PRIVACY AND SEXUAL SHAME IN CROSS-CULTURAL DISCUSSION

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ABSTRACT

Public concern and negative sentiments toward sexuality lead to a context of sexual constraint. This constraint causes unacknowledged shame, which in turn triggers anger and rage associated with its source. As a result people try to achieve privacy of their sexuality to retreat from public concern. Antithetical to the ideal type of sexually constrained societies, there are societies that provide sexual emancipation. Here, societies allow sexual self-determination, concern in sexuality diminishes and individual privacy is a form of independence. If people become sexually emancipated, sexual identities are less likely to be stigmatized, and sexual shame is less prevalent. Legal regulations and public policies in the contemporary United States are used in cross-cultural comparison to Germany to illustrate the discussion about privacy and sexual shame.

INTRODUCTION

Negative sentiments towards the sexual-erotic domain and the public investigation of this domain create sexual constraint. This in turn increases the likelihood of what Lewis (1971), Scheff (1990a), and Scheff and Retzinger (1991) call unacknowledged shame. How can this shame be avoided? To investigate this process, two forms of privacy have to be differentiated: Privatization as a retreat and privatization as independence. The possibility of private behavior is a prerequisite for privatization as a retreat, while it is a necessary but not sufficient condition for privatization as independence. Privacy as independence needs the possibility of self-determination, the independence from external referential systems and the establishment of internal referential systems. Once sexual emancipation is established, public concern and investigation, the causes of sexual constraint, will diminish.

It is intended to create a general model to forward the understanding of different forms of privacy and their impact on sexual shame. Culture-specific examples of legal regulations and public policy regulating sexuality will be used to illuminate this general model. For now, a specific gender perspective is omitted. Instead, a general model is developed that dynamically links privacy and sexual shame with the ideal types of sexually emancipated and constrained societies. Theorists interested in gender might discuss this model in light of their agenda. This approach will be more helpful for people interested in the gender perspective than claiming the turf of sexual shame and privacy as a gender issue entirely and hereby dismissing any general contribution that could provide a first step of an investigation.

MODEL OF SHAME AND PRIVACY

Social opposition and public concern establish the concept of sexually constraining societies. In the case of sexually constrained societies, public concern and the negative evaluation of sexual concepts lead to shame. Cooley (1922) stated that we are virtually always in a state of either pride or shame. In her theoretical and empirical work on shame, Lewis (1971) forwards this idea by distinguishing between acknowledged and unacknowledged shame. According to Lewis, unacknowledged shame is either overt, undifferentiated shame, or it is bypassed. In the case of overt undifferentiated shame, painful feelings arise. These feelings are described in terms that disguise shame. Her patients used terms like feeling foolish, stupid, ridiculous, inadequate, low self-esteem, awkward, exposed, or insecure. Like overt undifferentiated shame, bypassed shame involves negative evaluation of self. However, in the case of bypassed shame, markers are subtler.

According to Scheff's (1990a 201) model of shame and anger, "open or acknowledged shame is likely to be discharged, in actions like spontaneous good-humored laughter". Unacknowledged shame, however, can escalate into "spirals of intra-and interpersonal shame," or shame-rage spirals "which have no natural limit of intensity and duration" (1990a 201). Public concern and social opposition lead to sexual constraint that facilitates the emergence of episodes where shame is misnamed or avoided and individuals experience unacknowledged shame.

Antithetical ideal types of sexual constraint and sexual emancipation are used to contrast the American and German society. They

describe a model in which privatization can be chosen as a retreat (in the case of sexual constraint), or as independence from church and state (in the case of sexual emancipation). This model further explains how societies can incrementally progress into sexual emancipation or regress into constraint. Methodologically, the reflexive nature of identity allows the model to create a bridge between the micro level of self and identity and the macro level of culture and structure. Reflexivity is also an important aspect to be considered in the process of sexual emancipation and in the emergence of shame.

Ideal Types

The concepts of sexual emancipation and sexual constraint are used as antithetical extremes that describe recurrent patterns and historical particularities in the American and German society. They are ideal types (*Idealtypus, reiner Typus* (Weber 1922, 1985)) of the Weberian tradition (Gerth & Mills 1946): logically precise conceptions built from empirical observations.[1] Ideal types of sexual emancipation and sexual constraint are constructed to investigate empirical reality.[2] Free from evaluations of any sort, these core concepts of Weber's comparative method will be used to describe the American and German society. Ideal types help

> to determine the degree of approximation of the historical phenomenon to the theoretically constructed ideal type. To this extent, the construction is merely a technical aid which formulates a more lucid arrangement and terminology. (Gerth & Mills 1946 324)

Sexual constraint and sexual emancipation are ideal typical opposites that mark the endpoints of a continuum. Sexual constraint and emancipation can coexist in a given society, can be prevalent at different stages in the life of an individual, or might be operational for different sexual contexts at a given time. Specific empirical conditions like subculture, age, or sexual context can be investigated with my model, where sexual constraint and emancipation are treated methodologically as pure ideal types. Ideal types cannot match the empirical reality, but they are helpful to illuminate an empirical problem theoretically, especially when contrasted with antithetical ideal types (Weber 1922).

Sexual Constraint

Modern Western societies allow private behavior (Giddens 1991). Privacy as retreat was, for example, possible in the strict split of private and public sphere that was central to Victorian ideas (White 2000). In an environment that grants the opportunity to keep behaviors private, and where, at the same time, the sexual-erotic domain is subject to intense moral judgment by the public, people learn to withdraw sexuality from public attention. Here privacy is a retreat chosen as a shelter from public concern. In their effort to hide their sexual-erotic identities, people follow external referential systems that regulate and control the sexual behavior of the individual. In such a climate of control, individuals will try to hide their stigmatized identities. They will welcome the possibility of retreating sexuality into the private sphere, offered in modern societies. However, it does not matter how successful the investigation of society or the hiding abilities of the individual, as long as external referential systems are still predominant, privatization can only be chosen as a retreat.

Sexual Emancipation

Privacy as a retreat is a necessary but not sufficient condition for self-determination. "The creation of internally referential systems — orders of activity determined by principles internal to themselves" (Giddens 1992 174) enables sexuality to be emancipated from the influence of church and state and becomes an independent area of social life. This independence allowed sexuality to be evaluated with internal referential systems, enabling a different form of privacy: privacy as independence. Privacy as independence allows sexual emancipation that in turn decreases the reasons for sexual constraint: public concern and stigmatization of sexual erotic identities. Retreat becomes less relevant. In order to allow this emancipation, societies have to offer opportunities for self-determination. Then, reference systems start to become internalized. This internalization of value systems allows individuals to be emancipated in their choice of behavior. Self-determination is achieved by the use of internal referential systems when individuals create their own private concepts of sexual eroticism independent from public concern and social opposition. Privacy then is no longer a matter of retreat, but of emancipa-

tion.

Sexual constraint will not disappear overnight. However, once a more liberal climate allows for privatization as independence, partial self-determination is achieved, and sexual emancipation becomes more prevalent, the cause for public concern and social opposition is reduced. The consequence (privatization as retreat) becomes increasingly independent from its cause (public concern and opposition). The degree of independence defines the quality of privatization. The emerging new quality of privacy allows identities to be sexually emancipated. In sexually emancipated societies, individuals are able to engage in activities determined by their partner's experience and interest rather than by public concern and social opposition. However, sexual emancipation does not imply that sexuality is exclusively determined by the individual. Sexuality is still a social construction (Foucault 1978, 1985, 1986); however, negative sentiments towards sexuality and public concern, reflected in attitudes and structural regulations, impose constraint for the individual or sub-cultural construction of sexuality.

Reflexive Nature of Identity

Shifting the focus to an internal referential system and locating sexuality in the private sphere is extremely crucial for the formation of sexual-erotic identities. This reflexivity, associated with modern sexuality, makes the concept of identity methodologically relevant for an investigation of sexuality. According to Mead (1913, 1934) and Cooley (1922), reflexivity is a necessary prerequisite for the construction of a self. Mead's concept of self is a self-conscious ego that merges in the interaction between the "I" and the "me." Without the interaction of the self with previous stages of itself or with selves that take the attitude of another, there will be no development of the self. People will, in the words of Mead, "leave the field of the values to the old self" (1913 378) which Mead calls selfish. "The justification for this term [selfish] is found in the habitual character of conduct with reference to these values" (1913 378). A more contemporary example for this habitual character can be seen in the life of many Americans that is structured by hard work and a pattern of consumption. The majority of Americans is addicted to materialism, and too preoccupied maintaining this addiction to find time for self-reflection and progressive moral development (Schneider 1999).

Mead's process of development was later systematized by Strauss (1994) who, in his biographical historical methodology, emphasized the social histories of the identity. Strauss called this the reflexive self-identity. Here, the concept of reflexivity is important in three ways: First, methodologically for the application of the concept of the ideal type. Here I transfer the idea of the reflective development of the self or identity to the macro level of social and cultural structural analysis. Second, reflexivity is central in the use of internal referential systems, a condition of sexual emancipation. Third, reflexivity is a prerequisite for the emergence of shame (Lewis 1971; Scheff 1990a, 1990b).

CROSS-CULTURAL EXAMPLES IN PUBLIC POLICIES IN THE UNITED STATES AND GERMANY

Law is a tool of public concern and oppression. The degree of legal regulations of the sexuality of consenting adults and the sexual self-determination of adolescents is a central indicator for sexual constraint.

> We [North Americans] are a society so used to the notion of law as a method to control sexuality that the legal system has become the primary tool for change. (Portelli 1998 2)

Sodomy laws serve as an example of public concern, regulation, and the negative sentiments associated with the sexual-erotic domain (Giddens 1992). They are still on the books of 21 American states (Edwards 1998). Generally, sodomy statutes prohibit oral and anal sex, but they vary widely. They are not restricted to same-sex relationships. Other regulations of sexuality between consenting adults are manifold and, like the sodomy laws, vary widely from state to state. In Massachusetts, for example, regulations include adultery:

> A married person who has sexual intercourse with a person not his spouse or an unmarried person who has sexual intercourse with a married person shall be guilty of adultery and shall be punished by imprisonment in the state prison for not more than three years or in jail for not more than two years or by a fine of not more than five

> hundred dollars. (General Laws of Massachusetts, Chapter 272: Section 14)

Even if not all regulations of sexual behavior are likely to be legally enforced, they have the potential to criminalize substantial portions of the population. Most of them are selectively enforced on people who become subjects of public concern. According to the American Civil Liberties Union (2000), "Sodomy laws that legally apply to everyone are generally seen as being targeted at lesbians and gay men."

In contrast to the United States, legal regulations in Germany are uniform. Here sexual relations between consenting unrelated adults are largely unregulated in Germany, and even prostitution is legal. The German equivalent to the anti-homosexuality content of sodomy laws was §175 in the criminal code (Strafgesetzbuch §175). This paragraph was substantially modified in 1969 where the criminalization of specific sexual acts disappeared. In another revision in 1994, the age of consent was set to fourteen for heterosexual and homosexual relationships (Strafgesetzbuch §176), a behavior that qualifies as statutory rape in all of the United States. German law is less concerned about sexuality than U.S. law. The examples of the sodomy laws and the statutory rape legislation establish empirical evidence that the sexual-erotic domain is more regulated in the United States than in Germany. Explicit legal regulations of the sexual-erotic domain in the United States formally indicate public concern and social opposition.

Another way to investigate trends of public concern in sexuality is to analyze sexual education in both countries in the last 30 years. What is conspicuous, especially in U.S. sex education literature, is that pictures used in the Seventies as illustrations were largely replaced by sketches in the Eighties. Finally, in the Nineties, illustrations of the developing nude body vanished almost completely. The second printing of the Sex Atlas (Haberle 1978), a standard work of U.S. sex education, still was highly illustrated. Will McBride's (1974) explicit photographs with accompanying educational text by Fleischhauer-Hardt was produced in Germany and then (1975) translated into English. The English edition was bought by the progressive U.S. parent. While the distribution in Germany continued until a 7th edition in 1986, the 1975 edition was the last one in the United States. The early work of Will McBride, featured in "Show Me," already provocative in the Seventies, was not published anymore in the United States in the 1980s. Moral panics and crusades (Goode & Ben-Yehuda 1994) in the United States created a climate in which sexual abstinence and the systematic persecution of sexuality is the prescribed remedy for the moral integrity of contemporary U.S. youth (White 2000).

In an intercultural comparison, it is not only the question to what extent one society regressed, but also how others progressed. One might argue that both tendencies, the absolute regression of the United States towards sexual constraint, and increasing levels of sexual emancipation in Germany, might have added up in my comparison. An in-depth analysis of sex education material could show both, the means of sexual constraint imposed by an U.S. moral power elite and the reasons for changing attitudes of the young generation of Americans.

DISCUSSION

Ideal typical antithetical classifications of sexual emancipation and sexual constraint are exaggerations of the empirical reality that serve as heuristical tools and measuring rods in the empirical investigation. Although analytical ideal types are substantiated with empirical studies, empirical differences will be more subtle than discussed in the light of the ideal types.

There is a negative connotation of sexuality in the United States where most people will try to hide their sexual-erotic identities to evade stigmatization. However, the pressure of the public to reveal sexual-erotic identities can breach these efforts in two ways: first, public interrogation and investigation will make it hard to conceal sexuality. Ken Starr's (1998) investigation of Bill Clinton is an example of such rigorous efforts of the public to reveal sexual identities.

> Perversely, the subsequent impeachment and the trial of the president dramatically demonstrated how far the personal had come to dominate the politics of 1990s America. The strict split between the public and the private worlds that Victorians had made central to their society had now been reversed; the line between public and private had been collapsed. (White 2000 207)

Second, the public interest in sexual confessions has to be satisfied by revealing some form of sexuality. This creates "catch 22" situations, reported by young U.S. adults engaging in sexual activity (Muehlenhard & Cook 1988). Foucault (1978 21) locates the pressure to "tell everything" in the Christian tradition, that might be even more central to public investigation than censorship.

> The Christian pastoral prescribed as a fundamental duty the task of passing everything having to do with sex though the endless mill of speech. The forbidding of certain words, the decency of expression, all the censoring of vocabulary, might well have been only secondary devices compared to the great subjugation.

Pressures to convey stigmatized sexual identities create an atmosphere of sexual constraint in the United States that will lead to emotions of shame and anger. In the United States, emotions of shame and anger are much more likely to be associated with sexual-erotic identities (Schneider 1996) than in Germany or Sweden (Schwartz 1993; Weinberg, Lottes & Shaver 1995).

In contrast, the German society tends to allow sexual self-determination. Sexual-erotic identities are less likely to be stigmatized and there are fewer incidents of public scrutiny. In this climate of sexual emancipation, less shame and anger will be associated with sexual-erotic identities. To paraphrase cultural differences, Americans feel compelled to speak about sex, but dislike it, while in Germany, people will be less likely to speak about sex, but enjoy it. George Rousseau (1999 4) locates this cross-cultural difference in "the American woman's inability to be [both] sexually comfortable and sexually appealing".

Value change is a progressive force in every society. Cycles of conservatism can lead to increased public concern about one's sexual life and more negative attitudes towards sexual-eroticism. In my model of sexuality, cultural and structural changes can lead to an increase of public concern and opposition and hereby cause a society to regress from emancipation into constraint. This phenomenon was described by Charles Winick as *The Desexualization in American Life* (1968 [1995]) in the aftermath of the Sixties. This value change is also reflected

> in Foucault's epistemic sense that some type of break occurred in the Seventies, as the new Puritanism gradually eroded and vanquished an earlier sexual license. (Rousseau 1999 11-12)

One might argue that in the early Seventies, sexual attitudes among young Germans and Americans were more similar than today. The indicated differences stem from a current U.S. trend of moral conservatism (Inglehart & Baker 2000), and/or an increasing liberalization in Northern Europe (Inglehart 1997).

Creating shame in the sexual sphere is not without consequences. According to Scheff's (1990a 201) model of shame and anger, "open or acknowledged shame is likely to be discharged, in actions like spontaneous good-humored laughter". Unacknowledged shame, however, can escalate into "spirals of intra-and interpersonal shame," or shame-rage spirals "which have no natural limit of intensity and duration" (1990a 201). Triggering spirals of shame, rage, or anger, unacknowledged shame has a strong potential for causing hatred and violence.

Shame, anger and violence will be associated with its source and result in sexual-violence. Cross cultural differences in the public scrutiny of the sexual sphere and the different forms of privacy will be reflected in the culture-specific amount of shame, anger, and violence. A comparison of the German *Polizeiliche Kriminalstatistik* of the *Bundeskriminalamt* and the American statistics in the Uniform Crime Reports (UCR) shows that sexual violence is about three times as prevalent in the United States as in Germany.

Another consequence of sexual constraint and shame is illustrated by another example: a highly experienced urologist, who worked in a German research and treatment setting before he relocated to the United States, told the author about cases of testicle cancer that he has never seen in such progressive states in Germany. He explains this phenomenon with the shame that prevents U.S. males from consulting a physician even if the changes in the testicles should be obvious to the lay-person. He explains this failure to consult a physician in time with the high levels of shame that he observed in urogenital examination of his U.S. patients. In the cases of young males he described, sexual constraint, the lack of education, and the consequent shame were deadly in their consequences.

It is not likely that the cross-cultural differences that I indicated can be generalized for the non-heterosexual population in both cultures. The ideal type of the American sexually constrained individual is supported by data from the typical undergraduate who can, in terms of probability, be assumed predominantly heterosexual. Members of U.S. sexual subcultures, like the gay, lesbian, and bisexual community, might not follow the cultural ideal type of sexual constraint as their heterosexual contemporaries do. However, their sexuality can be scrutinized with the same theoretical model. The arguments in the social movement literature on the gay subculture (Kitsuse 1980; Thomson 1994) parallel the process of sexual emancipation. Overcoming the private retreat and following the slogan of getting out of the closet, members of the gay/lesbian subculture met an educated elite that, within a specific historical period, was willing to grant them self-determination. Proportional to the amount of public concern and stigmatization their identities provoke in mainstream society, members of the gay community will not be as likely as heterosexuals to experience unacknowledged shame. They are more likely to turn their overt shame into pride (Britt & Heise 2000). Advocate groups of sexual deviance (Schneider 2000) are formed by small minorities for recognition and acceptance of their deviant labels, and/or to support their members with self-help groups.

Seeing people with a rich variety of marginal sexual identities in the media does not imply sexual emancipation. Instead, people with marginal sexual identities are used in the U.S. media for shallow entertainment. Just like serial killers, deviant sexual identities are portrayed as popular villains in the media construction of cultural myth (Glassner 1999; Kappler, Blumberg & Potter 2000). The noise we hear in the coverage of sexual deviations in the United States should not be misunderstood as a sign of sexual emancipation, but as a commercialized outlet for the majority of sexually constrained individuals.

Just as the Inquisition was involved in the construction of the Antichrist, public concern and social opposition will facilitate the construction of new sexualities. Moral panics and crusades indulged by the masses (Goode & Ben-Yehuda 1994) are complemented by sexual fragmentation of minorities. This duality is reflected in the later work of Foucault (1978, 1985, 1986) when he leaves the one-sided perspective on power as a means to discipline and punish (1975) and comes to appreciate the more general mobilizing force of power. Here, the pleasure of power involves both, control and rebellion.

> The pleasure that comes of exercising a power that questions, monitors, watches, spies, searches out, palpates, brings to light; and on the other hand, the pleasure that kindles at having to evade this power, flee from it, fool it, or travesty it. The power that lets itself be invaded by the pleasure it is perusing; and opposite it, power asserting itself in the pleasure of showing off, scandalizing or resisting. (1975 45)

The pleasure involved in the exercise of power can help the interpretation of the seeming contradiction of sexual constraint and the emergence of peripheral but highly popularized sexualities in the United States. As the silent majority indulges itself in the persecution of sexuality, a noisy minority enjoys itself teasing the power of their suppressors. This is not a sign of emancipation, but a scandalous play with power that creates the exceptional counterexamples of cultural constraint. Legitimated by the masses, the power that causes the highest rate of incarceration for sexual offenses in the world also creates the sexual Antichrist and superstar Marilyn Manson, the Alice Cooper of the 21st Century.

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End Notes

[1] "So bildet ... eine empirisch zum ‚reinen' Typus sublimierte Faktizität den Idealtypus"(Weber 1922 p.438).

[2] There is considerable disagreement about Weber's intention to treat ideal types as testable models (Schwedberg 1998). Weber argues that major discrepancies between the ideal type and the empirical reality will lead to a revision of the ideal type. However, he also argues that ideal types were not models to be tested. Still, in "Wirtschaft und Gesellschaft" (Economy and Society) Weber (1921) himself often implicitly used ideal types as testable models.