Cohen states, “I’ve been running through /these promises to you/ That I made and I could not keep...”

<sup>32</sup> Dyer, 13.

<sup>33</sup> Dyer, 28 ( footnotes omitted).

<sup>34</sup> In a sense, this *is* reminiscent of the way *9 ½ weeks* uses Black characters in its opening scene, who are voiceless and in the background, but nonetheless, set the stage for exotic and out-of-control sexuality. (This idea was suggested by David Gurnham). But, even in the beginning scene, Blackness signifies criminality, most notably in the young African American boy who has pick-pocketed a white man.

In contrast to the multi-cultural setting of New York City in *9 ½ weeks*, the geographic locale of *Secretary* is the suburbs of California. As such, instead of seeing multiple shots of garbage, dirtiness and pollution, there are multiple shots of parks, grass and water that symbolize the purity and the wholesomeness of the couple's sexuality. As with the scene in *9 ½ weeks* that features Farnsworth in the countryside, good whiteness is associated with rural or suburban spaces marked, in part, by the absence of people of colour. The difference is that while *9 ½ weeks* associates the rural space with civilized, read non-kinky, sexuality, *Secretary* is attempting to purify and sanctify s/m sexuality by associating it with the goodness of nature. In this sense, it contradicts the sexual logic of *9 ½ weeks* by relying on the same racial logic. Ultimately, Lee and Grey both embody good whites and their love story falls under the category of what Foster names, "white heterotopian fantasy narratives which perform and celebrate whiteness."<sup>35</sup> Part of their acceptability is contingent on their status as unambiguously unracialized good white lovers.

Besides their whiteness, another currency that Lee and Grey have is their attractiveness. This is not a comparison I draw between *Secretary* and *9 ½ weeks*, since *9 ½ weeks* cast the conventionally beautiful Kim Basinger and Mickey Rourke to draw the audience into their love story. Instead, it is a comparison within the narrative of *Secretary* itself. The story provides representations not just of acceptable and sympathetic s/m subjects (Grey and Lee), but also of disgusting and abject ones. After Grey breaks up with Lee, she initially attempts to meet other men who share her kinky desires. The first man is revealed to be short and bald. Besides being conventionally unattractive, he apparently has poor manners, as we are told in a voice-over that he tries

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<sup>35</sup> Foster, 95.



to pinch Lee’s nipples before they get into his car. The next man has a shaggy beard, a full moustache and could be pejoratively labelled as “white trash”; in other words, he is clearly working class. This man wants Lee to urinate for his sexual pleasure. The last man would look normal, except his absurd desires construct him as unsympathetic. Lee explains that his kink is to be tied to a gas stove with the burners on full blast while she throws tomatoes at him. In other words, he is a masochist.



The film purchases sympathy for our two leads, in part by differentiating them from these sadomasochists who are not conventionally attractive, who lack social skills, who are not middle-class, whose kinks are too extreme, or who fail to follow the proper male-top/female-bottom dynamic. Lee and Grey gain acceptability because they are white, attractive, middle-class, kinky but not too kinky, and because they adhere to the gender imperative of male-top/female-bottom configuration.

All that being said, what ultimately binds these characteristics into normalcy is the couple entering into marriage. As Brenda Cossman’s queer feminist reading of the movie aptly notes, “Lee’s masochism, and the couple’s desires were reigned in through

the tropes of heterosexual domestication: romantic love, marriage, and suburban domesticity.”<sup>36</sup> In Lee’s words, “we looked like any other couple you’d see.” Marriage and monogamy bestow on them a normalizing privacy shield. Before this, they were conducting their affair at the office; to an extent, they were violating the public/private dichotomy by bringing sex into the workplace. But, as Mason Stokes has argued, in such narrative formulations that provide nuptial closure to the story, “...marriage successfully com[es] to the rescue of whiteness – whiteness and heterosexuality become normative copartners, both invested in buttressing and feeding off of the cultural normativity of the other.”<sup>37</sup> Lee and Grey’s marriage reinforces their whiteness, their class status, and their proper gender roles, even as it assimilates their non-normative sexual practices. As such, at the end, order is restored. Lee ceases to be Grey’s secretary and becomes his housewife, and their sexual practices are absolved of any wrongdoing.

Recall that in *9 ½ weeks*, it was the breach of monogamy that finally signalled to Elizabeth that the affair had gone too far. It was not the rape on the dining room table, or John’s violent threats with his belt. Rather, Elizabeth is pushed over the brink when she sees the sex worker stroking John. In fact, she physically attacks both John and the sex worker in a furious rage before fleeing the scene. After this, she runs through the red-light district and enters a crowded sex theatre with John hot on her heels. In a kind of daze, she turns to an unknown man in the audience and begins kissing him in front of John, as if to retaliate against John for his perceived infidelity. John however, is not angry. Instead, he gently pulls her into his arms for a tender embrace. John clearly does not adhere to the heteronormative requirement of monogamy, and is not threatened by

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<sup>36</sup> Cossman, ‘Sexual Subject’, p. 869.

<sup>37</sup> Mason Stokes, *The Color of Sex: Whiteness, Heterosexuality, & the Fictions of White Supremacy* (Durham: Duke University Press, 2001) at 20.

Elizabeth's actions. This is another way that he embodies the bad-white man since a good-white man would be sexually possessive of his lover.<sup>38</sup> Thus, both *9 1/2 weeks* and *Secretary* inscribe monogamy as an absolute imperative to a successful and sustainable relationship.

## **Part Two:**

### **Binding S/M within the Terms of Holy Matrimony and Compulsory Monogamy**

*Secretary's* ideological strategy to sanctify sadomasochism by situating it within the bounds of marital heteronormativity is reflected in the British case of *R v. Wilson*. In 1995, Mr. Wilson was charged with assault occasioning bodily harm for consensually branding his initials onto his wife's buttocks. At trial, he was reluctantly convicted based on the decision of the House of Lords in *R v. Brown*.<sup>39</sup> In that case, sixteen men were convicted of assault causing actual bodily harm for engaging in consensual same-sex sadomasochism. The majority in *Brown* discredited the consent of the submissive partners and found that it was not in the interest of public policy to allow such sexual practices to go unpunished, stating that "Society is entitled and bound to protect itself against a cult of violence."<sup>40</sup> Although the trial judge in the *Wilson* case applied this earlier ruling and rendered a conviction, he lamented that "we are saddled with a law which means that anyone who injures his partner, spouse, or whatever, in the course of some consensual activity is at risk of having his or her private life dragged before the

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<sup>38</sup> This also draws a much more complicated picture of the dynamic between the two lovers. It contradicts Hirschman's monolithic reading of the power relations between the lovers which casts John as the possessor and Elizabeth as the possessed. Instead, one could read the scene with the sex worker as Elizabeth insisting that John is *her* possession such that he is not allowed to get sexual pleasure from another person.

<sup>39</sup> *R. v. Brown* [1994] 1 A.C. 212; [1993] 2 All E.R. 75; (1993) 97 Cr. App. R. 44) [*Brown* cited to Cr. App. R.]

<sup>40</sup> *Brown*, 52.

public to no good purpose.”<sup>41</sup> However, on appeal, the facts of Mr. Wilson’s case were distinguished from those in *Brown*, and the Court of Appeal quashed his conviction.

Lord Russell gave three interconnected reasons that exonerated Wilson from criminal liability. First, the wife was considered a competent adult, capable of giving consent. Second, branding was construed as a non-sexual and non-aggressive activity. Third, and most relevantly, it was not in the public interest to interfere with private marital relations. An examination of the assumptions underlying each of these reasons reveals an anxious desire to protect heterosexuality, marriage and monogamy from the taint of perversion.

On an individual level, the Court found that Mrs. Wilson was not harmed by the branding because she was an adult exercising free choice. She is described as a woman of “mature years”<sup>42</sup> who “not only consented to that which the appellant did, she instigated it.”<sup>43</sup> The reference to her “maturity” can only have been meant to convey her ability to consent to injury, which stands in contrast to the “youths” who were so described in the *Brown* case in order to deny their ability to make sexual choices about their own bodies. What Lord Russell ignores is that the submissive partners in *Brown*, like Mrs. Wilson, were legal adults when the material events occurred. Another important parallel is that the submissive partners in *Brown*, again like Mrs. Wilson, instigated many of the sadomasochistic activities. Some enjoyed self-inflicted pain as well. But, because the bottoms were in their late teens or early twenties, the Court felt entitled to ignore their enthusiastic participation in group s/m. Though legally adults, their competence was infantilized.

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<sup>41</sup> *Wilson*, 242-243 reading the transcript of the trial decision of the case [unpublished].

<sup>42</sup> *Wilson*, 242.

<sup>43</sup> *Wilson*, 243.

Recall that the issue of the submissive partner's maturity was an important aspect of character development in both *9 1/2 weeks* and *Secretary*. In *9 1/2 weeks*, the more Elizabeth succumbed to John's agenda, the more vulnerable and child-like she appeared. In *Secretary*, the more Lee engaged in sadomasochistic activities, the more assertive and grown-up she appeared. It is a discursive strategy then, in both the legal and the cinematic narratives that we've analyzed, to utilize the semiotics and symbols of maturity as a way to gauge the acceptability of a sadomasochistic encounter. In *9 1/2 weeks*, though Elizabeth is a grown woman in her thirties, the viability of her choice to engage in sadomasochistic sex with John is undermined as the movie progressively infantilizes her in relation to him. Similarly, in *Brown*, it was crucial that the law infantilize the submissive partners in order to vitiate their enthusiastic consent. In *Secretary*, though Lee is a woman in her early twenties who gets spanked by her forty-something-year-old boss when permission was *not* asked, her enjoyment and consent are reinforced as the audience sees her blossom into womanhood. At the end of the movie, her decision to move out of her parents' house and join with Grey in matrimony solidifies her status as adult. Similarly, Mrs. Wilson's status as a married woman endows her with respectability and competence.

In Lord Russell's view, not only were the Wilsons competent adults, but the branding itself did not fall within the realm of sadomasochistic perversity. He contends that "the question certified for the Lordships in *Brown* related only to a sadomasochistic encounter."<sup>44</sup> In contrast, he argues that "the appellant's desire was to assist her [Mrs. Wilson] in what she regarded as the acquisition of a desirable piece of personal

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<sup>44</sup> *Wilson*, 243.

adornment.”<sup>45</sup> Lord Russell completely disregards the facts in *Brown*, which included branding as an indictable sadomasochistic activity.<sup>46</sup> Instead, Lord Russell analogizes Wilson’s branding to the more commonplace activity of tattooing. He further ignores the underlying eroticism of having initials branded on one’s buttocks. Indeed, Mrs. Wilson initially desired her husband’s initials on her breasts, but he apparently refused. Buttocks and breasts are classic erogenous zones, but Russell needs to strategically ignore this association and locate the branding activity within the acceptable and non-sexual terms of female vanity.

As well as evacuating any erotic association with the branding, Lord Russell also held that the activity was not aggressive in nature in contrast to the facts of *Brown*. He describes the appellants in *Brown* as engaging in “sadomasochism of the grossest kind, involving inter alia, physical torture and, as Lord Templeman [one of the majority judges of *Brown*] pointed out: ‘obvious dangers of serious physical injury and blood infection.’ The facts of the case were truly extreme.”<sup>47</sup> To be sure, the activities in *Brown* included more than branding, but also bondage, whipping, insertion of nails through foreskin, insertion of wax into the urethra, and cutting of the scrotum.<sup>48</sup> Yet, by what principle should Wilson’s branding be distinguished from the branding in *Brown*? Branding obviously causes physical injury, which is why Mrs. Wilson’s doctor contacted the police after examining the burn and the related bruising which resulted from Mr. Wilson’s burning his initials with a hot knife. This activity could easily be characterized as

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<sup>45</sup> *Wilson*, 243.

<sup>46</sup> *Brown*, at 44: “The activities included branding a victim with a wire heated with a metal blow lamp,” and at 51, “In one case, a victim was branded twice on the thigh...”

<sup>47</sup> *Wilson*, 243.

<sup>48</sup> The undisputed facts of the case revealed that the men in *Brown* were vigilant in practicing safer kinky sex, for example by sterilizing all instruments and using condoms.

“extreme” and “aggressive” (as well as dehumanizing, since it is animals and historically slaves who were branded by their “owners”.) But, compared to the other activities in *Brown*, that involved multiple sadomasochistic activities and direct genital interference by the participants, it appears less so.

Russell also emphasizes the contrasting motivations of the dominant partners in *Brown* from those of Mr. Wilson. While the gay men apparently engaged in sadomasochism for “sexual gratification”<sup>49</sup>, Mr. Wilson maintained that his act of branding “was done for love.”<sup>50</sup> Later, Mr. Wilson paraphrases his wife, who allegedly stated, “I’m not scared of anybody knowing that I love you enough to have your name on my body.”<sup>51</sup> The discourse of romantic love comes to sanctify and humanize the activity. Similarly, at the end of *Secretary*, as Cossman suggests, “their deviance has now been reframed within loving, hetero-normative parameters: it is monogamous, romantic, heterosexual, marital, and non-commercial.”<sup>52</sup> Though in *9 ½ weeks*, Elizabeth professes her love to John in a moment of passion, and John later declares his love *after* she has slammed the door in his face, these sentiments are not contained within the bounds of marriage or romance. As such, not just any love, but only marital love, can operate as a kind of emotional alibi to justify the unusual behaviour.

The heterosexist and monogamist assumptions of the sanctity of the marital home are made evident in Lord Russell’s final policy assessment of the impact of the trial ruling. He concludes: “we are firmly of the opinion that it is not in the public interest that

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<sup>49</sup> *Wilson*, 243.

<sup>50</sup> *Wilson*, 242.

<sup>51</sup> *Wilson*, 242. If Mrs. Wilson was seeking to make a public declaration about her deep love of her husband, presumably, branding on the arm would have achieved this much better than on her buttocks. She instead chose a very private area of the body which indicates that more likely, she enjoyed a kinky thrill from the branding and or a psycho-sexual thrill to be marked by her husband’s name.

<sup>52</sup> Cossman, ‘Sexual Subject’ 870.

activities such as the appellant's in this appeal should amount to criminal behaviour. Consensual activity between husband and wife, in the privacy of the matrimonial home, is not, in our judgment, a proper matter for criminal investigation, let alone criminal prosecution.”<sup>53</sup> This assessment places the privacy interests of the Wilsons within the agenda of proper public policy. Their marriage presumptively renders their activities licit. Lord Russell is careful to endow the Wilsons with the culturally cherished roles of “husband” and “wife”, therefore imbuing them and their intimate expressions with legitimacy. The activities took place, not just in private, but in the “privacy of the matrimonial home.” The appellants in *Brown* were also conducting their affairs in private, but one gets the sense that the matrimonial home is über-private and thus more hallowed than other private areas. It demands more deference and respect from the judiciary and the police system.

In order to avoid overstating my argument about the significance of the Wilsons’ hetero-marital identity, I must mention a British case that followed the *Brown* precedent, but involved a heterosexual couple that was cohabiting at the time of the material events. In *R v. Emmett*<sup>54</sup>, a man was convicted of assault for two incidents of consensual sadomasochistic activity that caused physical injury. In the first incident, Emmett asphyxiated his female partner, causing subconjunctival haemorrhages in the eyes and bruising around her neck. In the second incident, he poured lighter fuel on his partner’s breasts and ignited it, causing a serious burn that became infected. After both incidents, the female partner sought medical help at Emmett's insistence.

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<sup>53</sup> *Wilson*, 244.

<sup>54</sup> Lexis Nexis: Court of Appeal (Criminal Division) 18 June 1999, EWCA Crim 1710.



The Court of Appeal upheld the conviction, relying on the *Brown* precedent and clearly stating that the sexual orientation of the partners was irrelevant. Further, even though the couple had gotten married after the material events in question, but before the trial, the Court did not allow them to have recourse to the cherished "privacy of the marital home" shield to exonerate their past activities. This would seem to suggest that the primary issue when adjudicating the criminality of consensual activity causing physical injury is not sexual orientation or even marital status, but rather the "extremity" of the activities, which the Court in *Emmett* considered to have been extremely dangerous.

Yet, an important aspect of the case should be noted. Emmett's sentence of 18 months' imprisonment was suspended for two years at trial, and this was not altered on appeal. Although Emmett now has a criminal record, he did not have to serve one day in jail. This is in contrast to the convicted persons in *Brown*, some of whom served multiple year jail sentences for participating in activities that never required anyone to seek medical attention. The courts provided no explanation for the difference in sentencing practices. But, it should be pointed out that Justice Wright, the presiding judge in *Emmett*, stated "...it is only right to recall that, since the events which formed the basis of this prosecution and since the prosecution was launched, they [Emmett and his partner] have married each other."<sup>55</sup> What is the significance of this fact such that it must be "recalled" in the written judgment? Justice Wright does not elaborate on his reasoning, but I posit that the heterosexual couple's current marital status assisted in mitigating Emmett's culpability. Although his conviction still stands, Emmett will not be materially punished. Thus, being married, heterosexual and monogamous does not immunize a

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<sup>55</sup> *Emmett*, at paragraph 6.

couple from conviction, but it apparently can buy some leniency. If the activities happen to come in front of the judiciary, a soft lens will be employed, to either normalize (as was the case in *Wilson*), or at least to mitigate (as was the case in *Emmett*) any activities that might *spank* of perversion.

Similarly, in *Secretary*, the fact that the affair culminated in marriage worked retroactively to justify the previously taboo behaviour of engaging in a mild sadomasochistic affair at the office. At the end of the film, a soft lens literally operates to discursively mute the previously shown edgy sexuality. In one shot, candle light glows over Lee's naked body as Grey tenderly dries her skin off, which leads the next day to normative heterosexual missionary position sex. Though the audience gets a few flashes of their continual kinky activities, the marital relationship has clearly absolved them of any illicitness.



In the American divorce case of *Twyman v. Twyman*, sadomasochistic sexuality within the marital home does not get the same soft lens treatment. Instead sadomasochism is linked with deviancy and the trauma of rape. Yet, a comparable ideology of the sanctity of marriage operates in this case as well, although the facts disclose that such sanctity is contingent on fidelity.

For the Twymans, the trouble began five years into their marriage, when the husband, William, asked his wife, Sheila, to try bondage activities. After a few such encounters, Sheila disclosed for the first time that she had been raped at knife-point before the marriage, and because of this did not want to engage in bondage. The issue did not come up between them again until ten years later, when Sheila discovered that her husband was seeing a psychologist. When questioned about the reasons, William explained that he was having an affair, and implied that her refusal to participate in bondage was to blame. The couple then sought joint counselling. William, however, continued to blame Sheila for their problems, demeaning her sexual abilities and disfavouredly comparing her to his girlfriend and to other more kinky people he had met. At the behest of their counsellor, Sheila tried bondage one more time. Again she found the activity unendurable, and refused to continue with it. Soon thereafter, Sheila separated from William and filed for divorce. She later amended her petition to include damages for William's conduct, which she alleged amounted to negligent infliction of emotional distress.

Sheila was successful with her tort claim at trial and the Court of Appeal affirmed. The Supreme Court of Texas, however, could not find in favour of Sheila because it had recently abrogated the tort of negligent infliction emotional distress. Instead, the plurality judgment found that Sheila had established enough facts to bring her claim within the ambit of *intentional* infliction of emotional distress, a tort recognized under Texas law. Her case was remanded for a new trial to allow her to pursue her claim in light of this appellate restatement of the applicable law.<sup>56</sup>

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<sup>56</sup> The couple ended up settling the dispute instead of going to a new trial.

The plurality judgment, written by Justice Cornyn, does not pinpoint exactly what part of William’s behaviour was so outrageous as to be potentially tortious. Although Justice Cornyn does cite Sheila’s petition, stating that she “alleged that William “intentionally and cruelly” attempted to engage her in “deviate sexual acts””, the Justice himself does not expressly label bondage as “deviate”.<sup>57</sup> He is careful to use quotation marks, such that the Court remains theoretically neutral as to the nature of bondage. In his concurring opinion, Justice Gonzalez confidently asserts, “What happened to Sheila Twyman...involves grossly offensive conduct”.<sup>58</sup> Again, however, it seems that it was not necessarily the bondage itself that was offensive, but rather the ultimatum by William that “such activities were necessary to the future of their marriage”.<sup>59</sup> In a dissenting opinion that would have upheld Sheila’s claim as originally pleaded, Justice Spector also found William’s behaviour to be “grossly offensive conduct”.<sup>60</sup> She later summarizes the trial level findings by saying that “Sheila’s mental anguish was a direct proximate result of William’s sexual practices.”<sup>61</sup> But which sexual practices? His interest in bondage, or the affairs in which he engaged to satisfy that interest? Even Justice Spector’s dissent, which unequivocally finds William’s actions tortious, does not ever pinpoint bondage in itself as intrinsically offensive.

Justice Hecht’s dissent outlines the ambiguity of the relevance of the bondage that I am attempting to delineate. In his opinion, the tort of intentional infliction of emotional distress fails to meet the standards of legitimacy required at common law because it relies on an overly-subjective and value-laden determination. As he states, “it is unclear what

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<sup>57</sup> *Twyman*, 620.

<sup>58</sup> *Twyman*, 626.

<sup>59</sup> *Twyman*, 626.

<sup>60</sup> *Twyman*, 641.

<sup>61</sup> *Twyman*, 641.

components of the conflict between Sheila and William were actionable.”<sup>62</sup> He enumerates three causes for Sheila’s suffering: “William’s affair, his interest in bondage, and the breakup of the marriage.”<sup>63</sup> Justice Hecht explains that if the first or the last reason are taken to be sufficiently outrageous to merit a tort claim, the majority of divorce cases could involve tort damages. Justice Hecht then addresses the conflict over bondage, describing it as William “attempting to interest Sheila in sexual conduct which he considered enjoyable but she, in her words, “did not like”.”<sup>64</sup> Justice Hecht purposefully casts their conflict in neutral terms, as one of irreconcilable sexual differences, not of deviancy versus normalcy.

A close reading of the multiple opinions in *Twyman v. Twyman* indicates that not one judge issued a direct indictment of bondage in isolation of other factors. Although I agree with Cossman that the majority of opinions are focussed on the bondage, the condemnation of the practice is implied and not explicit. Unlike the decision in *Brown*, where sadomasochism is decried as “evil”, this family law case is much more subtle in its denunciation. Instead, it appears that the outrageousness of William’s conduct was located in the overlap between his interest in bondage and his pursuit of it outside of marriage.

In *Sexual Citizens*, Cossman addresses the politics of belonging and discursive citizenship through the practice of marriage.<sup>65</sup> She states, “marriage...is one of citizenship’s central and constitutive practices.”<sup>66</sup> Yet, as she explains, being married

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<sup>62</sup> *Twyman*, 636.

<sup>63</sup> *Twyman*, 636.

<sup>64</sup> *Twyman*, 636.

<sup>65</sup> Brenda Cossman, *Sexual Citizens: The Legal and Cultural Regulation of Sex and Belonging* (Stanford: Stanford University Press, 2007).

<sup>66</sup> Cossman, *Sexual Citizens*, 70.

does not buy one unconditional access to sexual citizenship, rather: “[marriage] is also an ongoing practice...and as such, must be done in a particular way.”<sup>67</sup> In this sense, William may have had access to sexual citizenship at the beginning of his marriage, when he first requested that Sheila engage in light bondage. But when she subsequently refused to participate in his kink and he unapologetically sought sexual fulfillment outside of the marital home, he lost the right to deference from the courts. As Cossman argues, “the adulterer is becoming a new kind of unbecoming citizen.”<sup>68</sup> He could not access traditional rights of privacy for married couples because he had already maligned the sanctity of his marital home by his infidelity. By seeking out extra-marital sex, he had rendered his sex life public and open to judicial scrutiny.

Janet Halley suggests that one insightful reading of the case would understand compulsory marital monogamy as a regulatory practice which endowed Sheila with the court appointed victim-power to punish William.<sup>69</sup> On this view, he is guilty of wrongdoing not just because he was a pervert, but also because he satisfied that perversion outside of the home. Of course, it never occurs to any of the judges (or apparently to the Twymans’ marriage counsellor) that perhaps William *should* get his kinks satisfied with other women in order to save the marriage. In this scenario, William and Sheila could attempt an “open” marriage in order to respect Sheila’s association of bondage to her past rape, while also respecting William’s needs for sexual fulfillment. Irreconcilable sexual differences can potentially become reconcilable if monogamy ceases to be compulsory. But, this would have dissociated William’s bondage practices

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<sup>67</sup> Cossman, *Sexual Citizens*, 71.

<sup>68</sup> Cossman, *Sexual Citizens*, 84.

<sup>69</sup> Janet Halley, *Split Decisions: How and Why to Take a Break from Feminism* (Princeton: Princeton University Press, 2006) at 262.

from love and commitment. And, as I have argued, s/m's acceptability in the socio-legal imaginary is contingent upon it taking place within the bounds of marital love and monogamous commitment.

In *Secretary*, monogamy is similarly entrenched as an imperative to a successful marriage. Lee initially dates the boy next door, Peter, someone, the screenplay states, she has always had a crush on. In their first outing, Lee is clearly attracted to Peter and, after a flirtatious conversation involving the multiple ways to signify “testicles”, they share a long romantic kiss. Coincidentally, Grey witnesses this kiss. Overcome with jealousy, he steps up his domineering at the office which eventually leads to their explicit s/m affair. But after Grey ceases his advances, Lee again dates Peter. And, though Lee does not find Peter sexually exciting anymore, she does initially accept his marriage proposal. But once Lee makes the decision to fight for Grey, she unequivocally rejects Peter. She breaks off their engagement by telling him in no uncertain terms, “Peter, I don’t want you”. Though Steven Shainberg, the director of *Secretary*, insists that this scene dramatizes Lee asserting her own identity, it also neatly disposes of any possible polyamorous loose ends. We know that Lee is completely devoted to Grey and, when they marry, she has no lingering feelings for any other man.

Grey too is presented as absolutely monogamous. In the original script, Lee says in a voice over at the end of the film, “Edward hired a new secretary. I insisted it be a man, and Edward complied.”<sup>70</sup> Shainberg explained that they put that line into the screenplay to allay any fears that Grey might resume his s/m antics with the new secretary (obviously assuming that Edward is heterosexual and not bisexual).<sup>71</sup>

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<sup>70</sup> Erin Cressida Wilson, *Secretary: A Screenplay* (New York: Soft Skull Press, 2003) at 110.

<sup>71</sup> “Interview” in Erin Cressida Wilson, *Secretary* at 142-143.

Shainberg later explains that he ended up cutting that line out of the film because he “felt their relationship had gone far enough that hopefully we believed in some way he [Grey] had been healed, too, that he didn’t need to be doing at the office with the next secretary what he did with Lee.”<sup>72</sup> The director’s normative view clearly envisions a commitment to monogamy as part of the journey to sexual healing. As such, it was not just marriage, but monogamy, that marked the couple’s maturity and sexual well-being.

Reading *Twyman* in relation to *Secretary* reveals an overlapping agenda to naturalize compulsory monogamy. William’s bondage fantasies were one thing; seeking satisfaction for these desires outside of the home was a completely different thing. Although it seems that William was attempting to address his infidelity and his desires by seeing a therapist, his refusal to abdicate his perverse inclinations in the face of his wife’s past trauma rendered him a bad sexual citizen. Unlike the finale of *Secretary*, which is careful to contain the perversity (and any desire) within the bounds of marriage, William failed in “the project of self-governance.”<sup>73</sup> He did not discipline his perversity, but instead indulged it by transgressing the marital boundaries. In this sense, he was more like John in *9 ½ weeks*, who defied compulsory monogamy to enjoy sexual exchanges outside of his primary relationship. Further, making bondage a condition of his fidelity prioritized lust over love and commitment. As we have seen in *Secretary*, to convert s/m into a proper sexual practice requires the normalizing framework of marital love and monogamy.

## Conclusion

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<sup>72</sup> “Interview” in Erin Cressida Wilson, *Secretary* at 143.

<sup>73</sup> Cossman, *Sexual Citizens*, 83.



A close and comparative discursive analysis of *Secretary* reveals that sadomasochism has gained currency only within particular heteronormative strictures. In my cinematic comparison, I demonstrated that while both *9 ½ weeks* and *Secretary* feature the erotic thrills of an s/m relationship, they convey radically different conceptions of the significance of these desires. In 1986, *9 ½ weeks* presented s/m as a dangerous slippery slope, where the “normal” dynamics of heterosexuality (where the man is active and the woman passive) become pathological in the extreme. Elizabeth goes from being an autonomous woman to an object controlled at the whim of her lover. In contrast, in 2002, *Secretary* presents s/m as not an exaggerated version of heterosexuality, but rather as a variation of heterosexuality, a different kind of sexual orientation. And the transformative effect of s/m on Lee is the exact opposite as that on Elizabeth.

Which is why I called this paper a woman’s right to be spanked. First, while *9 ½ weeks* shows sexual spanking to be a humiliating activity that the heroine refuses to partake in, *Secretary* shows it as a catalyst for a woman to discover her true sexuality. But more importantly, what I tried to convey in the title was that *Secretary* also foregrounds the sexual submissive taking control of her own sexuality. It is *her* right to be spanked. As you see in this final frame of the movie, Lee is staring right back at the camera, appropriating the power of the gaze.



She goes from being an object of self-abuse to a subject of active desire. But in order to package this message to a mainstream audience, the movie had to rely on other hegemonies: the couple's whiteness, their attractiveness, their male-top/female-bottom heterosexuality, and their domestication into marriage and monogamy.

In my comparison of *Secretary* to the cases *Brown*, *Wilson*, *Emmett*, and *Twyman*, I expand on the cultural imperative of marriage and monogamy. I demonstrate that while sadomasochism has gained some legitimacy as a sexual choice for married couples, it still remains on the fringe, as guilty until proven innocent. In *Wilson*, the husband was initially convicted because of the non-normative action of branding his initials on his wife's buttocks. But because the evidence disclosed that Mrs. Wilson was an enthusiastic recipient to this branding, because the activity appeared less "extreme" than the gay sadomasochistic activities in *Brown*, because the activity took place within the privacy of the matrimonial home, and because both husband and wife claimed that love was their primary motivation, the Court of Appeal absolved the husband of any wrongdoing. Indeed, the presiding judge even chastised the prosecutor for bringing a claim that invaded the private life of husband and wife. *Emmett* revealed that while being heterosexual and marital could not buy total exoneration for a sadomasochistic couple, it can buy some leniency in sentencing.

In *Twyman*, the husband's interest in bondage could not be absolved because he sought satisfaction outside of the marital home. His wife did not share his perverse interest, so the desire could not be purified within the terms of marriage and commitment. Admittedly, the fact that none of the judges felt entitled to condemn bondage outright indicates a shift in the socio-legal imaginary regarding such marginalized sexual

practices. However, full acceptance is contingent upon the normalizing frameworks of love, marriage and monogamous commitment.

Thinking about these cases in relation to *Secretary* reveals the problematic gains for sexual liberation achieved by the movie. The narrative made space for the subjectivity of a sadomasochist couple in part by relying upon the constrictive regulatory regimes of marriage and monogamy as reflected in *Wilson* and *Twyman*. And this marital-normativity coordinated with the couple's racial and class privilege, their adherence to expected gender roles, and their conventional beauty to further harness the audience's sympathy. Ultimately, *Secretary* reveals the extent to which a narrative can be both ground-breaking and mainstream. The goal of this paper, then, is to interrogate this space of ambivalence and to displace any final judgment on the (counter)hegemonic impact of the story.