# How Do Social Movements Decide to Move?
# Polyamorous Relationships and Legal Mobilization

Hadar Aviram

University of California, Berkeley/Tel Aviv University

*****DRAFT – WORK IN PROGRESS*****

*****Comments welcome!*****
***Please do not cite or quote without written permission from author***

Please address all comments to Hadar Aviram at hadar.aviram@gmail.com.

# How Do Social Movements Decide to Move?
# Polyamorous Relationships and Legal Mobilization

## Abstract

Many social movements mobilize for legal rights, though there is controversy about the motivation for doing so. The recent debate about same-sex marriages raises the question whether attaining public legal status for private relationships is important for instrumental, political or cultural-symbolic reasons. This project addresses this question from the perspective of a social movement which has not, so far, sought legal status - the polyamorous community. "Polyamory" is a nontraditional lifestyle involving relationships between more than two partners. Focusing on interviews with salient and active members of the polyamorous community in the San Francisco Bay Area, as well as on polyamorous publications and online activity, the study (still a work in progress) examines why there have been no large-scale efforts to attain a public legal status for the private choice to lead a polyamorous relationship or build a polyamorous family, and explores the conditions under which mobilization would be initiated.

# How Do Social Movements Decide to Move?
# Polyamorous Relationships and Legal Mobilization

> If the Supreme Court says that you have the right to consensual [same-sex] sex within your home, then you have the right to bigamy, you have the right to polygamy, you have the right to incest, you have the right to adultery… You have the right to anything. All of those things are antithetical to a healthy, stable, traditional family… It all comes from, I would argue, this right to privacy that doesn't exist, in my opinion, in the United States Constitution.
>
> Sen. Rick Santorum, R, PA , April, 2003, In regard to Lawrence v. Texas

The recent controversy about legalizing same sex marriage raises issues regarding the usage of legal mobilization in the public sphere to acknowledge private relationships. With the institution of marriage come various instrumental rights, which have been publicized as an incentive to pursue marriage for same-sex couples (Chambers, 1996; Kotulski, 2004); however, some of the arguments for and against allowing same sex marriage pertained to the symbolic value of social acceptance. It is in this spirit that the conservative "slippery slope" argument, such as the above paragraph from Senator Santorum, was made (even prior to the current crisis: Eskridge, 1993); it embodied the fear that, if same sex marriage were to be made acceptable, it would open the door to social acceptability of other types of unconventional, and arguably immoral, liaisons, such as multiple simultaneous romantic relationships[1].

---

[1] Goodridge v. Department of Public Health, 440 Mass. 309 (2003). This argument was refuted by proponents of same sex marriage not by arguing in favor of acknowledging other unconventional liaisons, but by emphasizing the difference between gay marriage and "other", unacceptable, relationships (Emens, 2004).

Much evidence supports the wide prevalence of nonmonogamous relationships in various societies; U.S. national statistics mention high percentages of marital infidelity (Emens, 2004). Polyamory is only one subset of nonmonogamous lifestyles, which encompasses various models of relationships and families, ranging from open marriages which acknowledge emotional involvement with third parties, to intimate networks of friends and various forms of exclusive and non-exclusive group marriage. Polyamory activists and web resources offer a variety of definitions for the word (Michael, 2005); for the purposes of this project, polyamory can be defined as it was by the Ravenhearts, who coined the term in 1990 (Anapol, 1997), as "the practice, state or ability of having more than one sexual [or, for some, romantic] loving relationship at the same time, with the full knowledge and consent of all partners involved[2]". Before the 1990s, it was common to refer to similar lifestyles and practices as "responsible nonmonogamy" (Easton & Liszt, 1997; Munson & Stelboum, 1999; Nearing, 1992).

Whether or not Senator Santorum's fear of the polyamorous population is grounded, it is a fact that, as of 2005, no attempts were made by the polyamorous community to seek any type of legal status. Since 1854 (and later amended in 1882 and 1887), Federal law prohibits polygamy, and there have been no attempts, certainly not outside the context of Mormon polygamy[3], to revise the legal status of multiple marriages. The one attempt to use community resources for fighting the monogamous legal order – a child custody

---

[2] For some relationships activists who are "poly-friendly", however, an important aspect of polyamory is its contribution to the appreciation of non-sexual love as equally important and meaningful (Millstine, 2002; White, 2003).

[3] While traces of the practice of polygamy remained among the Mormon community (Reynolds v. U.S., 98 U.S. 145 (1878)), the Church of Latter-Day Saints only renounced the practice in 1890 (Firmage, 1989; Gordon, 2001).

battle in Tennessee, between a polyamorous mother, April Divilbiss, and the paternal grandmother – ended in the mother's loss of custody (Emens, 2004), and to the knowledge of all polyamorous activists and community members interviewed for this project, no similar effort has been made. This lack of legal activism cannot be fully attributed to the nonexistence or marginality of the community: the San Francisco Bay Area internet list, SfBay-Poly, has 519 subscribers; polyamory-oriented and polyamory-friendly parties, as well as regional polyamory conferences[4], have been reported by interviewees to draw hundreds of participants; and the national polyamory magazine, Loving More, reports a readership of 10,000 subscribers (Emens, 2004). These numbers may not reflect polyamorous people who are not active in the community, or who maintain discretion about their lifestyle and family choices. The juxtaposition between the abundance of organizations and social activities and the lack of active involvement in the legal field suggests that the polyamorous social movement – if, indeed, it may be termed a movement – has not mobilized, or at least not yet; it has not made the choice to move beyond living in the shadow of legal institutions designed for monogamous relationships.

This situation inspires the current project to ask – and provide answers to – the following questions:

1. How do law, norms, and morality, matter for, and interact in, polyamorous lifestyles?

2. How do legal arrangements such as marriage, child custody and property, affect and transform (or get transformed) in the context of polyamory?

---

[4] More information about these lists, conferences and social venues is presented below.

3. Why are polyamorous people not seeking a public legal status, such as a
   legalization of marriage?

This paper, an account of initial findings of a project-in-progress, still undergoing data

collection, generates ideas and insights mostly in regard to the third question. Following a

brief introduction to the controversy about law's role in promoting social change, the

paper provides background on the case study – the polyamorous movement in the San

Francisco Bay Area. Through interviews with active and salient members of the

polyamorous community, as well as workshops, conferences, social events and poly

publications, the paper sketches the multifaceted images of law as an instrumental tool, a

political vehicle, a cultural agent and a system of a peculiar nature. These images suggest

the irrelevance of legal activism to the polyamorous community at its current stage, and

offer a complementary account of law as a tool for social movements – that of an unripe

(and perhaps useless) tool for movements that have not "moved" yet.

## Law as a Vehicle for Social Change

The pursuit of social acceptance, civil rights and equality has traditionally involved legal

activism as an essential part of social movement activity; the history of social movements

features various campaigns for legal change as a facet of social change, most notably for

women (Luker, 1984; Nelson & Bridges, 1999; Smart, 1989), people of color (Burstein,

1991; Burstein & Edwards, 1994; Skrentny, 2002) and people of gay or lesbian sexual

orientation (Bernstein, 1997; Engel, 2001; Jenness, 1995; Marcus, 2002). More recently

emerged social groups, such as people of mixed ethnicity, diverse gender identity (Colker, 1996) and disabilities (Baldwin, 1997; Kirkland, 2003) are also increasingly seeking legal mobilization to gain social and instrumental advantages. Nevertheless, there is deep controversy about the extent and character of law's contribution to social reform.

In his book *The Politics of Rights*, Scheingold (1975) argues that law's role in changing public policy has been popularly perceived as a "myth of rights", which creates a simplistic, cause-and-effect linkage between the attainment of legal rights and social change. The perpetuation of this myth is owed, according to Scheingold, to the symbolic importance of the constitution as the touchstone of both legality and political legitimacy, and to its support of individualism and property rights, both deeply engrained values in American society. Rather than subscribing to the "myth", Scheingold suggests observing rights through a political lense, and acknowledging that, like any other political resource, legal rights are contingent upon the identity of their proponents and the way in which they are used in political struggles for power and resources.

A more institutional criticism of rights is that of Rosenberg (1993), who, based on an analysis of Brown v Board of Education (1954) and its aftermath, argues that courts are faulty institutions for bringing about social change. The courts' ability to promote social reforms is limited by a series of doctrinal and institutional constraints: the binding and influential effect of legal precedents and rights traditions, the court system's institutional dependence upon governmental branches and public opinion, and the inherent nature of

courts as case-by-case decision makers, which restricts their institutional capacity for developing general social reform.

Rosenberg's critique of courts and legal rights applied mostly to the direct effects, or lack thereof, or civil rights legislation, and was criticized for failing to acknowledge the indirect impact of landmark legal decisions on public opinion and further, legal and extra-legal, mobilization for social reform (McCann, 1993). In Rosenberg's response to this criticism, he rejects the notion that the courts' decisions in civil rights cases had a community-wide impact; he also expresses doubt as to the effects of court rulings in these cases on the empowerment of civil rights groups, stating the difficulty to assess whether court action was, indeed, the catalyst for this empowerment. Rosenberg therefore leaves the question of the indirect consequences of legal mobilization to be answered fully only through further historical investigation (Rosenberg, 1992).

Other analysts of social reform, such as McCann, disagree with Rosenberg's conclusion and argue that legal mobilization has substantial impact on social change. In addition to his criticism of Rosenberg's methodology (McCann, 1993)[5], he sees Rosenberg's pessimistic approach as a "top-down" model originating from a dispute-centered perspective, which fails to acknowledge the social complexities and broader influential impact of legal mobilization. McCann's argument in favor of a broader vision of legal contribution to social change is supported by his own work; in his analysis of public interest movements in the '70s, McCann (1986) shows how engagement in legal mobilization for economic reform, though a failed attempt in the narrow, legalistic sense,

---

[5] Others have also criticized the lack of comparative perspectives in Rosenberg's work (Feeley, 1992).

gave birth to newer generations of activist groups. Similarly, as McCann argues

elsewhere (McCann, 1994), legal mobilization contributed in various ways to the

empowerment and success of pay equity reform – not only by compelling formal policy

changes, but by changing public expectations and creating a legacy of legal rights claims.

Similarly to McCann, and in the context of race reform, Crenshaw argues that

antidiscrimination law has been of importance to the African-American community;

while, as critical legal scholars argue, law reform in this field has failed to achieve

material racial equality in America, it has served an important cultural role by eliminating

the symbolic manifestations of racial oppression (Crenshaw, 1988).

A different approach toward the cultural and symbolic effects of law for social activists

studies the issue through the prism of legal consciousness. Stemming from the premise

that people make sense of their lives and social surroundings by drawing on a cultural

reservoir of ideas and schemas (or their "tool kits") (Swidler, 1986), legal consciousness

looks at the various ways law is perceived and constructed in people's everyday lives.

Legal consciousness scholarship finds a variety of schemas through which people view

their position vis-à-vis the law and use it to construct the meaning of their social and

professional interactions and problems (Ewick & Silbey, 2000)[6]. While for some

communities, law matters less for defining their situation and understanding their

surroundings (Aviram, 2004; Levine & Mellema, 2001), this is not the case for social

activists, who seek legal reform (Kostiner, 2002).

---

[6] In some works in this tradition, law's role is perceived as debilitating and limiting rather than empowering (Engel, 1994) or as serving a dual, contradictory function of empowerment and disempowerment (Merry, 1990; Merry, 1995).

According to Kostiner, law has various meanings for social activists. In her work on

equal education activism, Kostiner identifies three main schemas through which activists

perceive the role of law for social change: instrumental (law as a direct mean to obtain

remedies and benefits), political (law as a trigger for the organization and empowerment

of marginalized groups) and cultural (law as a catalyst for broad socio-cultural changes in

mainstream public opinion and support). All three schemas are culturally available for

activists, who invoke them according to context.

In her discussion of the conditions under which each schema might be invoked, Kostiner

suggests the possibility of an "evolution" in the perception of law as a social movement

evolves – from the instrumental, through the political, to the cultural perception of law's

function for social change.

> [I]t seems that the instrumental schema is associated with contexts of beginnings,
> where people lack basic resources and when they view the law as responsible for
> providing such resources. They are motivated by personal experience that
> emphasizes the importance of having basic resources. The institutions that are
> associated with this schema are *formal law* and *policy.* The political schema is
> associated with a context of forming group identity. It represents a stage in which
> groups and individuals move beyond their basic needs into defining their identity,
> gaining power, and struggling against groups that seem to threaten their power. It is
> usually associated with the institution of *organizing*.[13] The cultural schema
> represents a stage of disillusion with both concrete resources and social power. It is
> often associated with situations where concrete resources and social power have
> failed to produce meaningful change. Thus, it moves beyond resources and power
> into the realm of people's thoughts and assumptions. The central institution
> associated with this schema is *education.*

Kostiner's suggestion links the invocation of schemas about law and social change to the

life-span and development of the social movement. If this hypothesis is correct, we might

expect emerging activists to first focus the immediate instrumental and material benefits

they might gain from a legal right. As the movement progresses, it appreciates legal

mobilization's contribution to its empowerment and organization as a group, the improved focus and funding for the movement, and the emergence of a group "drive" to pursue other, extra-legal goals. Finally, as the group is disillusioned by the more concrete roles it hoped law would play for its goals, it shifts its focus toward perceiving the cultural implications of existing legal rights, such as a growing public support and acceptability of the movement.

The importance of Kostiner's work lies in her identification of what motivates social activists to use law as a vehicle for social change. However, since her case study refers to a movement which has already, and extensively, mobilized through law, it is difficult to evaluate whether the "evolution" she identifies in the perceived role of law would be present for newer social movements which have not mobilized yet. It is this gap that the present study seeks to fill; at the early stages before legal mobilization, what role is law perceived to play in the movement's future? And, for a movement which does not "move" in the direction of legal mobilization, which aspect(s) of law make it an unsuitable or unripe mechanism for social change?

As mentioned above, the study will seek to address these issues through the case study of the polyamorous community in the Bay Area; since the movement is not, as of yet, mobilized, a short introductory course in its history and demography precedes the findings of the study.

# The Case Study - Polyamory 101: A Simplistic, Non-Exclusive, History and Demography of the Polyamorous Community in the Bay Area

One of the challenges of capturing a movement as diverse and personal-choice-oriented as polyamory is the difficulty of generalizing various subcultures, lifestyles, values and family models and synthesizing them into a coherent descriptive framework. However, I felt the need to supply a simplified account of some historical, cultural and social features for the purpose of introducing the movement to readers who may not be acquainted with the Bay Area sexual and alternative scene.

The practice of the set of lifestyles referred to since 1990 as "polyamory" can be traced, in the Bay Area, to the 1960s movements of free love and sexual freedom. Sexual liberation organizations, communes and magazines abounded (Zientara & Rila, 2005), and six of my interviewees described their draw to nonmonogamy in terms of their legacy as "old hippies".

While in the early 1960s there were hardly any cultural role-models or resources for people seeking nonmonogamy, the mid-1960s offered more such resources. In addition to some mentions of nonmonogamy in popular culture (such as Jefferson's Airplane's song *Triad*), almost all interviewees mentioned being influenced by science fiction literature, and particularly Robert Heinlein's *Stranger in a Strange Land*. The book, which is recommended by "old-timer" members of the community to this day, tells the story of a man raised on Mars who returns to Earth and teaches a group of humans about Martian

culture, including a life in "nests" – intimate network units of men and women who reside together and share love.

*Stranger in a Strange Land*, as well as other ideas from science fiction culture, were catalysts for establishing certain nonmonogamous groups, such as the "nests" of the *Church of All Worlds* (CAW), a Pagan religious organization headed by Oberon (Timothy) Zell and his partner, Morning-Glory. Old-timer members of the polyamorous community recall being in close social relationships with CAW members, as well as reading their alternative magazine, *Green Egg*, which ran from 1968 to 2001 (Robins, 2004). At the time, other communes – not necessarily affiliated with Paganism or Earth-based spirituality – came into existence. The *Kerista* collective, which existed in the 1970s in San Francisco, ran a successful computer repair business, and was composed of families with 36 members each (Robins, 2004). The collective relied on a model of polyfidelity (fidelity within each family) and on a rotational sleeping schedule between its members.

Another source of introduction to the community, particularly in the late 1970s and 1980s, was the swinging community. Swinging culture consisted mostly of marriages between two people who agreed on having sexual relationships outside the marriage. The overlap between swinging and polyamory is constantly discussed in online lists, and in an article and a magazine issue (Marovitch, 2004; Mint, 2005a); in general, it can be said that individuals who wanted to have more emotional, intense and long-lasting relationships outside the marital framework were drawn to polyamory.

Two issues which influenced the community in different directions were the AIDS epidemic (and the subsequent increase in consciousness of STDs) and the emergence of the Internet as a social resource. The fear of AIDS increased the visibility of a previously less salient community – that of bisexual men, who were blamed for spreading the disease to the straight population (Serena); this brought up the connection between queerness and nonmonogamy (though mostly the dishonest, nonconsensual version of nonmonogamy we refer to as "cheating"). In certain areas in California, such as San Diego, polyamorous activism became closely linked to queer, and specifically bisexual, activism; for bisexual polyamorists, nonmonogamy was the path for manifesting their sexual orientation, in that it allowed them to conduct relationships with people of both genders simultaneously. In addition, the 1990s saw an increase in polyamorous discussion and resources online; three of the polyamorous families I interviewed came to existence after meeting on a polyamorous online list, and several other interviewees mentioned having met present or previous partners through poly resources. This may have led to the prevalence of technology professionals ("techs") and other computer-literate people in the community activist scene (though, of course, it may well be that people who lead polyamorous lifestyles in private and do not connect with other polyamorists are simply less active online). The increase in community resources was also due to a meeting of two networks, created and supported respectively by Deborah Anapol and Ryam Nearing (Robins, 2004).

Polyamorous relationships encompass a variety of family structures, interpersonal agreements and personal values. The abundance of different relationship patterns (and possibly the love of systematic analysis shared by many members of the community) led to a series of definitions which constitute an insider's vocabulary (Anapol, 1997; Easton & Liszt, 1997; Matthesen, 1997). Some polyamorous relationships are hierarchical, and consist of a main ("primary") committed relationship, supplemented by "secondary" and "tertiary" relationships in which communication occurs less often. The polyamorous activists I interviewed tended to eschew hierarchical terminology in favor of an approach according to which all relationships are committed and valuable, though different in nature (Anderlini-D'Onofrio, 2004). Some common models are the "polyamorous V", in which two people have romantic relationships with the same person, but not with each other (though they may share a non-romantic sense of affection and commitment); a triad or a quad, in which all three or four members are romantically involved with each other; or an intimate network of friends, in which relationships are more fluid and involve several people in different and ever-changing relationship structures. All these structures may, or may not, involve "polyfidelity" – a commitment to have sexual or romantic relationships only with members of the group, which was more popular in the earlier days of the polyamorous community (Nearing, 1992); the current awareness to STDs, however, led practically all of my interviewees to at least keep to a rule of "fluid fidelity", where barrier methods are used whenever engaging in sexual activity outside the polyamorous core group.

The Bay Area offers the polyamorous community various support systems, ranging from the national organization Loving More, who publishes the magazine and runs two regional conferences per year, to local groups that meet on a regular basis for social purposes. Most of my interviewees attended Loving More weekend workshops and/or workshops run by the Human Awareness Institute. The workshops focus mostly on the emotional management of polyamorous relationships, and are designed to help attendees develop skills such as jealousy management, conflict resolution, and the development of "compersion" - vicarious rejoice and empathy for a loved one who is involved with someone else (Anderlini-D'Onofrio, 2004; Francis, 2004). Online lists such as SfBay-Poly and Love+Politics meet on a regular basis, both socially and to discuss articles and courses of action. In addition, various subcultures of the Bay Area, though not polyamorous by definition, are particularly friendly to polyamorous individuals; some of these communities include science fiction conventions ("cons"), Pagan and queer forums, the Society for Creative Anachronism and other historical-recreational venues, and several left-wing, progressive social milieus.

## Methodology

The project addresses the opinions and perceptions within the polyamorous community in the Bay Area through the following data sources:

**A. Open-ended, semi-structured, in-depth interviews with active and salient members of the polyamory community in the Bay Area**. Since, obviously, no "list" of

polyamorous people is in existence, and since the project focuses on activism, I chose to

interview people whose formal and informal activities (and activism) in the community

suggested that they had given more thought to issues of mobilization. My choice to

interview activists (rather than a broader sample of polyamorists) follows similar

methodologies in projects involving world views and legal consciousness of activists:

"[i]f one wants to study what the pro-choice and pro-life movements *mean* to those

involved in it …,studying those most heavily involved is the way to get the 'purest' cases"

(Luker 1984:250; also see Kostiner).


Like Kostiner, I chose to focus on the Bay Area:

> The San Francisco Bay Area is often considered more politically progressive than
> the rest of the country. In a different type of study, this bias might lead to problems
> of sampling validity. However, the problem of political bias is not relevant for the
> purpose of this study. Since this study is a study of progressive activism, the Bay
> Area is in fact an ideal site for conducting such study. It often sets the tone and
> leads progressive activism in other places in the country. Second, the
> representativeness of the sample is not an issue for this research. I make no
> assertion about the distribution of views of law and social change within the wider
> American population or within the population from which my interviewees were
> drawn. Rather, I use interviews to explore how activists employ culture to justify
> their understandings of the role of law in social change. (Kostiner, 2002: 236)


For purposes of the project, I defined "active and salient" members as people who were

organizers, presenters, or vocal participants in polyamory conferences, workshops, online

lists (particularly activist lists, such as "love+politics") or polyamory (and "poly-

friendly") social events. Other interviewees had written books and articles on polyamory

for diverse audiences. I also interviewed people who were mentioned by other members

of the community as having had polyamorous relationships for a substantial amount of

time (several years) and who were well-known and established "old-timers". I also

interviewed people who did not occupy any official role in the community, but who were often mentioned as "social butterflies" who were well-connected within the community and well-versed on its issues.

The recruitment of subjects was conducted using several methods: I emailed people who organized or actively and vocally participated in polyamorous events and forums, or approached them in person, and invited them to participate. I also used a snowball technique, asking each interviewee to mention names of people who were, in her or his opinion, active and important names in the community; after a certain point, there was a high level of overlap between the names that were mentioned.

At this point, I have interviewed 33 members of the community. A flier distributed by the World Polyamory Association states that

> [p]eople of different ages, backgrounds and of all walks of life are polyamorous. In general, there seems to be a higher than average representation of people with advanced degrees, science fiction fans, computer and health care professionals, pagans and bisexuals. (Doleshal, 2004)

The demographics in my sample were concurrent with this assessment. Interviewees' ages ranged between 21 and 70, with an average age of 44. Only 2 of the 33 did not have a university background; 2 were students, 16 had a bachelor's degree, and 13 had advanced degrees. 8 of the interviewees (24%) worked in computer science and technology jobs; 6 (19%) were involved in various aspects of health care and therapy; 4 (12%) were lawyers; 3 (9%) were artists; 4 (12%) were full-time, or close to full-time, activists for progressive causes; the remaining 8 (24%) held different professional,

clerical and retail positions. Politically, all interviewees strongly identified with left-wing ideology and policies, though two of them had originally come from right-wing, fundamentalist Christian backgrounds. 7 of the interviewees were either Pagan, or closely identified with Earth-reverent spirituality; most of the others were nonreligious Jews and Christians, with the exception of one Unitarian Universalist who was active in promoting understanding of polyamory in the church (UUPA, 2004).

Interviews ranged between one and two hours and included both personal and general issues. Interviewees were asked to elaborate on the way they structured their past and current relationships (at this point, without mentioning law or legal definitions in the questions), and then to talk about the community in general, its institutions, culture and goals. The subject of law and its role for polyamorous relationships was explicitly introduced about halfway through the interview.

The interviews were recorded and are in the process of being fully transcribed and analyzed using software; this work-in-progress report is based on my notes during interviews and, therefore, my quotations of interviewees, though as accurate as possible at this stage, may not reproduce verbatim the interviewees' words. At this point, they are mostly provided as illustrations to the themes I hope to fully analyze at a later stage. I also intend to interview between 10 and 20 more activists.

**B. Conference programs, workshops and online discussions**. In addition to my one-on-one interviews, I participated in various activist and social gatherings of the

community, and particularly those with a political bend. Among these events were a polyamorous movie screening, two polyamorous relationship workshops, and several events and parties. In addition, my observations brought me to various events and social scenes which, according to interviewees, were "poly-friendly" or had an overrepresentation of polyamorous people, such as socials at leather stores, science fiction bookstores, various Pagan public events, the Irish music and dance scene, and reenactments of medieval wars at the Society for Creative Anachronism. During these events I observed social interactions, listened to conversations and conducted informal conversations of my own with participants[7].

As the project unfolds, I hope to attend the World Polyamorous Association conference this July, as well as additional formal and informal gatherings.

**C. Polyamory-oriented publications and online discussion**. The polyamorous community offers rich resources for its members, which I found insightful in learning of the community's development and main focal issues. I read old and new issues of Loving

---

[7] Since my research focused on the socio-legal aspects of polyamory, and since I am not polyamorous myself, I opted out of "play parties" (i.e. parties involving sexual activities) and certain "hands-on" conferences and workshops (I relied on the interviewees' reports regarding these events instead). While participant involvement in nontraditional sexual communities is increasingly gaining acceptance in anthropological and sociological studies, such involvement was not only irrelevant to my professional interests, but also personally uncomfortable for me. The community's response to the project was overwhelmingly positive and cooperative, and I was invited to various informal social events, such as a baby shower for a polyamorous family. My status as a non-member participant in these events was well received by the members I spoke to, who mentioned their appreciation of my genuine effort to understand the community. While the people I met, as well as my interviewees, strongly expressed their satisfaction with their lifestyles, there was very little "evangelization" directed at me; and my rejections of the few propositions of a more personal nature ("I can either have a multiple relationship OR write a paper about multiple relationships, and I'm opting for the latter") were graciously and politely accepted (cite research about sexual methodology).

More, the national polyamorous magazine, as well as self-help books endorsed by the interviewees and written by some of them (anapol, Easton, wendy, ryam, anthology). I was also given several unpublished papers and articles written by activist members of the community as conference papers or book chapter drafts (Haslam, 1997; Mint, 2005a, 2005b). In addition, I subscribed to various local email lists, most notably Sfbay-Poly and Love+Politics, read books and watched movies recommended by members of the community.

During the data collection phase I focused (and will continue to focus) on the following themes:

- ❖ Legal Consciousness: the extent to which law is a relevant and present theme in community discussions and in the opinions, perceptions and actions of individuals.

- ❖ Current usage of legal institutions: the manner in which polyamorous relationships and families use legal institutions such as marriages, property deeds, wills, contracts, power-of-attorney documents, child custody proceedings and divorces in their daily lives, and the ways in which they adapt these institutions, designed for monogamous relationships, to their nontraditional relationship structure.

- ❖ Attitudes toward mobilization: polyamorous people's opinions about the feasibility, implications and desirability of activism aimed at attaining legal status (marriage, civil unions or any other structure) for multi-partner relationships

❖ Correlations of attitudes and schemas: an examination of the correspondence (or
lack thereof) of the interviewees' opinions about mobilization with Kostiner's
instrumental, political and cultural schemas, which were developed through
research on mobilized communities. This comparison might reify or expand
Kostiner's analysis, as well as examine its relevance to movements in the making,
and will offer an opportunity to test her hypothesis of an "evolution" in schemas.

While the finished project will address all four aspects of the inquiry, the findings
reported below are limited to the third and fourth issues.

## Initial Findings

> 'But… it's fantastic!'
> 'Don't use that word to a lawyer; straining at gnats and swallowing camels is
> a required course in law schools'.
>
> Robert Heinlein, Stranger in a Strange Land (1961)

My examination of the reasons provided by interviewees to their lack of interest in legal
activism yielded a variety of opinions, which, at first glance, reflected each interviewee's
individual lifestyle, socio-economic milieu, and understanding of social movement
history. However, when I used Kostiner's three schemas as a prism to view these
responses, they reflected the interviewees' usage of all three perspectives to express what
they would hope for (and did not find) in law as a tool for social change.

Rather than presenting an elaborate analysis of interviewee responses at this early stage of work (having yet to analyze the transcripts), I chose to present examples of responses based on post-interview listening to the recordings and the notes I took during interview. My perceptions at this point may be altered after a more thorough engagement with the data. These are, however, some initial insights about the three schemas and their presence in the interviewees' reasonings:

## Instrumental Issues

All interviewees referred to the instrumental, concrete, material benefits they could be offered by a law which gave public status to their private relationships. However, except for one open couple who thought that, should law allow multiple marriages "we would have to go to lots of weddings", none of the interviewees deemed law necessary for instrumentally improving their own personal lives. This cannot be attributed to a particular socio-economic situation to which the critical mass of interviewees belonged: the interviewees' ages ranged from late teens to early seventies, their economic background and situation was radically diverse (from people on welfare to people who owned substantial property), and their relationship styles were so different that they would be expected to need different remedies and benefits from law. Nevertheless, judging from the interviewees' responses, law did not serve an instrumental function for any lifestyle or economic status, as the following examples show:

- "Marriage is not necessary to us. Our finances and wills are arranged so that each of us has a share in the house. We drafted them very carefully" (a triad of

professionals in their mid-40s to late 50s, living together in a house they own for several years).

- "My fiancee is my primary. Our other relationships are just the icing on the cake" (a professional in his early thirties, in an open primary relationship).

- "I'm a retired professional, and have all the benefits I could possibly need. What would I want to get married for?" (a single man in his seventies, involved with four women).

- "If I marry either one of them, I lose my benefits as a single mom" (a 21-year-old woman, about to give birth to a son with whose father she, and her live-in female partner, are romantically involved with).

- "All three of us had a commitment ceremony; but as far as caring for my children, I feel better if I don't owe anyone anything" (a woman in her mid-40s, mother to three children, who joined an existing marriage with a child).

This rejection of law as an instrumental tool was mentioned in respect to other legal frontiers, as well. Two interviewees mentioned incidents where people (the interviewee himself in one case, a close friend of another interviewee in the other case) suffered employment repercussions due to their family situation. When asked why they had not pursued legal remedies, both interviewees mentioned having consulted a lawyer and decided that, in their professional situations, a legal battle – albeit a victorious one – would seriously injure their future employability prospects. Other interviewees mentioned cases of lost child custody in addition to the famous April Divilbiss case; for the most part, these cases did not encourage them to seek legal status for children in

polyamorous families, but to "live under the radar" of social authorities. While this does

not seem to be a drive, at present, for legal activism, polyamorous people are certainly

aware of the implications their lifestyle might have on child custody issues, and

workshops, as well as magazine articles, warn against too much visibility for

polyamorous families with children (White, 2002).

In addition to their perception of the law as a useless instrumental mechanism, several

interviewees expressed their difficulty of envisioning a functioning, pragmatic legal order

that would define their rights and obligations in legally endorsed multiple relationships.

As opposed to utopian worlds from the realm of science fiction and fantasy (and, to a

certain extent, to the world of social experimentation in the 1960s), the real world of the

present did not seem to be conducive to . The reason most often given to this puzzlement

was the contrast between the stability of law and the fluidity and diversity of

polyamorous relationships. This issue, to some interviewees, was linked with their own

experience of quasi-legal micromanagement of their relationships: several couples who

had opened their relationship mentioned having drafted written "contracts" when entering

the new relationship terrain, and then stated that the "contracts" were later disregarded,

renegotiated or simply violated by mutual, implicit agreement, without having consulted

them. When confronted with the necessity to draw a binding, general legal order, that

would address polyamorous issues, most would concur with this typical response:

> The topic comes up once in a while [in conversations between friends and in online
> discussions] and to be honest, I don't quite know how it would work. I mean, you'd
> have to limit the number of partners, right? Because there's a huge potential of
> cheating on benefits and all that.

**Political Issues**

The interviewees also referred to, and rejected, law as a tool for group organization and empowerment. One interviewee, comparing polyamory to the gay rights movement, expressed the lack of desperation and rage that would sprout heated group activism:

> We're just not pissed off enough. Remember Stonewall? Why do you think that happened? Folks were furious. Now they were at the end of their rope, there. We're not there yet.

Some interviewee comments pertained to an important feature of legal mobilization as a political tool – the creation and reinforcement of group solidarity. While Kostiner's political schema referred to law as a common goal uniting and empowering oppressed minorities as a group, it appears that, for the polyamorous activists, diversity and even controversy between subgroups in the community is seen as a hurdle in the path to legal mobilization. Almost every interview included comments about "other" polyamorous activists, whose opinions were not shared by the interviewee; often, these comments were aimed at people who advocated "right" and "wrong" ways to conduct polyamorous relationships. This antagonism toward prescribed rules for relationships is another example of the fluidity and flexibility which the interviewees cherished in polyamorous lifestyles. However, this very diversity was also perceived to hinder an organization around a common goal. One example of such a difficulty was that certain subgroups within the polyamorous community would be less acceptable to the social mainstream:

> There is a lot of crossover with kink [BDSM, kinky sex practices]… it'll be a challenge to make this more palatable for the [mainstream] public… so you wouldn't want to exclude them, but you wouldn't exactly make them into the poster children of the movement, either.

The difficulty of picking "the right case" for legal argument was especially salient for activists, who were well aware that many people who lived nonmonogamous lives had

other qualities and interests which were out of the ordinary. Five interviewees mentioned, during the interview, the April Divilbiss case. Four of them pointed out that Divilbiss's battle for legal custody of her daughter was difficult, and doomed to fail, not just (and even not necessarily) because of her polyamorous household, but because of her Paganism, behavior and other non-mainstream traits. Two of the interviewees explained that picking Divilbiss's case was a tactical mistake – that it was the "wrong case" to support, as a movement, because the individual in question was a "bad mother".

Issues of diversity and solidarity were seen as problematic in the context of other groups and movements, too. Several interviewees mentioned the gay rights movement as one they needed to express solidarity with. In respect to the same-sex marriage struggle, four people mentioned that insisting on polyamorous marriage rights would mean "sabotaging the case for our gay and lesbian brothers and sisters". Another community which was invoked in a few interviews was the Mormon polygynous community; opinions about how Mormons would fare as political bedfellows differed, with one younger interviewee supporting an alliance with Mormons for multi-partner rights, and one older interviewee mentioning that, though several aspects of Mormon life seemed unacceptable to her, she "emphatized with Mormom women and their lack of jealousy" when seeing a documentary movie about Mormon polygyny. The latter interviewee mentioned that even Mormon lifestyle could have feminist, liberating implications (Emens, 2004; Gordon, 1996; Iversen, 1984). However, other interviewees felt that the political, ideological and religious schism between them and Mormon polygynists prevented any possibility of cooperation on a political platform, and, in the words of one of them, "how could we ask

for these rights and make sure that they are not used for gender-oppressive child marriages?"

## Cultural Perspectives

A recurring theme in practically all interviews was the lack of social acceptability for multiple relationships. However, this cultural problem was not deemed soluble through legal activism. The vast majority of interviewees expressed a lack of faith in the ability of law to bring about social change; many expressed pessimism when asked whether they thought multiple marriages would be available in their lifetime. The recent same-sex marriage controversy triggered pessimist feelings which, ironically, constituted a negative image of the conservative right's "slippery slope" argument:

> Look at what happened with the same-sex marriage thing. If this is the way the Christian right feels about gay people who are imitating a heterosexual monogamous lifestyle, how are they going to accept us? This is not the right time to ask for social acceptance.

Even in the face of social lack of acceptance, the interviewees felt that activism needed to take a different route – not a legal route, in general, and not a relationship-legalization route in particular. Unmarried interviewees expressed their disenchantment with marriage as something worth fighting for; others expressed the need to refocus on issues pertaining to social issues in general, not necessarily to the specific issue of polyamorous relationships.

> I'm not even interested in marrying, ever again. It is a patriarchal institution which is all about the transfer of property.

> Now here's the contribution poly can make to this debate: what we should really be focusing on is the rights of individuals in this country for medical insurance and basic human rights you get in other countries. Rights you get whether you're married or not.

While obtaining mainstream acceptance through law was not a priority, dealing internally with strengthening polyamorous relationships certainly was. All self-help books for polyamorous relationships provided ample advice for emotional management, promoted open and honest communication as well as extensive interpersonal "processing" of relationships and encouraged readers to deal with jealousy through various techniques. Similarly, the number of workshops and conference topics dealing with interpersonal, emotional and sexual issues far outnumbered the ones pertaining to "polyamory and the law". According to some interviewees, this was not a coincidence, but it reflected a different set of priorities within the community: "Before we do all that stuff, what we really need to be doing right now is to focus on the relationships. On how to make them functional and long-lasting. This is about love".

## Discussion

While law and society scholarship is, for the most part, not experimental, it is encouraging to "reproduce", and thus reinforce, a useful theoretical framework. The findings of this study supported Kostiner's findings about the three schemas for the perception of law and social change. All three schemas – instrumental, political, and cultural – were mentioned by interviewees as they analyzed the desirability of legal mobilization. Moreover, every interviewee used more than one schema, and often all three, when discussing law and social change. As can be seen from the findings, the schemas are invoked and applied by interviewees regardless of age, socio-economic situation, and length of involvement in the polyamorous community. Even the

instrumental schema, whose usefulness I expected to be contingent upon personal situation, was invoked by people of diverse family structures and personal characteristics. This finding strongly supports Kostiner's reliance on Swidler's concept of "cultural toolkits" (1986): all schemas are present in people's cultural reservoir, and they invoke them, and the rationalization structures that support them, according to context and need.

The study, however, offers less encouragement to Kostiner's hypothesis of a "movement evolution" along the different schemas. For a movement whose critical mass has not "moved" yet in the legal sense, an "evolutionary" perspective would predict a prevalence of the instrumental schema. However, instrumental arguments did not take precedence over political and cultural arguments: all schemas had a strong presence in the interviews. The polyamorus activists I interviewed saw law not only – and even not primarily – as a tool for gaining concrete, material benefits, but also in its role as an instrument for community empowerment and for changing public opinion; they found law unsuitable, at least temporarily, for all these purposes in their particular case.

What does this teach us about the relevance of certain schemas for certain times? Since my study addresses a movement that is still in very early stages of mobilization, it is impossible to say with certainty what course it would take. Some initial ideas, howeverm might be generated. It may be that the reliance on certain schemas is not so much a feature of the specific movement's development as it is a characteristic of certain eras in civil rights discourse in the American context. For movements emerging within (or closely following) the civil rights movements of the 1960s and 1970s, the instrumental

schema may have been the first perception, or expectation, of law as a tool for social

change. This is supported by studies of the pioneering Feminist and Black movements

(Crenshaw, 1988), as well as the emergence of gay activism (Bernstein, 1997). These

movements, indeed, progressed from instrumental activism, through political activism, to

cultural activism, as is best demonstrated by the Feminist shift from liberalism, through

radicalism, to postmodernism and viewpoint feminism. Polyamory, "coming out" as a

movement years later, has the benefits of the rich reservoir of knowledge and experience

accumulated by other movements; it comes of age already aware not only of instrumental

perspectives, but of political and cultural aspects of mobilization.

This thoughtfulness is reflected in a paper written by Pepper Mint, a community activist,

titled "Poly Politics: Lessons from Queer Liberation" (2005b). Various aspects of the

queer social movement are discussed as lessons and caveats for creating polyamorous

activism. The paper refers to instrumental, political and cultural aspects of the queer

struggle as relevant for polyamorous politics. As the paper concisely states,

> [p]olyamory has inherited a real sense of the political from queer liberation. Poly
> people usually know that what they are doing is in some way revolutionary, and
> they are interested in changing the world, and they do understand that this will take
> organization, legal changes, and significant cultural shifts. (Mint, 2005b)

However, this insight should not be taken as a proven hypthesis. While Kostiner's work

addressed a legal mobilization process already in full existence, my own work addresses

a movement in the making – one which has not decided whether to "move" in the legal

direction yet. For a better understanding of the perceptions of law and social change,

future studies should address movements in various stages in between these points in time.

Another important aspect of the interviewees' responses was their reference to two extra-legal discourses: the discourse of love and emotion and the discourse of visionary utopianism. The presence of these discourses is hardly surprising, the former due to the nature of the issue involved (relationships) and the latter due to the cultural background and folklore surrounding a substantial mass of the polyamorous community. What should be noted, however, is that these discourses are used to disengage from legal mobilization rather than to encourage it. While same-sex marriage proponents often mention the need that law support and endorse same-sex couples' emotional well-being, self fulfillment and happiness (Kotulski, 2004), polyamorous activities surrounding relationships are perceived, as we have seen, as separate from, and more important than, legal endorsements. Law is not seen as an essential mechanism to support emotional interactions; its relevance is instrumental, political and general, but not interpersonal. Similarly, the inspiration of science fiction and utopianism, most notable in the 1960s, extended to the interviewees' private design of their lifestyles rather than to suggestions for reforming the current legal system to be more in par with the utopian, visionary societies.

Finally, the interviewees' responses reflect sensitivity and awareness to the nature of the legal system. The sense that law reflects stable, rigid, binary understandings of relationships – echoing Luhmann's systems theory (Luhmann, 2004; Teubner, 1989) – is

often present, and the interviewees use this perception of what law is to explain its unsuitability for their unusual, fluid, individual relationship designs.

## Conclusions and Future Agendas for the Project

The findings of this paper, so far, expand the framework set by Kostiner to movements in different stages of legal mobilization. However, comparing Kostiner's population to the polyamorous movement, which is in a different point in its life, requires more evidence and further comparisons to other social movements. The project does not offer evidence that polyamory will every legally mobilize, and its findings cast a doubt on the assumption that the path to legal mobilization will be similar for all movements. Therefore, even after completing data collection and analysis, several expansions, generalizations and theoretical implications are necessary.

Much can be learned, in my opinion, from comparing these two populations to a variety of social movements whose fight to attain legal rights occurred in different points in American history. In addition, it may be valuable to compare the progress (or lack thereof) of legal mobilization in the polyamorous community to that of other new, emerging social movement, such as those supporting legal rights for the obese and for people with various gender-bending identities (Colker, 1996; Kirkland, 2003).

A particularly insightful comparison, in the context of polyamory, is to the 19th-century struggle of Mormon polygynists to keep their marriages legal; the function ascribed to

law by members of the two movements should be compared, and the comparison should examine the radically different socio-political situations and religious and ideological positions.

Finally, I echo Kostiner's call for cross-national comparisons; the developments in the image of law as a tool for social change may be peculiar to the American civil rights struggles of the 20th century, and may be different in other cultures. It will enable us to learn whether the polyamorous lack of interest in legal mobilization is part of the life of various unmobilized movements around the world, or whether it is a product of the special conditions surrounding the recent same-sex marriage debate, or attitudes toward alternative sexualities and lifestyles in American society.

# References

Anapol, Deborah M. (1997). *Polyamory: The New Love Without Limits*. San Rafael: Intinet Resource Center.

Anderlini-D'Onofrio, Serena. (2004). *Plural Loves: Designs for Bi and Poly Living*. Binghamton: Harrington Park Press.

Aviram, Hadar. (2004). When the Saints Go Marching In: Legal Consciousness and Prison Experiences of Conscientious Objectors to Military Service in Israel. In L. B. Nielsen & B. D. Fleury-Steiner (Eds.), *The New Civil Rights Research (forthcoming)*. New York: Ashgate.

Baldwin, Marjorie L. (1997). Can the ADA Achieve Its Employment Goals? *Annals of the American Academy of Political and Social Science, 549*, 37-52.

Bernstein, Mary. (1997). Celebration and Suppression: The Strategic Uses of Identity by the Lesbian and Gay Movement. *American Journal of Sociology, 103*(3), 531-565.

Burstein, Paul. (1991). Legal Mobilization as a Social Movement Tactic: The Struggle for Equal Employment Opportunity. *American Journal of Sociology, 96*, 1201-1225.

Burstein, Paul, & Edwards, mark. (1994). The Impact of Employment Discrimination Litigation on Racial Disparity in Earnings. *Law and Society Review, 28*, 79-108.

Chambers, David L. (1996). What If? The Legal Consequences of Marriage and the Legal Needs of Lesbian and Gay Male Couples. *Michigan Law Review, 95*(2), 447-491.

Colker, Ruth. (1996). *Hybrid: Bisexuals, Multiracials and Other Misfits under American Law*. New York: New York University Press.

Crenshaw, Kimberle. (1988). Race, Reform and Retrenchment: Transformation and Legitimation in Antidiscrimination Law. *Harvard Law Review, 101*, 1131-1287.

Doleshal, David. (2004). What is Polyamory? Flier for distribution: World Poyamorous Association.

Easton, Dossie, & Liszt, Catherine A. (1997). *The Ethical Slut: A Guide to Infinite Sexual Possibilities*. San Francisco: Greenery Press.

Emens, Elizabeth F. (2004). Monogamy's Law: Compulsory Monogamy and Polyamorous Existence. *Forthcoming: New York University Review of Law and Social Change, 29*, 277-376.

Engel, David M. (1994). The Oven Bird's Song: Insiders, Outsiders, and Personal Injuries in an American Community. In Greenhouse & Yngverson & Engel (Eds.), *Law and Community in Three American Towns*. Ithaca: Cornell University Press.

Engel, Stephen M. (2001). *The Unfinished Revolution : Social Movement Theory and the Gay and Lesbian Movement*. Cambridge: Cambridge University Press.

Eskridge, William N. (1993). A History of Same-Sex Marriage. *Virginia Law Review, 79*(7), 1419-1513.

Ewick, Patricia, & Silbey, Susan S. (2000). *The Common Place of Law: Stories from Everyday Life*. Chicago: University of Chicago Press.

Feeley, Malcolm M. (1992). Hollow Hopes, Flypaper, and Metaphors. *Law and Social Inquiry, 17*(4), 745-760.

Firmage, Edwin B. (1989). Free Exercise of Religion in Nineteenth Century America: The Mormon Cases. *Journal of Law and Religion, 7*(2), 281-313.

Francis, Eric. (2004). From Self to Self: Masturbation as the Future of Sex. In S. Anderlini-D'Onofrio (Ed.), *Plural Loves: Designs for Bi and Poly Living* (pp. 167-176). Binghamton: Harrington Park Press.

Gordon, Sarah Barringer. (1996). The Liberty of Self-Degradation: Polygamy, Woman Suffrage, and Consent in Nineteenth-Century America. *The Journal of American History, 83*(3), 815-847.

Gordon, Sarah Barringer. (2001). *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-Century America*. Chapel Hill: University of North Carolina Press.

Haslam, Kenneth. (1997). Confessions of a Polyamorous Geezer.

Iversen, Joan. (1984). Feminist Implications of Mormon Polygyny. *Feminist Studies, 10*(3), 505-522.

Jenness, Valerie. (1995). Social Movement Growth, Domain Expansion, and Framing Processes: The Gay/Lesbian Movement and Violence against Gays and Lesbians as a Social Problem. *Social Problems, 42*(1), 145-170.

Kirkland, Anna. (2003). Representations of Fatness and Personhood: Pro-Fat Advocacy and the Limits and Uses of Law. *Representations, 82*, 24-51.

Kostiner, Idit. (2002). Evaluating Legality: Activists' Understandings of the Role of Law in Social Change. *Law and Society Review, 37*(2), 323-368.

Kotulski, Davina. (2004). *Why Should You Give a Damn About Gay Marriage*. New York: Advocate Books.

Levine, Kay, & Mellema, Virginia. (2001). Strategizing the Street: How Law Matters in the Lives of Women in the Street-Level Drug Economy. *Law and Social Inquiry, 26*(1), 169.

Luhmann, Niklas. (2004). *Law as a Social System* (K. A. Ziegert, Trans.). Oxford and New York: Oxford University Press.

Luker, Kristin. (1984). *Abortion and the politics of motherhood*. Berkeley: University of California Press.

Marcus, Eric. (2002). *Making Gay History: The Half Century Fight for Lesbian and Gay Equal Rights*: Perennial Currents.

Marovitch, Maureen. (2004). Exploring the Great Divide - Swinging vs Polyamory. *Loving More, 33*.

Matthesen, Elise. (1997, June 10). *alt. Polyamory Frequently Asked Questions*. Retrieved May 23, 2005, from the World Wide Web: http://www.faqs.org/faqs/polyamory/faq/

McCann, Michael. (1993). Reform Litigation on Trial. *Law and Social Inquiry, 17*(4), 715-744.

McCann, Michael W. (1986). *Taking Reform Seriously : Perspectives on Public Interest Liberalism*. Ithaca: Cornell University Press.

McCann, Michael W. (1994). *Rights at work: Pay Equity Reform and the Politics of Legal Mobilization*. Chicago, IL: University of Chicago Press.

Merry, Sally Engel. (1990). *Getting Justice and Getting Even: Legal Consciousness among Working Class Americans*. Chicago: University of Chicago Press.

Merry, Sally Engle. (1995). Going to Court: Strategies of Dispute Management in an American Urban Neighborhood. In R. L. Abel (Ed.), *Law and Society Reader*. New York and London: New York University Press.

Michael, Justen. (2005). *Poly Definitions* [Website]. NYC Poly. Retrieved May 22, 2005, from the World Wide Web: http://www.poly-nyc.com/definitions.html

Millstine, Wendy (Wendy-O Matic). (2002). *Redefining Our Relationships: Guidelines for Responsible Open Relationships*. Oakland: Defiant Times Press.

Mint, Pepper. (2005a). Border Wars: Swinging and Polyamory.

Mint, Pepper. (2005b). Poly Politics: Lessons from Queer Liberation.

Munson, Marcia, & Stelboum, Judith P. (Eds.). (1999). *The Lesbian Polyamory Reader: Open Relationships, Non-Monogamy, and Casual Sex*. New York and London: Harrington Park Press.

Nearing, Ryam. (1992). *Loving More: The Polyfidelity Primer* (3rd ed.). New York: Pep Publishing.

Nelson, Robert L., & Bridges, William P. (1999). *Legalizing Gender Inequality*. Cambridge: Cambridge University Press.

Robins, Susan. (2004). Remembering the Kiss. In S. Anderlini-D'Onofrio (Ed.), *Plural Loves: Designs for Bi and Poly Living* (pp. 101-108). Binghamton: Harrington Park Press.

Rosenberg, Gerald N. (1992). Hollow Hopes and Other Aspirations: A reply to Feeley and McCann. *Law and Social Inquiry, 17*(4), 761-778.

Rosenberg, Gerald N. (1993). *The Hollow Hope: Can Courts Bring About Social Change?* (Pbk. ed.). Chicago: University of Chicago.

Scheingold, Stewart A. (1975). *The Politics of Rights: Lawyers, Public Policy and Political Change*. New Haven: Yale University Press.

Skrentny, John D. (2002). *The Minority Rights Revolution*. Cambridge: Harvard University Press.

Smart, Carol. (1989). *Feminism and the Power of Law*. London: Routledge Press.

Swidler, Ann. (1986). Culture in Action: Symbols and Strategies. *American Sociological Review, 51*(2), 273-286.

Teubner, Gunther. (1989). How the Law Thinks: Toward a Constructivist Epistemology of Law. *Law and Society Review, 23*(5), 727-758.

UUPA. (2004). Understanding Polyamory: Unitarian Universalists and Responsible Non-Monogamy. Flier for distribution: Unitarian Universalists for Poly Awareness.

White, Dave. (2003, December 10, 2003). *Celebrate Friendship*. Retrieved May 22, 2005, from the World Wide Web: http://www.celebratefriendship.org

White, Valerie. (2002). Polyamory and the Law. *Loving More, 28,* 7-10.

Zientara, Jerry, & Rila, Margo. (2005, May 6). *Scenes from the Late 60's Sexual Culture in the Bay Area.* Paper presented at the Society for the Scientific Study of Sexuality Annual Meeting: Unstudied, Undestudied and Underserved Sexual Communities, San Francisco.