The aim of this paper is to discuss two different ways of theorizing the production and reproduction of sex and sexuality during modernity. The concern is in what way they can be used as analytic tools in understanding how certain “narratives” are produced in legal proceedings in rape court cases. The law and the court, as public institution and authority produce and reproduce knowledge about sex, gender, body and sexuality, especially in judicial proceedings of rape cases. The paper also discuss in what way the production of knowledge about sexuality can be understood to be liberating or not on an individual level.

The first concept is Gidden’s “plastic sexuality” which he views as a result of both scientific and public attention to erotic pleasure. The development of plastic sexuality can be understood as, in the long run, making interpersonal relations more democratic.

To confront the concept of plastic sexuality I use Foucault’s concept of “confession”. The concept of confession is understood as a principle used to produce and reproduce knowledge about sexuality in modern society. That is, a knowledge that cannot be understood as liberating but instead works to restrict and discipline the individual body.

The concept of “plastic sexuality” can analytically be used to understand different reflections about sexuality on an individual level. The principle of confession though, implies a power relation and can be used in different types of “confession situations” where the “narrative” presupposes a listener. Both the sacral and the profane confession make clear social norms, standards, rules, values and criterions as well as valuations of the appropriateness and truthfulness of the “talk” being produced.