

Through an examination of Acts legislating nonconjugal relationships in Hawaii and Alberta, Lois Harder (2009) argues that the legitimization of new family forms present a challenge to the heteronormative married family and norms surrounding good sexual citizenship. She maintains that the significance of this challenge is dependent upon the “political and legal climate” (634) in which the legislation is located and is therefore different in American and Canadian contexts. This leads her to contend that these legislations point to contradictions within neoliberalism itself; she sees Hawaii’s Reciprocal Beneficiaries Act as a “shift away from neoliberalism” (653) and Alberta’s Interdependent Relationships Act (AIRA) as in part an espousal of neoliberal ideals of privatization. Following an overview of the AIRA, which allows nonconjugal couples the opportunity to be recognized as legal partners, Harder grapples with the term “conjugal”. She explains that it does not have a clear definition in legal contexts, but rather a set of potential characteristic attributes, which may, but do not necessarily, include sex. Harder concludes her article by criticizing the neoliberal state’s privatization of the responsibility of care by way of the legislation of intimate relationships, arguing that they should instead be providing “a state-guaranteed level of economic well-being and the extension of benefits on the basis of individual entitlement rather than relationship status” (652). She asserts that although neoliberalism can offer a partial explanation for these legislations, conservative fear of same-sex marriage and the family’s influence over the “rules of membership” (655) in a political society are more influential factors (655).

The three main criticisms of the regulation of non-marital relationships I have identified in Harder’s article are as follows: first, she condemns the ascription of partnership status by the AIRA, stating that it is an “intrusion” by the state into the

intimate lives of citizens (Lois Harder, interview) and a violation of political consent, which supposedly “forms the basis of liberal democracies” (635). Second, she criticizes the lack of economic and social policies that would ensure income security for all citizens (652). Finally, Harder writes that in legally equating same- and different-sex relationships, neoliberalism fails to consider the fact that support obligations arose from economic gender inequalities in heterosexual marriages (650). In light of these criticisms, I conclude that Harder is in favor of intrusive public policies leading to economic equality and security, yet opposed to state regulation of intimate relationships without citizens’ consent. She implies that there are certain aspects of one’s private life in which the state should have no place unless invited, yet she advocates for policy to alleviate gender inequality, policy that even she admits to be rooted in that very same private life. These criticisms seem to imply a clear distinction between the public and private spheres. The question that then follows is this: where does the public end and the private begin? Is the ascription of legal status not also a form of ensuring vulnerable people, who are more likely to be women, are protected from economic exploitation in the private sphere?

[502 words]

Works Cited:

Harder, Lois. 2009. "The State and the Friendships of the Nation: The Case of Nonconjugal Relationships in the United States and Canada." *Signs: Journal of Women in Culture and Society* 34:3, 633-658.