To Brad and my mother
ACKNOWLEDGMENTS

Writing a dissertation involves long periods of loneliness, isolation, second-guessing, incredible ups and equally precipitous downs. A dissertation also means finding wonderful compatriots and co-conspirators, friends in strange places, and close companionship with many colleagues. It is, in short, a lot like being in love and it has been one of the most fulfilling parts of my life. This project would not have been possible without the dedication, loyalty, patience, and support of my dissertation committee. Stephanie Smith, my director, worked closely with me for nearly a decade, pushing, goading, and challenging me in ways I hope she always will. Her guidance and friendship was and remains invaluable. Stephanie’s commitment to the powerful and life altering potential of ideas is inspiring and often hard to live up to. Her questions aim for and often hit the core of any thinking and, as such, make that thinking better. Together David Leverenz and Susan Hegeman taught me to read in a new way. Both are scholars I highly esteem. They always encouraged me in my abilities and backed me up when even I felt some of my readings went too far. Eric Segal, my outside reader, provided an objective and engaged voice and perspective that greatly aided my research and arguments. I owe much to them all.

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The Queer Theory Reading Group began as an experiment and ended up following me throughout my graduate career. This project would be unthinkable without the QTRG and the many late night conversations shared with Nishant Shahani, Robin Nuzum, Renuka Bisht, Emily Garcia, Tom Love, Brittany Luck and many others. Thanks also to that loose collection of grads, alum, and friends, who, though not unified by name, nonetheless acted as my gang in grad school: Jennifer Simmons, Idoia Gorosabel, Adam Nikolaidis, Cortney Grubbs, Melissa Mellon, Andrea Woods, Kate Casey-Sawicki, Cari Keebaugh, Lisa Hager, Paul Lightcap, Jesse Zeigler, Harun Thomas, Jessica Magnani, Craig Smith, and Brian and Jaimy Mann.

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Incandescently Queer proposes and enacts a newly refined, formulated, and strengthened practice of queer reading. Arguing that all texts enjoy the capacity to be read queerly, my study provides provisional guidelines outlining how this potential “queerness” can be achieved and employed. These “rules for queer reading” contend that queerness need not solely signify an object, a person, a relationship, or a set of behaviors, but also denotes a process and a practice of reading and interpretation. A queer form of interpretative engagement creates, insists upon, and maintains the centrality of non-heteronormative desire to all texts, all processes of inscription, and all manner of depiction, cultural storage, and signification. In short, “queerness is genetic to all meaning-making.”

Using these rules for queer reading, my study critically examines a number of distinct areas of cultural importance including law, modernism, the nation, historiography, childhood, and the archive. Incandescently Queer interrogates and challenges these core cultural keywords. I examine how constitutional law in the United States changed and was changed by encounters with the methods and applications of queer theory. My study contends that traditional narratives of American modernism remain flawed and incomplete so long as they leave out, underemphasize, or belie the importance of homoerotic representations of male bodies in both
advertising and art. My study utilized the historiographic theories of Michel Foucault to provide a brief genealogy and “counterhistory” chronicling the evolution of disease and desire’s interrelationship and argues that the supposedly infective quality of queer sexuality is constitutive to the healthy nation itself. The meeting point between childhood and institutional memory asserts the value of reconfiguring the children's literature archive as something inclusive of and welcoming to queer desire.

The processes and mechanisms of revision, rewriting, and reiteration are laid out in the opening rules for queer reading. As Eve Kosofsky Sedgwick remarks, queerness is “an unpredictably powerful solvent of stable identities.” While chronologically, contextually, and disciplinarily diverse, my dissertation seeks to use the destabilizing properties of queerness to undermine and question interpretative strategies that continue to rely on and function through presumptive heterosexuality.
CHAPTER 1
INTRODUCTION: RULES FOR INCANDESCENTLY QUEER READING

What is Incandescent Reading?

The pleasure potential of a perversion . . . is always underestimated. Law, Science, the Doxa refuse to understand that perversion, quite simply, makes happy; or to be more specific, it produces a more: I am more sensitive, more perceptive, more loquacious, more amused, etc.—and in this more is where we find the difference. . . . Henceforth, it is a goddess, a figure that can be invoked, a means of intercession.

—Roland Barthes, *Roland Barthes*

*Incandescently Queer* is an intercession, an intervention, a petition, and a plea for a newly refined, formulated, and strengthened practice of queer reading. Beginning here with a joining of Roland Barthes’s brief invocation of the overwhelming and pleasurable ability of perversion to make a more, my project contends that there is much more that can be accomplished, produced, and created by reading more queerly than not. But what does a more queer reading mean and why is it incandescent? Queer reading means the patient and thoroughgoing reliance not on the discovery of an object, whether lost, hidden, or repressed, but on the practices of an interpretative engagement that creates, insists upon, and maintains the centrality of queer desire; queer not as a thing or a person, but as a process, a way of reimagining and realigning meaning with and through the welcome intrusion of nonheterosexual desire.

To be incandescently queer requires that we make desire burn, phosporously leaking queerness from one text and one context to another. I am not looking for queers in books, I am positing that with the very act of seeking such desire we instantiate what was always already

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potentially present, emanating an influence, acknowledged or not, thus making that desire
esential to any attempt at understanding from the start. Incandescently queer reading is possible
because “what has dwindled, if not actually died, is acquiescence in that most convenient
assumption of traditional criticism: that there is one proper position from which to read, and
alternative positions can simply be co-opted, repudiated, or ignored.” Any notion of a
putatively and properly unified reader “is a coercive construct, designed to disqualify rival views”
and it is because of this lingering coercion that we as queer readers must begin to use any
means necessary not so much to “smuggle queer representation in where it must be smuggled” as
to refuse those forms of textual analysis that belie, overlook, or underestimate the powerful
intercessional play of a queer more in all texts. It is with this refusal in mind that I offer a brief
outline of some provisional and often overlapping “rules” for queer reading.

**Rules for Queer Reading**

**Rule I: Queer is Queer**

Queer reading takes as its starting point the very strangeness of “queer” itself. Addressing
“the political ramifications, the advantages and dangers, of culturally ‘fixed’ categories of sexual
identities and the ways in which they may be performed [and] transgressed,” the very word
“queer” is often as stretched and elastic, discontinuous and provisional, as the objects it seeks to

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2 Alan Sinfield, *Cultural Politics—Queer Reading*, 2nd Ed. (New York: Routledge, 2005) xiv. During the drafting stage of this project, long after settling upon a title, I stumbled across this new edition of Sinfield’s earlier 1994 classic. Sinfield would no doubt be apoplectic over the idea of “rules for queer reading” given his analysis of the core structures of literary studies such as the text and the reader as well as the institutions that house these studies. Given the chance now to place these “rules” in a hereditary relation to Sinfield’s work (among others), I would like to note that their goal is not far afield from the agenda he outlines in his closing chapter “Beyond Englit” 72–76.

3 The former quotation is from Sinfield, *Cultural Politics—Queer Reading*, xiv, while the latter comes from Eve Kosofsky Sedgwick, *Tendencies* (Durham: Duke University Press 1993), 3.
describe. This hard to pin down elasticity is what allows “queer” to remain at once a keyword for certain histories, communities, and impulses, while at the same moment contesting these self-same histories, communities, and impulses. As Jane Goldman notes in a brief moment of frustration, “queer . . . is alive to its paradoxes, playing on the tensions between its emergence as a naming and therefore fixing category, and the possibilities opened up by its own catachrestic—misnaming—semantics.” I like this queerness of “queer.” At each instance in its varied history of definitional attempts, “queer” has resisted, fought, and frequently succeeded in undefining itself.

Given these difficulties I make no attempt here to define what precisely “queer” is. In his introduction to Fear of a Queer Planet, Michael Warner likewise refuses the urge to definitively name his subject, beginning not with an occasion of identification but rather with the interrogatory “what do queers want.” For Warner the attempts to address this question in large

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4 Jane Goldman, “Works on the Wild(e) Side—Performing, Transgressing, Queering,” in Literary Theories: A Reader and Guide, ed. Julian Wolfreys (New York: New York University Press, 1999), 525. Goldman moves in the next paragraph to offer that both “gay studies” and “queer theory” are “caught up in the politics of identity where declaration (or confession) of one’s own positionality is almost de rigueur for any author contributing to its debates. (Call me old-fashioned, but I’m not about to oblige here.)” Old fashioned or not, Goldman’s maneuver to summarize queer critical impulses while at the same time distancing herself away from them is par for the course in certain texts and disciplines. See for example James W. Button, Barbara Ann Rienzo, and Kenneth D. Wald, Private Lives, Public Conflicts: Battles over Gay Rights in American Communities (Washington DC: Congressional Quarterly Books, 1997). I make my own relation to both gay studies and queer theory clear in the next chapter, if I have not done so already.


part constitute the very project of queer theory itself. Incandescently queer reading moves from Warner’s question, posed nearly fifteen years ago, to another perhaps broader one, what can “queer” do. In her recent work on temporality and representation in subcultural communities, Judith Halberstam provides at least one response to such a question, noting that:

Part of what has made queerness compelling as a form of self-description in the past decade or so has to do with the way it has the potential to open up new life narratives and alternatives relations to time and space.⁸

Queer reading destabilizes the conventions that gird together the stories we tell ourselves about our lives. It is actively engaged in creating the openings and alternatives that Halberstam highlights. Turning back to Barthes at a later moment in his autobiography, he recalls the troubling position that queer desire inhabits in many narratives:

Walking through the Church of Saint-Sulpice and happening to witness the end of a wedding, he has a feeling of exclusion. Now why this faltering. . . . Chance had produced that rare moment in which the whole symbolic accumulates and forces the body to yield. He had received in a single gust all the divisions of which he is the object, as if, suddenly, it was the very being of exclusion with which he had been bludgeoned: dense and hard. For to the simple exclusions which this episode represented for him was added a final alienation: that of his language: he could not assume his distress in the very code of distress, i.e., express it: he felt more than excluded: detached: forever assigned the place of the witness, whose discourse can only be, of course, subject to codes of detachment.⁹

Incandescently queer reading is a rejection on the part of queers to witness their own detachment from any narrative. “Queer” can mean many things to many people, but here it serves as the category under which all those desires, impulses, erotics, and encounters too often exiled and deemed nonrelevant gather together to forcefully reattach themselves to language and meaning.

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Rule II: Always Assume Queer Desire

Queer reading moves from “there is nothing outside of the text” to there is nothing that is not queer in the text. All texts, all processes of inscription, all manner of depiction, cultural storage, and of signification have at their heart the ability, the desire, and the waiting patience to be read queer. Queerness is genetic to all meaning-making; it is neither an outside interloper, nor an exterior superimposition. Queer reading operates on the presumption that as readers, we make choices when we decode, incorporate, use, and interpret any text. As queer readers, we make the conscious choice to decode, incorporate, use, and interpret texts in such a way as to allow a freer play of queer desire, eroticism, chance encounters, and fated couplings among the cogs of heteronormative sexuality. Whether we undertake to read East Lynne or Mark Twain, Dom DeLillo or Alice in Wonderland, always assume queer desire as central and constitutive.

This second rule of queer reading is perhaps the most important. It requires us as readers to actively participate in a continuous thought-experiment that brackets out heterosexuality as primary to meaning. Queer reading pushes our interpretive stance not only into always questioning this primacy, but more so, compels us to consider the ramification to our texts and narratives if we replace our focus on heteronormative desire with queer desire and erotics. What happens to a canonical text such as Twain’s Tom Sawyer, for instance, if we begin to view the relationships among its characters as instances of desire not incompatible with that shared by members of the same gender. How are Huck and Tom altered if we begin to view them as potential lovers; partners whose closeness informs their movement towards adulthood? I believe that when we undertake such substitutions and enact such insistences, we end up with strangely new and powerfully different stories. Such readings realign our reality in a fundamental sense.

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They allow new approaches and new conversations about literature and its relation to our lives. This realignment marks queer reading as deeply and necessarily performative.

**Rule III: Queer Reading is Performative and Interdisciplinary**

Incandescently queer reading acts to transform texts into discourses that perform a type of cultural work Jane Tompkins first probed over two decades ago in her groundbreaking *Sensational Designs*. In that book, Tompkins jettisoned a century of literary criticism and study arguing that the texts we read are not solely “works of art . . . embodying enduring themes in complex forms, but . . . attempts to redefine the social order.”¹¹ Queer reading embraces this shift in appraisal by attending “to the way a text offers a blueprint for survival under a specific set of political, economic, social, or religious conditions.”¹² We no longer read in order to ascertain or assign hierarchical cultural values. Rather, queer reading demands that texts become agents for queer desire’s happy propagation, dispersal, and enjoyment.


> The recognition that literary texts are man-made, historically produced objects, whose value has been created and recreated by men and women out of their particular needs, suggests a need to study the interests, institutional practices, and social arrangements that sustain the canon of classic works. It also opens the way for a retrieval of the values and interests embodied in other, non-canonical texts, which the literary establishment responsible for the canon in its present form has—for a variety of purposes—suppressed. (37)

Both quoted passages get to the heart of Tompkins useful interpretative tool “cultural work.” While I shy away here from a language of retrieval, suppression, and canon, I nonetheless find “cultural work” to be an incredibly fecund intervention for wrenching texts away from more traditional reading practices.

As a critical performance, queer reading rejects those practices that reduce interpretation to a “fetish of the true or the false.” Queer reading is irreducible to the dictates of proof or evidence, the logics of verification or certainty. It believes without regret or hesitation that everything, read in the right circumstances, can be read queerly. Queer reading is “additive and accretive” as it labors to bring to the forefront those “communal, historically dense explorations of a variety of reparative practices” not the least of which are the “prodigal production of alternative historiographies,” “the startling, juicy, displays of excess erudition,” and “the disorienting juxtapositions of present with past, and popular with high culture,” which every text inchoately offers. Countering contentions that such a practice is ahistorical or decontextual or that it heeds little attention to the details of a text, queer readers maintain that such possible criticisms are frequently the subtle means through which heterosexist historicities and contexts, normalizing interpretations and readings, reinstate themselves as the “truth” of a given work.

The goal of queer reading is to produce “an experience that might permit an alteration, a transformation, of the relationship we have with ourselves and our cultural universe.” Ultimately, an incandescently queer reading reminds us of “the many ways selves and

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communities succeed in extracting sustenance from the objects of a culture—even of a culture whose avowed desire has often been not to sustain them” at all.  

Achieving this sustenance requires that incandescently queer reading operate across disciplinary boundaries. And for good reason. As Michael Warner observes:

Every person who comes to a queer self-understanding knows in one way or another that her stigmatization is connected with gender, the family, notions of individual freedom, the state, public speech, consumption and desire, nature and culture, maturation, reproductive politics, racial and national fantasy, class identity, truth and trust, censorship, intimate life and social display, terror and violence, health care, and deep cultural norms about the bearing of the body. Being queer means fighting about these issues all the time, locally and piecemeal but always with consequences.  

There is an absolute need and necessity for interdisciplinarity on the part of queer readers if only due to multiple and intersecting disciplinary discourses, from evolutionary biology and constitutional law, which together constrict and construct the horizons of queer lives and desires. As Kim Emery notes, “every queer person has at one point rethought conventional theories of the real.” Queer reading is one of the processes of this rethinking. It is not confined to the examination of literary texts any more so than these texts act alone in delineating what queer life should or could be. We must actively engage in critical conversation discourses that are at times radically different from those we are regularly attuned to.

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17 Warner, *Fear of a Queer Planet*, xiii.

Rule IV: Queer Reading is Dangerously Utopian

In the inaugural days of the Gay Liberation Front activists filled the streets with a jarring cry of juxtaposition: *we are your worst fear/we are your best fantasy*. Incandescently queer reading sustains the dangerous acknowledgement that these two seemingly contradictory impulses exist simultaneously. Queer reading is the imperturbable process of reminding ourselves and others that despite our fears and thanks to our fantasies we are all much freer than we feel, that our texts are much more available for change then they seem, and that our pleasures and knowledges are much less encrusted than they need be. There are risks to reading so queerly. There are personal risks that stem from the uneasy and shifting identification of ourselves as queer. There are those additional professional risks of reading against the grain of disciplinary imperatives for the security of closed texts. These risks are worth the effort.

Queer reading is nothing less than a practice of freedom seeking to invent in the dissonance of its textual wrestling new modes of living and subjectivity. Among its most basic assumptions is that:

Sexuality is something that we ourselves create—our own creation and much more than the discovery of a secret side of our desire. We have to understand that with our desires,

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21 Simon Watney used the phrase “practices of freedom” as the title of his 1994 collection on the AIDS/HIV crisis and the activist political response by groups such as ACT-UP and Queer Nation. For a more recent overview of Foucault’s use of the phrase, please see Johanna Oksala, *Foucault on Freedom* (New York: Cambridge University Press, 2005).
through our desires, go new forms of relationships, new forms of love, new forms of creation. Sex is not fatality: it’s a possibility for creative life.22

Throughout his career Foucault urged us as readers to take up new relations to all texts and historical narratives. These strangely novel relations moved beyond viewing texts as stable objects of knowledge and toward a type of interactive interpretation seen as an ongoing form of practice and exercise aimed not at a final truth but rather at transformation. This is the dangerously utopian side to reading queerly and the more which Barthes’ perversion indicated. We must become perverse readers not from any “condescension to texts” but rather out of the “surplus charge” of our “trust in them to remain powerful, refractory, and exemplary.”23 These are the first four “rules” of queer reading. There are more. As queers, we use them everyday to negotiate our way through and in diverse cultures and circumstances most of which are less than supportive or accepting. It is perhaps one of our more pressing duties as queer scholars to continue the process of articulating such “rules” more completely, candidly, and unabashedly.

Living Up to the Rules / Chapter Overview

Using these rules for queer reading, this dissertation critically examines a number of distinct areas of cultural importance including law, modernism, the nation, historiography, childhood, and the archive. Incandescently Queer interrogates these core cultural keywords over the course of several chapters, each of which tries to live up to the rules laid out here. The second chapter asks how constitutional law in the United States changed and was changed by


23 This somewhat butchered quote is from Sedgwick, Tendencies, 4. The full quote is:

At any rate, becoming a perverse reader was never a matter of my condescension to texts, rather of the surplus charge of my trust in them to remain powerful, refractory, and exemplary.
encounters with the methods and applications of queer theory. Chapter three contends that traditional narratives of American modernism remain flawed and incomplete so long as they leave out, underemphasize, or belie the importance of homoerotic representations of male bodies in both advertising and art. The fourth chapter, utilizing the historiographic theories of Michel Foucault, provides a brief genealogy and “counterhistory” chronicling the evolution of disease and desire’s interrelationship and arguing that the supposedly infective quality of queer sexuality is constitutive to the healthy nation itself. Finally, chapter five turns to the meeting point between childhood and institutional memory, and asserts the value of reconfiguring the children's literature archive as something inclusive of and welcoming to queer desire.

Each of the chapters refers back to and insist on the processes and mechanisms of revision, rewriting, and reiteration laid out in these initial “rules for queer reading.” As Eve Kosofsky Sedgwick remarks, queerness is “an unpredictably powerful solvent of stable identities.”

While chronologically, contextually, and disciplinarily diverse, this dissertation seeks to use the destabilizing properties of queerness to undermine and question interpretative strategies that continue to rely on and function through presumptive heterosexuality. “My consolation for the embarrassment of inconsistency is that the very heterogeneity” of these chapters “might help to suggest the range of projects that can spring” from reading queerly.

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CHAPTER 2
WHAT’S NEW: NOTES ON A QUEER JURISPRUDENCE

Six Years On

This chapter poses a deceptively straightforward question: what happens when the language of law meets the language of queer desire? When I began graduate school in the autumn of 2001 such a question inevitably butted against the realities of living in an America defined by the legacy of the Supreme Court’s majority opinion in 1986’s *Bowers v. Hardwick* decision. Writing for that majority, Justice Byron White contentiously noted that:

> Against a background in which many States have criminalized sodomy and still do, to claim that a right to engage in such conduct is “deeply rooted in this Nation’s history and tradition” or “implicit in the concept of ordered liberty” is, at best, facetious.¹

The “facetious” notion of queer desire’s inclusion within the nation sparked at least two generations of legal and queer scholarly work in the wake of *Bowers*.² I am a member of one of

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> In this case, the Supreme Court refused to extend the constitutional right of privacy to protect acts of consensual homosexual sodomy performed in the privacy one’s own home. . . . [The] case evolved out of the arrest of Michael Hardwick, a gay Atlanta bartender, for performing oral sex with another man in his own bedroom. They were discovered by a police officer who had come to serve a warrant on Hardwick for not paying a fine for drinking in public. . . . Under Georgia law, sodomy (defined as ‘any sexual act involving the sex organs of one person and the mouth or anus of another’) was a felony that could bring up to twenty years in prison.

Unfortunately, the Justices were presumably unaware that seventeen years before on June 28–30 1969, patrons at the Stonewall Inn and Bar revolted against police intrusion, effectively marking one of the beginnings of the LGBTQ rights movement in the United States. Indeed, by 1986, June 30 was often the day used for celebrations and parades marking the Stonewall anniversary. For additional history on the Stonewall events, see David Carter, *Stonewall: The Riots that Sparked the Gay Revolution* (New York: St. Martin’s, 2004).

² For two recent and authoritative histories of the legacy and impact of the Bowers decision from a legal standpoint, see William N. Eskridge, Jr., *Gaylaw: Challenging the Apartheid of the*
those generations and a good amount of what follows acknowledges and chronicles this legacy. The work of erasing, defacing, qualifying, rejecting, and rewriting my facetiousness began in earnest as a graduate student six years ago—trained not in law, but in textual analysis, interpretation, and queer theory.

That first fall was also marked by the events of 9/11; a context seemingly removed from the question above but nonetheless, unavoidably coloring my research and arguments over the last six years. I never realized, upon returning to these concerns, how altering the experiences of that autumn and the subsequent half decade have been. For many, like Alan Sinfield, 9/11 and the responses it engendered from the invasion of Iraq and the excesses of the PATRIOT Act I and II to the crystallization of a new cold war restaged now as a war on terror in some small part signifies nothing less than an amplification and renewed internationalization of the “psychic and political violence” experienced by queers for decades in the United States.3 Or, in other words, the use and misuse of law in this past half decade to imprison, torture, detain, exile, and purge those deemed outsider and other is in many ways a logical extension to and continuation of a particularly blunt side of American law that queers have known and experienced firsthand. To quote the title of this chapter, what’s new?

But something surprising and surprisingly new did happen with the 2003 Lawrence v. Texas decision when a majority of the Supreme Court, led by Justice Anthony Kennedy (a Reagan appointee no less), unequivocally struck down not only Bowers v. Hardwick, but

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3 Sinfield, Cultural Politics—Queer Reading, xi–xii.
destroyed much of the reasoning and legal backbone behind it.\textsuperscript{4} As a member of one of those
generations that came of age with \textit{Bowers}, I was dumbstruck. Not because I thought the
arguments against Bowers were weak—quite the opposite—but because I thought the court too
weak to hear, acknowledge, or understand them. Many believed that it would take fifty years or
more to overturn that previous case and our own legally manufactured fastidiousness.\textsuperscript{5} We were
wrong. It took just thirteen years. This chapter records part of the story of how we got to
\textit{Lawrence}, how two previous cases proved pivotal to that decision, and how queer theory and the
language of queer desire intervened at a most inopportune moment for a conservative
government. It is also about the limits of the encounter between queerness and law. As I find
below, queer desire destabilizes the language of law even as the language of law confines and
crystallizes queerness in an often arbitrary and disturbing way. The meeting of the two is and
remains vital though, if only due to its demonstrable and substantive ramifications.

After further exploring the terrain of post 9/11 America in relation to queer law, I examine
the use of “queer” in legal discourse and in coordination with other outsider jurisprudence. I
then turn to the three most recent and far reaching flash points for queer law at the level of
v. Texas} (2003).\textsuperscript{6} What these brief studies illuminate for a queer jurisprudence are the limitations
that such jurisprudence must necessarily acknowledge. Yet, as I also insist, they highlight the

\textsuperscript{4} \textit{Lawrence v. Texas}, 539 U.S. 558, (2003) was argued March 26, 2003 and decided June 28,
2003 by a vote of 6 to 3.

\textsuperscript{5} For example, the period between \textit{Brown v. Board of Education} (1954) and \textit{Plessy v. Ferguson}
(1896) spanned nearly sixty years. For more information, see Hall, \textit{Supreme Court Decisions},
34–36 and 239–240 respectively.

\textsuperscript{6} \textit{Romer v. Evans}, 517 U.S. 620, (1996) was argued October 10, 1995 and decided May 20, 1995
by a vote of 6 to 3.
mutability of legal practice and institutions. Informing a queer jurisprudence with an awareness of its status as a tempered and besieged discourse, however, does not mean to foreclose its abilities to enact change. By challenging some the foundational narratives of law, of rights, and of the processes of inclusion, a queer jurisprudential framework functions as a tactical intervention into the currently maintained and reinforced heterosexism of the public sphere. As Judith Butler notes, “regardless of our skepticism about such institutions, skepticism can furnish grounds for reform or for the making of new law or new institutions for implementing law.”

Wartime Worries and the “What’s New?”

At long last, efforts to protect and advance women’s rights are where they belong—in the mainstream of American foreign policy. Promoting the advancement of women is an important element of U.S. foreign policy which complements the broader strategic, diplomatic, and economic interests of the United States.

—Judith Butler, *Precarious Life*  

In the aftermath of the attacks on the World Trade Center in September 2001, the newly elected administration of George W. Bush turned its attention to the troubled nation of Afghanistan as a pivotal front in a global war on terror. Even in the midst of the chaos and uncertainty of that difficult autumn, there was for many of us in academe and within queer studies a disconcerting note to Bush’s vocal efforts in relation to the treatment of women under the ruling Taliban regime. Certainly a cause worthy of comment, concern, and criticism, I still had an uneasy awareness that such anti-misogynistic arguments seemed framed not so much by an interest in the plight of Afghan women and children, but by the political efficacy of making such an argument for a then nascent compassionate conservatism. It was, undeniably, a strange

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situation to find oneself in as a cultural critic in general or as a feminist or queer theorist in particular. Part of the strategy motivating that administration’s attempts to ameliorate the horrible conditions of Taliban controlled areas went to the heart of contentions that a particular brand of feminism could indeed “complement” broader interests within the United States itself, namely as a means of wedging the left, or whatever remained of it at that time, apart. Feminism, once a domain unacknowledged or dismissed by an American right, had become in the space of weeks a celebrated cause even to the point of witnessing the first lady, Laura Bush deliver for the first time her husband’s weekly radio address.\(^9\) Luckily for compassionate conservatives, the Taliban’s treatment of gays and lesbians remained and continues to remain shadowy at best in the mainstream media\(^10\)

What I would like to highlight in these matters is not so much the conspiratorial undertones that become too easily apparent, but rather the sociopolitical and legal horizons in the United States that make such conspiracies not only possible, but even probable, in the minds of many. It is all too simple, I suppose, to point out the inherent contradictions that function in any


\(^10\) Exceptions were available at the time in such publications as the *Village Voice*. Reporting by Michelangelo Signorile, “Hate Crimes,” *Village Voice*, October 11, 2001, found that:

On March 22, 1998, 18-year-old Abdul Sami and another young man, a 22-year-old named Bismillah, were buried alive—put beside a mud wall that was bulldozed upon them inside a stadium in the Afghan city of Heart. The gruesome public execution was the young men’s sentence, under Taliban law, of having been found guilty of engaging in sodomy.

What is perhaps more intriguing was the total lack of reportage on the extreme criminalization of sodomy in some of our allied countries at the time, including Saudi Arabia, which regularly resorted to capital punishment as a remedy to its own sodomy “problem.” Additionally, during the fall of 2001, Egypt tried fifty men for sodomy under the guise of punishing “terrorism.” See *In a Time of Torture: The Assault on Justice in Égypt’s Crackdown on Homosexual Conduct* (Washington DC: Human Rights Watch, 2004).
discussion of the rampant misogyny of the Taliban over and above any corresponding discussion of the continued struggles of women, people of color, lesbians, the trans community, and gays within our own borders. All too easy, but nonetheless, all too often, then as now, never explicitly spoken. We do, after all, find ourselves living six years on in the midst of a wartime milieu in which the suspension of liberties and civil rights has taken on the flavor of just another daily story on CNN.\(^\text{11}\) To bring up questions of the ongoing contestations of citizenship within the United States during such a period smacks of anti-Americanism, cowardice, or even treason.\(^\text{12}\) But, in spite of this, these struggles within our borders continue, along with the high price paid by those who live in and through them. The need to examine the legal and political foundations of these struggles remains as well. In a climate that has witnessed a near wholesale revocation of many rights for Americans of Islamic faith or of Middle Eastern descent, it might not be entirely inappropriate for some to note, with a tinge of cynicism: what’s new?

Beyond this immediate reaction, what is discernable in this strange new form of conservative discourse of the past half-decade is the curious manner in which it puts into place a series of binaries that create a certain space for feminism and its viability. This space, emerging from the strain between the domestic and the foreign, the radical and the mainstream, the universal and the strategic, figures feminist analysis, along with its intervention into patriarchy, as a peculiar weapon to be wielded against our new terrorist foes. Feminism as such becomes in the hands of bureaucrats a number of things it never was in the past, namely, singular, tame, and


\(^\text{12}\) For an encapsulated rendition of these charges, see Ann Coulter, Treason: Liberal Treachery from the Cold War to the War on Terrorism (New York: Crown Forum, 2003).
exportable. Just as the second Bush administration sees fit to use feminism for the sake of driving a fractured left further apart, so too can feminism now be used as a means of condemning outside regimes for brutalizing whole segments of their populace and thus ensuring our right to in turn brutalize them. Admittedly, within these regimes, or rather within that particular Afghan incarnation, such brutalization of women and children did and does occur. What is especially troubling though is how this fact and these realities are taken not as travesties in themselves, but as further indication of our national need to violently depose outside governments. Feminism in such a highly politicized situation diminishes from an imperative for justice and becomes a kind of ghostly presence warning us into submission: bomb Afghanistan or live with its inhumane treatment of women; vote Republican or risk devolving into chauvinism.

Given this elaborate and highly conscious game of political smoke and mirrors, it is difficult not to wonder if the former Bush’s (or “41” as he is now known) inabilities and ineptitudes in the face of the domestic might not itself be doing some haunting of its own. Indeed, how better for conservatives to garner support from consistently hostile demographics within the U.S. than by adroitly highlighting its party’s own heroic quest to finally put feminism “where it belongs?” What is lost in this shifting are the all too persistent and invariable failures on the part of conservatives over the past half decade to conceive of feminism’s place within the domestic—not as a political tool, nor as a handy rationalization for war, but as a call for justice and as a discourse of rights. And for those of us even quicker with out retorts (what’s new?), there is also the above-named and equally persistent and invariable failure of conservatives to conceive of a place for queer justice and rights—foreign or domestic.13

But then again, retorts are never enough. After all, beneath that apparent failure on the part of conservative lawmakers, judges, and voters, there lie very successful conceptions of queer rights and justice—or, if not quite successful, at the very least efficient—as evidenced by the continuing status of queers as political outsiders, questionable citizens, and as strangers to the law. Such a status, outside of any posturing to the contrary, has a history and is anything but accidental. It is a history replete with concerted efforts within the discourse of law to produce this outsider status. Its ultimate objective is the construction of queer sexualities as deviant and of questionable national loyalty. To examine the history of this legal production is not so much to overlook those other, complementary narratives of the left—Foucauldian, Marxian, or otherwise, which also call attention to the ongoing construction of these sexualities—as it is a reminder that the domain of law has always already been a pivotal conduit in matters of sexual identity. As with the history of medical discourse, the law has functioned not simply to discipline those sexualities and practices it deemed deviant or illegal, but more than this, has functioned through this disciplining to construct those identities themselves. It is helpful to recall the prime role that law and governance have played throughout our history; helpful to remember that law’s reach has nearly always extended itself to our sexual lives and practices. Despite the length and breadth of this history—stretching as it does from Talmudic law to

14 This last phrase comes from Lisa Melinda Keen and Suzanne Beth Goldberg, Strangers to the Law: Gay People on Trial (Ann Arbor: University of Michigan Press, 2000).

15 Michel Foucault at times draws his attention to the jurisprudential role in homosexual construction. See, for example, Michel Foucault, Politics, Philosophy, Culture: Interviews and Other Writings, 1977–1984, ed. Lawrence Kritzman (New York: Routledge, 1988), 101:

There is no question that the appearance in nineteenth-century psychiatry, jurisprudence, and literature of a whole series of discourses on the species and subspecies of homosexuality, inversion, pederasty, and “psychic hermaphrodisism” made possible a strong advance of social controls into this area of perversity.
common law to case law—the past thirty odd years has offered a somewhat new purposeful functionality within legal discourse. Issuing from this has been a series of contestatory moments through which a more just semblance of gay and lesbian rights has, if not been realized, then at least presumptively imagined. By turning to those moments I hope to point out the broad contours of a jurisprudential territory that might eventually be called queer.

Toward (Queer) Legal Theories

Legally Defining “Queer”

Conceptualizing the domain of queer jurisprudence requires more than an attention to current legal debates. It also requires an examination of the theoretical underpinnings that would make an intervention into such debates achievable. Most legal scholars working within the inchoate field of queer law come from similar outsider jurisprudences such as Critical Legal Studies, feminist jurisprudence, and Critical Race Studies. While owing a great deal of debt to these various outsider approaches, queer legal theorists are also informed by the work of many within queer theory as well. Efforts at establishing a viable queer jurisprudential method began with just such an acknowledgement of debt to these other outsider projects and with their critical intervention into legal constructions of race and gender. They also began with an effort to fuse these understandings to more complex and problematic conceptions of gender and sexuality that queer theory fostered. This tension in terms of influence has sometimes made attempts at such a

16 Arguably, this occurred with the 2003 Lawrence decision. More discussion of that case follows below.

synthesis seem impossible, or at the very least, untenable. By selectively probing these two foundational terms—outsider jurisprudence and queer theory—I maintain that such a synthesis is not only tenable but also practical.

Since its inception, queer theory has been juxtaposed against alternative incarnations of anti-homophobic discourse and analysis. Whether deemed Lesbian and Gay Studies or more inclusively as L[esbian]G[ay]B[isexual] and T[rans] Studies (LGBT Studies), this older but continuing thread of action and cultural critique is increasingly seen by some as being too assimilationist or apologetic.\(^\text{18}\) Teresa de Lauretis was among the first to use the term “queer” to contrast this other, older form of inquiry with an understanding of sexuality that was not simply portrayed as yet another optional lifestyle in late capitalist society. She viewed queer as an elemental challenge to the arrangement of gender and sexuality in such a society. As Thomas Yingling observes:

> This word works so well because it appropriates a former badge of shame and because it suggests that it is not our business or duty to appear acceptable, that there is something unassimilable in nonheterosexuality and its queerness—its difference—can define it.\(^\text{19}\)

Emerging from the struggles within the AIDS activist community in the 1980s, the queer impulse found early emphatic advocates with the anonymous authors of “Queers Read /I Hate Straights!":

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> Pin it on the fuckers who deserve it: sex addicts, bodybuilders in Chelsea or West Hollywood, circuit boys, flaming queens, dildo dykes, people with HIV, anyone who magnetizes the stigma you can’t shake. The irony is that in this culture, such a response will always pass as sexual ethics.

Why queer? Well, yes, “gay” is great. It has its place. But when a lot of lesbians and gay men wake up in the morning we feel angry and disgusted, not gay. So we’ve chosen to call ourselves queer. Using “queer” is a way of reminding us how we are perceived by the rest of the world. It’s a way of telling ourselves we don’t have to be witty and charming people who keep our lives discreet and marginalized in the straight world. We use queer as gay men loving lesbians and lesbians loving being queer. Queer, unlike GAY, doesn’t mean Male. And when spoken to other gays and lesbians it’s a way of suggesting we close ranks and forget (temporarily) our individual differences because we face a more insidious enemy.20

Increasingly, queer is shorthand for a number of theorizations that conceive of desire as radically decoupled from its traditional moorings in gender, sex, and reproduction.21 Lee Edelman phrases it best when he notes that queer theory, its contestations and slippery mobilizations, rather than aligning as a stable doctrine, is most powerfully viewed instead as “zone of possibility.”22 A number of legal scholars mobilize these possibilities by questioning what they deem the “conflation triangle” of sex, gender, and sexuality. Positing desire as radically unhinged from immutable categorization, these legal theorists practice a form of queer theory similar to, yet also remarkably different from, more institutionally-recognized writers. Queer jurisprudence is extraordinarily young compared to its older sibling working largely in the humanities. Many of the terms and analyses used within this younger version of queer theory have not yet solidified or made visible headway in legal studies as a whole.23 The first place

20 The anonymously authored “Queers Read This/I Hate Straights” is widely available on the internet and is included in William B. Rubenstein, ed., Lesbians, Gay Men, and the Law (New York: New Press, 1993), 47. The pamphlet is considered the opening manifesto for Queer Nation.

21 This decoupling is central to the “Axiomatic” section of Sedgwick, Epistemology of the Closet, 1–63.


23 Queer jurisprudence is so young that it lacks any one key book of reference. Some of the most widely cited authorities are Laurie Rose Kepros, Francisco Valdes, and Larry Cata Backer.
most legal queer scholars start is with an examination of different, often competing models of sexuality.

As Laurie Rose Kepros presents it, there exist three primary models of sexuality in the West: (1) natural, (2) biological, and (3) social.²⁴ Each of these modes, or ways of thinking desire, is in turn championed by distinct sets of institutions and communities. The first of these models relies on the idea of universal norms expressed as moral and ethical obligations. Society works to encourage these obligations and to discipline those who veer away from their “natural” embodiments. The second biological model is seen by its proponents as surpassing the first; it relies on a conception of sexuality rooted in biological and reproductive imperatives. Society might try to control these imperatives, but ultimately one’s sexuality is tied firmly to innate biological processes at the genetic level. Under these first two models, same-sex desire figures as either unnatural and deviant or as a biological aberration that, regardless of socio-cultural prescriptives, cannot help but be expressed, even if furtively. The third and final model of sexuality involves a social understanding of how sexuality is constructed via intersecting cultural and historical events and practices.²⁵ This last model is the most used by queer legal academics. As Kepros notes, queer legal theory:

Focuses on the manner in which heterosexuality has, silently but saliently, maintained itself as a hidden yet powerfully privileged norm; and an implicit, if not explicit questioning of . . . the very categories that have generated heterosexual privilege and queer opposition.²⁶

In tandem with this social model of sexuality is what Francisco Valdes terms the “conflation triangle” of sex, gender, and sexuality, which:

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²⁶ Ibid., 284.
Consists of three legs, each beginning and ending with constructs of “sex.” The first leg conflates sex and gender such that each person’s sex is also his or her gender. The second leg conflates gender and sexual orientation so that notions of masculinity and femininity become coalesced into models of sexual orientation (e.g., society recognizes “sissies” and “tomboys” as evolving into “fags” and “dykes”). The third leg conflates sex and sexual orientation such that society concludes an individual’s participation in a same-sex couple means he or she has a “homosexual” orientation.27

One of the prime ongoing aims of queer legal studies is to upset this framework. By imposing a social definition of sexuality and disturbing the “conflation triangle,” queer jurisprudence introduces not only gaps into the understanding of desire, but turns these gaps into a means of critiquing heterosexism in our legal framework. For legal scholars this has meant a critique of law as heterosexist and reductive in the face of the lived fluidity of queer sexuality, pleasure, and desire. A number of problematics arise, however, with such a critique, not least of which is an undermining of traditional legal concepts of equality and rights. It is at this point that queer legal studies turns to those other “outsider” jurisprudences, specifically Critical Legal Studies.

**Outsider Jurisprudence and Critical Legal Studies**

Critical Legal Studies analyzes the institutions of law through a three-pronged attack, claiming the radical indeterminacy of law, the use of law as a tool of political legitimation, and identifying law as a form of ideology.28 The first of these claims finds that “there is no pure method of analysis that is capable of yielding a determinate answer to legal questions.”29 The second claim—law as political legitimation—arises from a concern with issues of power and

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29 Ibid.
dominance and is based on the realization that “traditional jurisprudential theories mystify and often deny the value choices inevitable in the selection and application of legal rules.” These processes of mystification and denial obscure the fact that:

Law exists to support the interests of the party or class that forms it and is merely a collection of beliefs and prejudices that legitimize the injustices of society. The wealthy and the powerful use the law as an instrument for oppression in order to maintain their place in hierarchy.

Finally, the third claim made by Critical Legal Studies asserts that law is a form of ideology that “can be manipulated, based on the conflicting ideological assumptions embedded in preexisting doctrine, to ‘justify’ numerous rationalizations for various outcomes.”

Critical Legal Studies profoundly places law under a deconstructive lens, moving away from traditional representations of the legal process as rational, just, and neutral and toward a more socially embedded acknowledgment of how law as a discourse is actually formed and practiced. Many critical legal scholars employ this type of genealogical approach to the issue of rights, finding that rights are not only unstable, but that possessing rights produces no determinant consequences, falsely reifying real experiences which should be valued for their own sake and finally, that a reliance on a rights discourse impedes advancement by progressive sources. Radically subverting conventional modes of legal discourse in this way has led some to wonder whether “the recognition of legal rights makes more than a rhetorical difference.” A way out of this apparent theoretical impasse may be to rethink law in much the same way that

31 Ibid., 28.
32 Ibid., 27.
33 Kepros, “Weed or Seed,” 289.
34 Eskridge, Gaylaw, 143.
sexuality has been rethought in queer theory. Better yet, instead of positing the field of law as
the domain of abstract and universal rights, both Critical Legal Studies and queer theory urge us
to view their respective discourses as products of social construction and contestation. Within
such a framework, law and sexuality both exist as particular instances of discursive and
disciplinary power and like all such discourses can never be complete or immune to intervention.
As David Fraser puts it:

The ability to create, disseminate, and alter discourse is essential to the exercise of
hegemonic power. A group can control experience by controlling discourse and
language.35

As it is with hegemonic power, so too is it with those forces seeking to disrupt the
monolithic and totalitarian logic of either law or desire. Some legal theorists offer caution.
Larry Cata Backer warns that

Since the early part of this century, Americans in particular, have viewed the courts, and
more generally this thing summarized as law, as the place where societal changes can be
made most effectively. Law, and more generally, political institutions as the wielders of
law, are viewed as the site from out of which will emerge social and cultural
transformation of the most fundamental sort.36

The problem Backer has with such a view is that it verges too often on the utopian. If a queer
jurisprudence is to have any effectiveness it must learn to adjust its goals. The conventions,
standards, and traditions of law will not be overturned or easily subverted. The law is, after all, a
conservative system of meaning relying as much upon past decisions as upon current or future
societal needs (hence Critical Legal Studies’ insistence on its ideological character). Even within
these limitations, a queer jurisprudence can achieve real headway in terms of using law and its

35 David Fraser, “What’s Love Got to Do With It: Critical Legal Studies, Feminist Discourse,

36 Larry Cata Backer, “Queering Theory: An Essay on the Conceit of Revolution in Law,” in
Legal Queeries: Lesbian, Gay, and Transgender Legal Studies, ed. Leslie Moran, Daniel Monk,
conventions as the very tools through which it hopes to accomplish change. In order to do so it "must cultivate a ‘pragmatic’ sense of the uses of current institutions for the achievements of the presently impossible . . . requiring the embrace of law as a tool and as an object." 37

**Eight Strategies for a Queer Jurisprudence**

In response to these necessities, several queer legal theorists propose eight strategies for a queer jurisprudence that together work for sex/gender dignity and the freedom of every individual. These tactics include: 38

- Fighting conflation stereotypes—without which efforts on behalf of both social and sexual equality will necessarily be limited to a system that subordinates some and privileges others

- Bridging social science knowledge and legal knowledge in order to address the uneasy tension that sometimes arises when the latter seeks to use the former in terms of case law and legislation

- Using narratives to illustrate what it means to be queer for a judiciary audience that is often self-admittedly ignorant of what such lives and desires entails

- Developing constructivist sensibilities in order to constantly inform a queer jurisprudence with the diversity that such a name entails—especially through an ongoing questioning of the “claimed naturality, normality, morality, and essentiality of sex/gender subordination under heteropatriarchy”

- Conceptualizing sexual orientation in such a manner that queer “inhabits the position of being both identity category and a resistance to identity” even if only for the strategic uses of law 39

- Defending desire and the legitimate place of bodily pleasure as an important feature of human experience

- Transcending privacy and promoting the idea that sexuality functions in public as well as private

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37 Ibid., 188.


Promoting “positionality,” “relationality,” and “interconnectivity” in order to forge coalition-building by bridging divides of sex, class, race, age, and disability.⁴⁰

These programmatic strategies constitute the proper terrain for a queer jurisprudence. What remains to be seen, though, is how useful such a program might prove to be in action. Certainly any easy binary division between the theoretical and actual rests on a troublesome basis, but as Backer notes, it is also too easy to think that a theorization of the law—how it functions and how it might be changed—might actually effect how that law is utilized and experienced:

The legal academic . . . wants to be supremely just, to experience a law that is the best it could ever be, to submit to a jurisprudence so majestic, so encompassing, that it will take him out of this world. . . . But, it will only happen as a result of achieving Herculean power and vanquishing countless jurisprudential enemies.⁴¹

In the following section, I turn to three moments in U.S. constitutional law to gauge how translatable the strategies and analyses of queer legal theory prove to be.


Should we turn the expression around, then, and say that politics is war pursued by other means?

——Michel Foucault, *History of Sexuality, Volume I*⁴²

Evidenced by the various “strategies,” “tactics,” and “means of assault” noted above, much theoretical work employs militaristic language. For many, the issue of queer rights and protection brings to mind not only a struggle for equality, but also “a war for the soul of

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⁴¹ Backer, “Queering Theory,” 191
Framed as war, struggle, or simply as contestation, queer jurisprudence is perforated with a number of highly visible confrontations. Three such encounters indicate the current state of the legal and political meeting between those who support an expansion of liberty and constitutional protection for queer communities and those who oppose such movements. Despite their differences, these encounters suggest a number of considerations that any queer jurisprudence must grapple with. Crossing legal, political, and social institutional boundaries, these cases are rarely confined to one venue, whether it is Congress, the judiciary, or popular referenda. Equally, they cross multiple constituencies and multiple geographies even as their effects are felt on local levels. These three moments defy easy definition of what exactly queer sexuality means in a legal context, morphing between considerations of identities, acts, behaviors, and classes. Ultimately, in seeming defiance of whatever trope used to classify them—militaristic or otherwise—they cannot be taken as either unequivocal victories or defeats. In other words, each moment highlights the overall uncertain and contradictory status of the law in terms of sexuality; a status that can be both frustrating as well as fruitful to the workings of a queer jurisprudence. As Justice Ruth Bader Ginsberg observes, “justice is not to be taken by storm. She is to be wooed by slow advance.”

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Buchanan set the tone of the [1992] campaign by declaring that “there is a religious war going on in this country for the soul of America.” Although he carefully distinguished this “religious war” from the Cold War, he explained that it would be “as critical to the kind of nation we shall be as the Cold War itself.

The 1986 Supreme Court ruling in *Bowers v. Hardwick* proved in its relatively short life to be one of the most cited examples of juridical and legal homophobia within case law.\(^{45}\) Michael Hardwick, a young Atlanta bartender arrested in 1982 for committing consensual sodomy within his own home, symbolized for a number of Americans the ultimate futility of any effort to dismantle the legally institutionalized closet.\(^{46}\) The majority opinion in that case only strengthened such beliefs. Justice Byron White’s opening words bristled queer advocates and allies, and in themselves, became emblematic of the court’s disconnection from the lives of millions of Americans. This opening section also fostered some of the most vociferous performativereinterpretations:

> Against a background in which many states have criminalized sodomy and still do, to claim that a right to engage in such conduct is “deeply rooted in this Nation’s history and tradition” or “implicit in the concept of ordered liberty” is, at best, facetious.\(^{47}\)

As Eve Kosofsky Sedgwick points out in *Epistemology of the Closet*, the nodal word here is “facetious,” for it is upon this judgment that the court ultimately rests, that is, on the judgment of the “at best, facetious” assertion that sodomy (read here: homosexuality, which despite the misrecognition as such is an appropriation of the term the court relies on) has any place within the national.\(^{48}\) Given the potential abuses such a slippery word as “facetious” is open to, one wonders how carefully Justice White chose his words. Facetious can mean the waggish and

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\(^{46}\) Michael Hardwick himself was not closeted at the day of *Bowers* or thereafter. After the Court’s decision, Hardwick relocated to Gainesville, Florida where he died of complications due to AIDS in 1991. For more information, see Murdoch and Price, *Courting Justice*, 244.


urbane, characterized by the pleasant, the witty and the humorous, or as the OED states it, the gay. Perhaps White means that close relative of the facetious, “factitious,” in which case we have the added resonance of the artificial and spontaneous. Maybe in a moment of confusion, White implies the “factious,” which, of course, could be mobilized with its denotations of the factional, the separatist, and indeed the seditional. To the more perversely attuned, Justice White might seem preoccupied with the “facient”—simply referring to the one who does, a doer. Is it this facient agent that Justice White is concerned to dissociate from the national? Of course it is not just any doer, but specifically the one who does that—an action that is not too difficult to locate if one moves to that definition provided right above the facient, the “facial.”

Such productively perverse readings of *Bowers* are notoriously prolific.49 *Bowers* proved to many that America had yet to dispel a paranoid strain from its system, evidenced by White’s insistence on those pesky markers of difference—the quotations which serve to remove the threat of sodomy from the nation and its history at the very level of juridical review. Further along in *Bowers* we find a similar imperative at work:

And if a respondent's submission is limited to the voluntary sexual conduct between consenting adults, it would be difficult, except by fiat, to limit the claimed right to homosexual conduct while leaving exposed to prosecution adultery, incest, and other sexual crimes even though they are committed in the home. We are unwilling to start down that road.50

In this instance it is not so much that queer sexuality is bracketed from the “nation” as it is tied, legally, textually, and morally to those other factitious acts of sexual peril, the most potent of which is that ultimate “crime against nature,” incest. For the court’s majority, extending protection to consensual sexual acts between adults harkened to a possible future in which rape and bestiality would likewise find shelter and tolerance in the law. Barring this leap in legal


logic became the mission of many queer legal scholars who directly challenged not only the Bowers decision, but also the legal framework and reasoning behind it. Indeed, the eight strategies outlined above are an exact response to Bowers and to these enabling conditions.

Key to many queer legal theorists is the need to bridge differing discourses and disciplinary understandings of sexuality and desire. One of the most noticeable outrages of the Bowers decision was that it seemed as if the court ruled in a judicial vacuum. Many queer legal scholars commented on the seemingly disconnected use of precedent. For Carl Stychin:

One of the more incredible aspects of a case that is, one many levels, quite astonishing is that the constitutional precedents could easily have been applied to reach the opposite result. A general right of privacy, understood as grounded in the value of individual autonomy, in the area of consensual, private sexual relations seems implicit in earlier Supreme Court judgments.\footnote{Carl F. Stychin, \textit{Law's Desire: Sexuality and the Limits of Justice} (New York: Routledge, 1995), 150.}

Many others looked to the court’s total ignorance of basic changes in the fields of psychology, sociology, and criminology. Homosexuality, once deemed a medical and psychosexual defect, had since the early 1970s no longer been officially designated as a disorder. Yet the court maintained in Bowers the separate and unprotected status of same-sex desire nonetheless. The court’s logic, exemplified in White’s majority opinion, was that of a leap from moral condemnation to legal ostracism. Indeed, throughout the opinion the court’s conclusion is bolstered by reference not to experts but to the supposed and unsupported specter of public opinion and abhorrence. Interestingly, the court is also at odds to decide if its findings in Bowers relate to actions or identities. As Joe Rollins observes:

Justice White’s opinion for the Supreme Court casts the relationship between acts (sodomy) and identity (homosexuality) as metonymic. \ldots sodomy defines homosexuality, and homosexuals by definition, violate legal prohibitions against sodomy simply by virtue of their identity; status and conduct become indistinct, and the Court’s opinion moves back
and forth between the two, relying on whichever suits the rhetorical needs of the moment.\textsuperscript{52}

In other words, the court does not seem to know why queerness is not included within the fold of the law’s protection, it just knows that it should not be. For queer legal theorists, \textit{Bowers} was evidence for the need for narratives both of queer inclusion in America and, furthermore, of its centrality. Stychin views \textit{Bowers} as the moment of bifurcation between the competing impulses of assimilation and radicalism:

The emergence of queerness as a political stance, then, in part is a response to these developments and the perceived failure of the language of liberal rights as a means to realize social change. Arguments based upon the “sameness” of lesbians and gay men have withered in the face of their continuing construction within dominant culture as “other,” as perverse, as pornographic. In some respects, queerness may be a self-conscious attempt to reclaim this “otherness.” If, as the American Supreme Court accepted, gays are defined in terms of a set of sexual practices, then queerness appropriates that discourse and throws these sexual practice back “in their faces.” In an earlier generation, some lesbians and gay men argued that sexual orientation was \textit{more} than “just sex.” Now . . . we are witnessing a radically different strategy.\textsuperscript{53}

By contesting \textit{Bowers} and insistently reading against the grain of its majority decision, queer legal theorists set out to change the reasoning, language, and viability of legally enforced homophobia. They got their chance to test how effective these strategies had been with \textit{Romer v. Evans}.

By the time \textit{Romer} reached the Supreme Court in 1996 it had been exactly one decade since the justices considered a case with such obvious constitutional ramifications for the queer community. Ten years later, however, a number of things had considerably shifted, including the very makeup of the court, which added five new justices between 1986 and 1996. All of these new justices, excepting Clarence Thomas, displayed an increasingly acute, even when diverse,


\textsuperscript{53} Stychin, \textit{Law’s Desire}, 151.
awareness of the importance of equal protection for multiple groups within the nation.\textsuperscript{54} Public opinion concerning queer sexuality was also shifting, becoming more tolerant, if only to a point.\textsuperscript{55} In addition, the justices themselves—once again excepting Justice Thomas, along with newly appointed Chief Justice William Rehnquist and Justice Antonin Scalia—were all too cognizant of the shortcomings in \textit{Bowers} not least of which were those involving one of the key players in that earlier case, Justice Lewis Powell. In the 1986 case, Powell initially felt that the sodomy law through which Hardwick had been charged was both constitutionally vague and overly expansionist. Powell only switched his vote to uphold the conviction and secure a court majority after heavy lobbying by both Justices Hugo Black and Rehnquist. Notoriously prudish while on the court, Powell once maintained to have never known a homosexual despite his peculiar proclivity for continuously employing lesbian and gay legal clerks in his court offices, including at least two during his deliberations during the Hardwick case.\textsuperscript{56} When asked about

\textsuperscript{54} For an overview of the Rehnquist Court during this period see Jane Meyer and Jill Abramson, \textit{Strange Justice: The Selling of Clarence Thomas} (New York: Houghton Mifflin, 1994); Mark Tushnet, \textit{A Court Divided: The Rehnquist Court and the Future of Constitutional Law} (New York: W.W. Norton, 2005) and James F. Simon, \textit{The Center Holds: The Power Struggle Inside the Rehnquist Court} (New York: Touchstone, 1999). This last history begins with the now infamous line “this is the story of a conservative judicial revolution that failed.”


\textsuperscript{56} Murdoch and Price, \textit{Courting Justice}, 340. For more on Justice Powell’s voting process and reaction to \textit{Bowers} see John Calvin Jeffries, \textit{Justice Lewis F. Powell, Jr.} (Bronx, NY: Fordham University Press, 2001), 530. As Jeffries recounts:

The most telling reaction to \textit{Bowers} came from Powell himself. On October 18, 1990, Powell gave the annual James Madison lecture at New York University Law School and afterward answered students’ questions. One asked how Powell could reconcile his vote in \textit{Bowers v. Hardwick} with his support for \textit{Roe v. Wade}. “I think I probably made a mistake in that one,” Powell said of \textit{Bowers}. When a reporter called to confirm the remark, Powell
the case in the early years of his retirement, Powell expressed misgiving about his stance and vote, noting that while he found the case “frivolous,” he nonetheless felt he should have gone the other way by dismissing the conviction.\(^{57}\) This was only one of the highly visible contexts of *Romer v. Evans* when it reached the high court in 1996.

The case’s legal difficulties stemmed from a series of voter initiatives. After various Colorado municipalities passed ordinances banning discrimination based on sexual orientation in housing, employment, public accommodations, along with health and welfare services, Colorado voters adopted a statewide referendum, Amendment Two, to the state constitution. Amendment Two was the brainchild of a number of conservative Christian organizations in Colorado hoping to overturn these local ordinances while additionally precluding any such actions in the future.\(^{58}\) After a tremendous commercial campaign, Amendment Two passed and effectively banned the banning of discrimination on the basis of sexual orientation.\(^{59}\) Following a number of lower court battles, the Supreme Court decided to take up the case in the fall of 1995. Led by Justice Anthony Kennedy, the court majority found that Amendment Two’s broad and exclusive powers extended too far, in effect creating an unequal class among citizens without rational or governmental support. The court further found such a retroactive ban unconstitutional on the basis of the extreme manner in which the amendment ignored not only local law, but did so through the specific exclusion of sexual orientation. Unfortunately, what at first appeared to be repeated the recantation: “I do think it was inconsistent in a general way with *Roe*. When I had the opportunity to reread the opinions a few months later, I thought the dissent had the better of the arguments.”

\(^{57}\) Murdoch and Price, *Courting Justice*, 222.

\(^{58}\) Among these organizations was James Dobson’s “Focus on the Family.” For a recent account of Dobson’s and similar organizations see Chris Hedges, *American Fascists: The Christian Right and the War on America* (New York: Free Press, 2007).

\(^{59}\) Hall, *Supreme Court Decisions*, 265.
an outright victory for gay rights’ advocates turned sour after it was realized that court viewed
the case as unconnected to the precedent established in the earlier *Bowers*. By sidestepping
*Bowers*, the majority legitimized the continued status of sodomy laws. This fact was in turn
amply foregrounded by Scalia’s dissent in which he chided his colleagues for their inability to
vocally reaffirm (rather than simply ignore) the *Bowers*’ precedent in the face of popular
pressure.

Justice Scalia, in his own particular brand of democratic scholarship, objected to the
court’s majority decision, writing that they had “mistaken a Kulturkampf for a fit of spite.” For
Scalia, Amendment Two represented “a modest attempt by seemingly tolerant Coloradans to
preserve traditional sexual mores against the efforts of a politically powerful minority to revise
those mores through use of the laws.” His scathing dissent, in fact, remains incredibly focused
on this theme of the “politically powerful minority.” At a later point he goes so far as to find:

The problem (a problem, that is, for those who wish to retain social disapprobation of
homosexuality) is that, because those who engage in homosexual conduct tend to reside in
disproportionate numbers in certain communities, have high disposable income, and of
course care about homosexual-rights issues much more ardently than the public at large,
they possess political power much greater than their numbers, both locally and statewide.

Elitism, real or imagined, is a common target of Justice Scalia’s opinions, and in *Romer* he
works at great length to forge a connection between queer political activists and wealthy power
brokers. Scalia throws his weight against this supposed cabal, guffawing at the preposterous
notion of calling “politically unpopular a group which enjoys enormous influence in American
media and politics.” He ends with an ominous warning for his colleagues:

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61 Ibid.

62 Ibid.
When the Court takes sides in the culture wars, it tends to be with the knights rather than the villeins—and more specifically with the Templars, reflecting the views and values of the lawyer class from which the Court's Members are drawn. How that class feels about homosexuality will be evident to anyone who wishes to interview job applicants at virtually any of the Nation's law schools.\textsuperscript{63}

The court has, in the words of Justice Scalia, reached the point of “terminal silliness” or as one might deduce, a point that is, at best, facetious.\textsuperscript{64} It is not merely Scalia’s sensationalism that is interesting here, but how his dissent functions to consolidate a vision of the homosexual while simultaneously constructing its privileged opposite. Scalia’s homosexual is patently one to be feared. Above all, it is a “politically powerful minority” that has not only infiltrated American media and politics, but also one that has also managed to seduce growing numbers of Coloradoans in support their cause. But as he continually conveys the very specificity of the homosexual threat, he nonetheless manages to problematize this very specificity. The homosexual cannot, in the end, actually be differentiated from a “long-time roommate of a nonhomosexual employee” unless, of course s/he is seeking medical insurance—in which case one must not ignore those “distinctive health insurance risks associated with homosexuality.”\textsuperscript{65}

The localization of difference then, lies not in specifying exactly what makes a long-time partner something other than a long-time roommate, but rather what Scalia obviously feels must be the fruit of such a difference: disease.

The diseased homosexual, though, can be easily detected. Scalia, like any good urban ethnographer, even offers the tools. When hunting the beast keep in mind his or her general habits. He or she tends to reside in disproportionate numbers in certain (Scalia slips here by not offering us the names of these communities) communities; s/he has a high disposable income,

\textsuperscript{63} Ibid.

\textsuperscript{64} Ibid.

\textsuperscript{65} Ibid.
which can be garnered no doubt by his perchance for expensive clothing and entertainment (I can not help but make personal objection to this claim); and, oh yes, s/he tends to think that his “rights” are important, which is assuredly due to an overall arrogance and smugness in the face of those more plebian classes, represented by our gracious public servants, congress people.

But wait. There is more to this dangerous beast in our midst. S/he also wants apparently to spread disease to others; there can be no peaceful cohabitation with this animal. It even seems as if s/he has managed to infect the very people with whom Scalia associates on a daily basis: the Templar class of lawyers, which even in Melville’s time offered a sort of paradisiacal bachelorhood.66 If, in my engagement with the polemical, it might appear as if I have some amount of disrespect for Justice Scalia in his infinite wisdom, perhaps one can forgive my disbelief that such things as these occur at the level of juridical review.

Although we are miles away from Bowers, taken together with the majority’s agreement to overturn the retroactive ban on anti-discrimination statues, Romer seems to suffer from the same epistemological uncertainty that plagued the earlier case a decade previous. But, here the court does not differentiate between acts and identity. In Romer, the court instead forcefully concedes that queerness is, if not innate, recognizable enough to constitute its own class of citizens. According to Timothy Murphy, the justices “passed over Bowers” without adequately comprehending the magnitude of the contradictions between the two decisions. American queers in the years after Romer lived in a prolonged limbo with the troubling understanding that “some

66 Herman Melville’s short story, “The Tartarus of Maids and The Paradise of Bachelors,” satirically presents a cloistered and highly homoerotically charged bachelor community of lawyers as the descendents of the Templars.
states, after all, quite happily [would] tolerate the dissonance of having both sodomy laws and antigay discrimination laws on the books at the same time.”

Despite its complications *Romer* signaled a new turn in legal opinion on queer sexuality in the nation, opening up whole new methods of assault upon the legally maintained closet. What it did not do, however, was provide an unequivocal rejection of legal homophobia. The *Romer* decision spilled over into Congress soon after its announcement. Three years earlier, in 1993, a number of same-sex couples petitioned the state of Hawaii for the ability to obtain marriage licenses. Arguing eventually before the Supreme Court of Hawaii that this inability marked state sanctioned discrimination based on sex and sexual orientation, the couple were astounded when that court agreed. Or rather, agreed partially. Under federal and state law, sex or gender constitutes a quasi-suspect class against which discrimination must pass a high scrutiny test. Upon this basis the court found that to deny the right of same-sex couples to marry was illegal. If, as the court’s thinking went, a woman wants to marry another woman, as any man could do legally, than to deny that right on the basis of sex was unconstitutional.

While such an argument at first glance appears bizarre, its technique had been successfully utilized in another important precedent. 1967’s *Loving v. Virginia* overturned various state laws banning interracial marriages on the basis that such exclusion was discriminatory against the suspect class of African-Americans despite such laws applying equally to whites. As the

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69 Lewis and Edelson, “DOMA and ENDA,” 200. For more on the *Loving* decision see Hall, *Supreme Court Decisions*, 167.
Hawaii case moved through the courts, conservative lawmakers took notice. Within months, at least twenty-eight state legislatures began considering their means for sidestepping Hawaii’s decision. Thrice married Georgia Republican Bob Barr gave them the perfect tool. In early 1996, Barr introduced his Federal Defense of Marriage Act denying recognition to same-sex marriages for federal purposes, while further declaring states free to refuse recognition of such marriages when performed in other states. Framed as a preventative measure and a protection of the family, the DOMA became a vital part of Republican strategy in a series of contentious election cycles. Curiously though, arising from the debates over the act was another bill—one that had languished at the congressional committee level for years. This bill, the Employment Non-Discrimination Act (ENDA), banned discrimination in employment on the basis of sexual orientation. Paired together, the DOMA and ENDA provided worried Democrats a means of voting for the highly popular former without losing face value thanks to their support for the latter. In the end, however, the ENDA was doomed from the outset by an overly conservative House of Representatives that summarily voted the bill down while simultaneously ratifying the DOMA.

Little changed during the stalemated seven years between the summer of 1996 and the late spring of 2003. On June 30, 2003, however, the Supreme Court reading its majority opinion on Lawrence v. Texas announced to a stunned crowd that “Bowers was not correct when it was decided, and it is not correct today. It ought not to remain binding precedent. Bowers should be

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71 Ibid., 204.

72 Ibid.
and now is overruled.”73 As Mary Bernstein notes, the case was “eerily similar to Bowers v. Hardwick.”74 For the two titular petitioners, John Geddes Lawrence and Tyron Garner, the road to Supreme Court took nearly five years after their arrest in 1998. Much as with Michael Hardwick, Lawrence and Geddes were interrupted in the midst of a consensual sex act in the privacy of Lawrence’s Houston apartment by a local police officer. Charged with violating Texas sodomy laws, the case came to the court loaded with dozens of amicus briefs from around the country.

For the somewhat casual queer observer the first hint of Bowers’s reversal came near the beginning of Justice Kennedy’s opinion. Noting the precedent of that earlier case, the current court found fault with the “Bowers Court that said that ‘proscriptions against [homosexual] conduct have ancient roots.’” Kennedy’s rebuttal was a shot heard around the queer theory world. He notes:

In academic writings, and in many of the scholarly amicus briefs filed to assist the Court in this case, there are fundamental criticisms of the historical premises relied upon by the majority and concurring opinions in Bowers. We need not enter this debate in the attempt to reach a definitive historical judgment, but the following considerations counsel against adopting the definitive conclusions upon which Bowers placed such reliance.75

Kennedy continues along this line of reasoning:

The absence of legal prohibitions focusing on homosexual conduct [in early America] may be explained in part by noting that according to some scholars the concept of the homosexual as a distinct category of person did not emerge until the late 19th century. See, e.g., J. Katz, The Invention of Heterosexuality (1995); J. D’Emilio & E. Freedman, Intimate Matters: A History of Sexuality in America (1997) (“The modern terms


homosexuality and heterosexuality do not apply to an era that had not yet articulated these distinctions”). Queer theory and its intersection with law decided the fate of Lawrence v. Texas and helped definitively overturn the legal apartheid of Bowers. Relationships between those of the same sex or gender no longer were deemed equivalent to “long-term roommates” at the highest judicial level. Instead, a majority of the court sided with arguments honed for two decades and more by Jonathan Katz, John D’Emilio, Estelle Freedman, and others. As the justices summarized, “the historical grounds relied upon in Bowers are more complex. . . . Their historical premises are not without doubt and, at the very least, are overstated.”

What happened in those seven years to render such a dramatic turnaround? In the interim no new justices were appointed. Popular opinion, shifting towards greater acceptance in the late 1990s and early 2000s, still remained in most of the country decidedly unfriendly. Despite the widespread acknowledge of anti-queer policy failures, most notably the “Don’t Ask, Don’t Tell” compromise of 1993, few states had moved any further toward recognizing or honoring civil unions or equitable tax status. While in terms of popular culture, queer sexuality seemed inescapably ubiquitous, that increased visibility very rarely translated into increased protection or legal recognition.

The biggest change directly relates to many of the key queer jurisprudential proposals outlined above. The court in Lawrence integrated queer narratives into their decision. They listened, in other words, to the hundreds of queer scholars and writers who had been writing against their own forced “facetiousness.” Additionally, the justices acknowledged fundamental changes and seismic shifts in disciplines like the social sciences and humanities that while

76 Ibid.

77 Ibid.
separate from the law, nonetheless helped to inform it. *Lawrence* also radically moved the jurisprudential conversation away from contestations over the priority of acts or identities, noting instead that equal protection under the law covers both consensual sexual acts among adults and actively discourages the creation of exiled classes, or strangers to the law. As Kennedy observed, *Bowers* and its legitimation of anti-queer law “demeans the life” of all.\(^78\)

**Concluding Notes**

A queer jurisprudence operates not only upon the written and surface features of the law, but also in those importantly interstices of meaning, indecidablity, and silence. What queer brings to the jurisprudential table is not is not so much a means of hermeneutical interpretation, as a sustained and deliberative reading (some what say misreading) of the law in the face of a totalitarian discourse on sexuality. It brings a tension to the systematic of jurisprudence, compelling it to view law and its discourses through multiple frames of reference and discontinuities. More than this, it seeks to bring awareness to a peculiarly novel turn in recent debates over the future of queer rights with the U.S.; a turn in much homophobic (though definitely not all) discourse away from the moral and religious domain and towards a legal arena.\(^79\)

Increasingly, disputes concerned with the issue of queer rights are disputes rooted in particular moments of law. These disputes no longer take the form of simple top-down legal mandates placed upon queer bodies and desires, but rather intense flashpoints of conflict and

\(^{78}\) Ibid.

\(^{79}\) See Eskridge, *Gaylaw*, 100. As Eskridge puts it, by the early 1980s:

> Discourse about homosexuality had, to some extent, shifted from moral and medical discourses to rights discourses. Not only did gay people come to see their demands in terms of legal rights but so did their opponents.
encounter. A queer jurisprudence would be one capable of engaging these flashpoints from a multitude of perspectives, pragmatically guided by a realization of law’s value and vitality for queer survival. Given the evolving tendency to deploy discourses of rights and of justice as strategic tools and of placing these tools “where they belong,” a queer jurisprudence speaks to the ongoing possibility of utilizing these same discourses for its own benefit and towards its own ends. If only in a minor way, it is a project that incessantly demands to know what’s new in the face of those political rhetorics that posit the domestic as somehow immune from the barbarity that our “enemies” display. Finally, it is a project motivated by the need for queer in the U.S. to “create a jurisprudence of change.” But law is not the only arena where a queer reading and intervention make a difference. Some of our more cherished cultural narratives are equally open to change.

80 A “jurisprudence of change” is a familiar refrain to those who study Catherine MacKinnon. I use the phrase here as complementary to that found in Catherine MacKinnon, Toward a Feminist Theory of the State (Cambridge: Harvard University Press, 1989), xiv.
CHAPTER 3
DESPERATELY SEEKING SAILORS
LOOKING FOR MALE FORMS IN AMERICAN MODERNISM

Promiscuous Proximity

In opening his *Tales of the City*, Armistead Maupin turns to Oscar Wilde, noting that “it’s an odd thing, but anyone who disappears is said to be seen in San Francisco.”¹ Which begs the question: what might be said of those who find themselves in New York? How is it that this city, at this time under consideration—roughly the three decades spanning the pre-World War I era and the end of the second—congealed to form an almost inescapably magnetized site of American modernity? Drawing as it did not only those explicitly naming themselves “moderns,” but those who viewed themselves more precisely as “modernists,” New York as scene and center of the myriad experiments of American Modernism continues to exist as the pivot of so much that was experienced quite explicitly as “the new.” Indeed as some would have it, the city might be imagined as something less benign than a magnet—rather, as active participant in a cultural contest through which art, expression, and modernity were themselves forcibly annexed by the powers of capitalistic consolidation.²

Looking back to this fermenting landscape, we find another movement and momentum, that of the thousands, or more correctly, the tens of thousands of unnamed and largely forgotten

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men and women who were drawn to New York for experiences new, modern, and urban, but who were often driven by somewhat different compulsions. These hordes were and remain not so easily named: they were the hustlers and greenhorns, homegrown perverts and international dilettantes, the denizens of what John Rechy would later deem the city of the night. That they were what we now would deem homosexual or queer seems almost too simple—but that they often desired and wanted their own sex is true. What is perhaps most intriguing is that these two streams were quite frequently physically merged in the city itself. In the parks and cafes of Greenwich Village and the in the galleries and late night hang outs, the multiple “news” of New York not only inhabited the same space but often productively and profoundly mixed with one another. Which belies a simple point: of course they did, out of necessity, immediacy, and in countless cases, out of shared concern. But given the myriad histories of American Modernism, literary and visual, why then do we find little indication, if any, of the fruits of this promiscuous proximity? This chapter contends that traditional narratives of American Modernism remain

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The adjective *new* seemed to put whatever phenomenon it blessed into an analogical, mutually sustaining relation with every other *new*, so that the New Woman somehow benefited from the new theater, and the psychology fructified the new politics. Using this idea of sharp contemporaneity, the American moderns converted familiar issues of the nineteenth century—women’s rights, labor versus capital—into arresting problems of the modern self and polity that audiences throughout the country could recognize.

5 Those sidelined and marginal instances during which we do stumble upon their coincidence habitually assume the form of perplexed memorialization, as all too evident in William Carlos Williams’s throwaway aside: “I don’t know why it is, but several of my old friends, it appears now, were homosexual.” Williams is quoted in Jonathan Weinberg, *Speaking for Vice: Homosexuality in the Art of Charles Demuth, Marsden Hartley, and the First American Avant-Garde* (New Haven: Yale University Press, 1993), 46.
flawed and incomplete so long as they leave out, underemphasize, or belie this perversely productive mixing of queerness and modernist culture.

Most of our stories about modernism in America extend back to the New York art scene of the 1920s and 1930s, and to a group of collectors, artists, intellectuals, and critics who contentiously set about transforming an emergent international movement into a distinctly American cultural moment. One of the more central characters in this narrative is undeniably Clement Greenberg (1909–1994). When he published his influential “Avant-Garde and Kitsch” in the fall of 1939, his trenchant critique of mass culture and the middle-class managed to coalesce a decades-long process of situating this new American Modernism as a preeminent challenge to the vulgar manifestations of crass advertising, entertainment, and consumption through the enactment of abstract nonrepresentational art. “Avant-Garde” was and remains, a flashpoint for how we understand the development and progression of modernism in America; it provided a lexicon and a prophetic narrative of its rise and fall amid the demands of the market and the middlebrow. But what if Greenberg got it wrong? Or rather, what if we move to the side of the usual renderings of his story and look to those lesser remarked upon instances in which the very mixing we see in the city itself is allowed to force an opening within Greenberg (and American Modernism) for a number of other, perhaps more minor tales?

Turning to a brief slice of the New York art scene of the 1930s, the status of the male body, desire, and representation has become a matter of some deliberation within the often-
overlapping disciplines of queer theory and art history. This critical conversation provides a touchstone for speculating on the changing ways that we write and conceptualize our modernist past. The interwar period witnessed the cultural emergence and circulation of particular visions of the queer male body. This erotically charged body is intimately connected to the rise of artistic modernism in the United States. Set against a backdrop of aesthetic concern with “modernism” and its imperative to move beyond representation, this chapter will explore a number of works that seemingly embraced “corrupt” representational practices in order to produce versions of desirous male bodies that frequently encroached upon the terrain of traditional American masculinity.

In the heady years of the 1930s, artists and illustrators seized upon male iconicity during the precise period in which American art supposedly began to turn away from representation along with its ideological, cultural, and economic foundations. By examining the lingering traces

7 Abigail Solomon-Godeau, *Male Trouble: A Crisis in Representation* (New York: Thames and Hudson, 1997), 7, observes that historical crises in “the representation of ideal manhood” demand projects seeking “to denaturalize, to make strange, to make visible for analysis what generations of art historians have found by no means remarkable in itself.” Warner, *Public and Counter-Publics*, 16, likewise argues that:

Publics are essentially intertextual, frameworks for understanding texts against an organized background of the circulation of other texts, all interwoven. . . . And that circulation, though made reflexive by means of textuality, is more than textual—especially now, in the twenty-first century, when the texts of public circulation are very often visual or at any rate no longer mediated by the codex format. (One open question . . . is to what degree the text model, though formative for the modern public, might be increasingly archaic).

It is my working contention that these two projects of “making strange” and the increasingly extratextual status of intertextuality itself apply to and challenge many of our notions of what criticism should look like and be.

of J.C. Leyendecker’s (1874–1951) slick magazine covers and popular ads alongside the underground watercolors of “Pennsylvania Modern” Charles Demuth (1883–1935) and the erotically charged bodies of Paul Cadmus (1904–1999), I take seriously the call “for more histories of the body-in-representation.”

Explored in combination, the sheer oddity of these overlapping projects allows a narrative of American Modernism to emerge which interrogates the status of the male body and the homoerotic possibilities of its graphic representation. Collectively, these visual projects foreground the conjunction of the pulp and the privileged, the adman and the artist, through a spiral of images that quote, not only each other, but an entire cultural milieu of like representations. Together, they posit a scopic economy of the homoerotic that heeds neither the boundaries of art or commerce, nor the high or the low; boundaries that persistently are seen to constitute several highly influential elaborations of modernism, the avant-garde, and American culture.

**Clement Greenberg's Corporal Antinomies**

As Michael Denning offers in *The Cultural Front*, “to name a period—the ‘depression,’ the ‘thirties,’ the ‘New Deal,’ the ‘age of Roosevelt,’ ‘modernism,’ the ‘streamlined years’ . . . is already to argue about it.” Indeed, perhaps foremost among all such markers of periodization, none elicit quite the same volume of response and reaction as that of “modernism.” Big “M” or no, modernism, most particularly when used in relation to the American cultural scene of the past century, invokes fighting words. More recently, Paul Mattick has noted that:


10 This figuration of the avant-garde, while remaining powerfully influential, was radically critiqued in: Peter Bürger, *Theory of the Avant-Garde* trans. Michael Shaw (Minneapolis: University of Minnesota Press, 1984). Notably, Bürger did not extend his “historical avant-garde” to the American art movements of mid-century.

The days when one could sit down with an easy mind to write an account of something called “modernism” are over. One might have thought that the opposite would be the case since it has become common, over the past 25 years or so, for writers on culture to insist that this term labels a phenomenon of the past. As least within the restricted field of art history, the closure of “modernism,” thus detached from the original reference to the chronological present, might have been expected to have given the concept definability as a stylistic term. But it has not.  

No doubt part of Mattick's problem, as well as our own, in pinning down the exact classificatory limits of modernism stems from confusion as to the possibility of its current “closure” no less than from deliberations concerning its troubled status as an indicator of any number of potentially divergent definitional modes: does it refer to an historical period or epoch, a set of similar products, a social, cultural, political, or economic movement or moment? Is it all of these and more?

Despite more than eighty-odd years of debate (and then some), is modernism, like art in general or pornography in particular, just one of those things, as the saying goes, that one knows when one sees it? Even within the discipline of art history, as Mattick and others have pointed out, modernism remains distressingly elusive. As with any archetypically modernist piece, the closer one seems to “get” to modernism, the more puzzling, perspectival, and enthralling it becomes. Admittedly, I often fall into this trap as well. One solution is to accept the profound


“Modernism,” like “pornography” and “literary fiction,” is a term hard to define, though we all feel we know what it means—Apollinaire and Gertrude Stein, Bauhaus workers’ housing, the enigmatic and erudite complexity of *Ulysses* and *The Waste Land*, the startling distortions of Picasso’s *Les Demoiselles d’Avignon*. Book covers, however, with their ineluctable role as advertisements for the contents of the book, can scarcely attain the proud non-serviam of high modernism: art for its own willful, bourgeois-baiting sake.
openness of the marker modernism as precisely its most productive quality. Modernism means, and comes to mean, by thinking through its relation to sites of specificity. Despite its obsessive theorization, it remains a slippery concept, but one whose usefulness is tied directly to an elaboration of those distinct instances of its incarnation and recitation.

None of its various reiterations has proven quite as persistent from an art historical perspective as that provided by Clement Greenberg's three decades of criticism and commentary. From his early essays of the 1930’s *Partisan Review* through 1961’s landmark collection *Art and Criticism*, and afterwards as an ongoing voice of revision and rejoinder until his death in 1994, Greenberg and the arguments and agreements he fostered laid out one of the more influential frameworks for thinking and writing modernism, American and otherwise. As noted above, he provides one of the more popular stories of modernism's rise within an American context, tied as it was for Greenberg to the appearance of abstract expressionism. His modernism allows a curatorialship of the profuse and circulating visual practices of the twentieth century. Greenberg grants pride of place to those various movements within art that shifted away from representational modes and towards a type of formalism which accomplished the delicate maneuvering of what he deemed “the use of characteristic methods of a discipline to criticize the discipline itself, not in order to subvert it but in order to entrench it more firmly in its area of competence.”

Greenberg’s version of a triumphalist ethos of cultural sedition as masterwork in many ways not only condenses one of his key contributions to modernist studies, but also further encapsulates a telling aspect of his overall methodology. Greenberg, more often than not, works

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best with and relies most often upon, productive paradoxes and creative contradictions. For the “Avant-Garde” essay, one of the most impressive of such paradoxes involves an aspect at once so basic for Greenberg’s outlook and at the same time so often ignored that for most readers it barely registers, if at all: the body. A shorthand for revisiting “Avant-Garde” comes with its famous opening:

One and the same civilization produces simultaneously two such different things as a poem by T. S. Eliot and a Tin Pan Alley song, or a painting by Braque and a Saturday Evening Post cover. All four are on the order of culture, and ostensibly, parts of the same culture and products of the same society. Here, however, their connection seems to end.

“Is this something entirely new to our age?” he asks; proceeding to move not to an investigation of the isolated work of culture per se, as in a Eliot poem or a Picasso painting, but rather to what he deems the necessary examination of “the relationship between [the] aesthetic experience” of specific individuals and “the social and historical contexts in which those experience takes place.” In other words, as Greenberg demonstrates throughout, the critic must assume the position of a viewer in order to record what one’s experiences might entail when confronted by an art-piece. And it is from within this imagined and overdetermined stance that Greenberg discovers, to his dismay, the avant-garde’s antithetical twin of kitsch:

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15 In other words, Greenberg, from the 1930s onward, engaged in an account of American art that was intensely dialectical. This reliance has led in many cases to a type of critical frame-lock, implicit in the incessant essay wars over Greenberg and his legacy, beguiling many critics into an argument in which the same terms, artists, and assumptions proliferate. See Frascina, Pollock and After.


18 Ibid., 3.
That thing to which the Germans give the wonderful name of Kitsch: popular, commercial art and literature with their chromeotypes, magazine covers, illustrations, ads, slick and pulp fiction, comics, Tin Pan Alley Songs, tap dancing, Hollywood movies.¹⁹

For Greenberg, one of the fundamental problems with kitsch is not that it is imitative, unoriginal, or debased (although to differing degrees he does assent to this), but rather that it is what he calls predigested. Inhabiting the body of a Russian peasant, Greenberg imagines the horror of cultural disassociation one must feel in the presence of a Picasso, only to be mollified by the ersatz art of the Russian artist Repin and one of his military scenes:

In Repin's picture the peasant recognizes and sees things in the way in which he recognizes and sees things outside of pictures—there is no discontinuity between art and life, no need to accept a convention and say to oneself, that icon represents Jesus because it intends to represent Jesus, even if it does not remind me very much of Jesus. The peasant is also pleased by the wealth of self-evident meanings which he finds in the picture: "it tells a story." . . . Repin heightens reality and makes it dramatic: sunset, exploding shells, running and falling men. There is no longer any question of Picasso or icons. Repin is what the peasant wants and nothing else but Repin.²⁰

“It is lucky, however,” Greenberg concludes, “that the peasant is protected from the products of American capitalism, for he would not stand a chance next to a Saturday Evening Post cover.”²¹ As he notes later, “where Picasso paints cause, Repin paints effect,” providing the viewer “with a short cut to the pleasure of art that detours what is necessarily difficult in genuine art.”²² Exorcising himself from the peasant, Greenberg warns that the avant-garde must remain continually wary of the kitschy dark side of culture. The hero of the story comes with the celebratory rise of the abstract and the nonrepresentational within painting:

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¹⁹ Ibid., 9.

²⁰ Ibid., 14.


The excitement of [this new art] seems to lie most of all in its pure preoccupation with the invention and arrangement of spaces, surfaces, shapes, colors to the exclusion of whatever is not necessarily implicated in these factors.\textsuperscript{23}

As one recent critic suggests, “we have to take Greenberg seriously, I think, when he explains that ‘esthetic judgment—esthetic intuition—closets you with itself and with yourself.’”\textsuperscript{24}

All of which is a longer way to say that for Greenberg, or rather for my reading of Greenberg here, the straight and narrow path away from kitsch and from its inability to remain separate from the dross of everyday life—away from its insistence on entertainment versus edification—is by means of arriving at the shoals of “purity” in painting by way of trespassing on and through bodies that by their social and historical position are constitutionally unable to experience purity at all. As Jed Perl would have it in \textit{New Art City}, what persistently holds us to Greenberg is the satisfaction of a cultural fable assuring us of the possibilities of a “pure” art as unsullied as possible by the mechanisms of modernity.\textsuperscript{25} Greenberg appears so fearful of the pervasive and invasive nature of kitsch that he offers as the only means to express this threat the invasion of the purported body of one of its consumers in order to show why he or she must be so drawn to popular culture to begin with. There is perhaps no more significant a moment in Greenberg than in the enactment of this crucial inhabitation. It exposes one of the stranger maneuvers that modernism seems to require of its audiences, to be simultaneously open to immediate and unfiltered experience while also dependent on a cache of experts to help explain these experiences. Further, this inhabitation pushes the epistemological limits of these very same experts by forcing a confrontation with a debased kitschiness as well as an intimate identification with consumers’ own desires. Through whose eyes are we seeing Repin and Picasso anyway?

\textsuperscript{23} Ibid., 7.

\textsuperscript{24} Perl, \textit{New Art City}, 488–489.

\textsuperscript{25} Ibid., 486.
Exorcisms and inhabitations aside, Greenberg and “Avant-Garde” are not villains in some plot against mass culture.\(^{26}\) The hierarchies and separations between the levels of culture insisted upon predate 1939 and follow long after in any number of mutated forms.\(^{27}\) The crucial factor for the “Avant-Garde” essay remains the analysis of these levels as more than mutually dependent and coupled, but additionally, as constantly crisscrossing and poaching off of one another. We see it with the critical need to create a porous body open to the quick and easy pleasures of kitsch. As a coincident strategy of distancing and perversely penetrating alignment, the result is a type of deferred and complex consumption that previously was presumed possible for only the more challenging and undigested art of the avant-garde. At a very minimum there is in Greenberg this other more diffuse, inverted theory of kitsch that acknowledges its existence and its sullied tendencies only to posit an internal double of critical interpretability and a mode of spectatorship inherently wrapped up within and around specific bodies. Within art, this mirror kitsch fared poorly for a good part of the twentieth century, giving way to discourses and negotiations about American Modernism that situated bodies to the side of representation.

By the 1940s, bodies that were modern were showing up less and less on canvas than they were being poured over and probed in the figure of the artists’ themselves—as indicators of genius and creativity and the sites of modernism’s emergence into the visible world. In this new modernist regime, bodies were rarely surfaces to be painted. Those artists who did turn to the body often suffered beneath a market, economic and cultural, that indexically maintained its

\(^{26}\) “All values are human values, relative values, in art as well as elsewhere,” he reminds us. Greenberg, “Avant-Garde and Kitsch,” 13.

borders by reference to the very critical judgments of those like Greenberg whose intense corporeal anxieties motivated in part the move away from representational strategies. Yet, as evidenced by the critic’s eye in the peasant’s head, the body lingered as inescapably chiasmic for the American modernist—a point of mixture and materiality, desire and pleasure.

J.C. Leyendecker and the Charisma of the Homoerotic

Flash back to the early 1930s, where we find numerous artists, illustrators, and advertisers centrally concerned with creating a visual language of desire that attached itself to at least one particular body: the sailor in the city. Given the high-stakes theoretical horizon laid out by Greenberg, there was perhaps no more troubled, no more kitschy, and no more sullied a thing in America to picture than its sailors. Sailor images were not new. Looking to one of Greenberg’s more noted fixations—the mass-market illustrations of advertisements and magazine covers—we find in the work of illustrator J.C. Leyendecker a potent example of one horrifying vision of kitsch.29

Leyendecker is largely recalled today for his Arrow Collar Man and male fashion advertisements, as well as for the copious amount of cover work he did for the Saturday Evening Post, Colliers and others. As a few of his typical images demonstrate, and as his colleague Norman Rockwell certainly began to sense, Leyendecker was most especially powerful when he dealt with the male form. “Tall, well built . . . with a strong jaw, chiseled features, and muscular

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29 Joseph Christian Leyendecker “was the most successful illustrator of his time, creating over 500 paintings for magazine covers—including 322 for the Saturday Evening Post—and advertisements,” for clients as diverse as the Boy Scouts, the U.S. Armed Forces, and male fashion. J.C. Leyendecker: The Great American Illustrator, prod. Amy Stone and Gregg Suskin; dir. Amy Stone, 45 min., Kultur, 2001, DVD.
hands,” Leyendecker’s men were a sensation during the early decades of the last century. The Arrow Collar Man reportedly received no less than 17,000 love letters and marriage proposals a month at the height of his fame. From Cole Porter lyrics to a 1923 Broadway musical, along with a brief appearance in F. Scott Fitzgerald’s “The Last of the Belles,” Leyendecker’s illustrations “captured and captivated the heart of mainstream America,” even as they suggested a class and sophistication often out of their reach.

Leyendecker’s group images are particularly remarkable for the invariably charged interplay among their principal characters. The exhortations of the Kuppenheimer advertisement to invest “in good appearance” might have sold fashion, but it is the two rowers stripped to their waist that immediately distract the eye. The minutest details of the image belie the transitory status of its position as an ad: from the play of light and shadow on the two lower men’s arms, backs, and legs, to the intricate folds of the towel vaguely flickering in the variegated white and

30 Emmanuel Cooper, The Sexual Perspective: Homosexuality and Art in the Last 100 Years in the West (New York: Routledge, 1994), 130-132.


“You’re the top, you’re an Arrow Collar.
You're the top! You're a Coolidge dollar,
You're the nimble tread of the feet of Fred Astaire,
   You're an O'Neill drama,
You're Whistler's mama! You're camembert.
   You're a rose. You're Inferno's Dante,
You're the nose on the great Durante.
   I'm just in a way,
As the French would say, ‘de trop’.
   But if, baby, I'm the bottom,
You're the top!”
grays of the reflective water. The spectator’s hand, outstretched to the bowman, bifurcates the focal point between the lower left hand of the image with the rower’s hand gripping the oar handle and the rather cavernous centrally placed red megaphone. The dramatic promise of penetration gilded on top of Leyendecker’s corporate responsibilities is only further enhanced by the playful juxtaposition of the outnumbered tailored body (in a clothing ad no less) surrounded by nearly naked men.

Leyendecker was drawn to picturing elaborate ties and cravats, especially during his Kuppenheimer and Arrow Collar campaigns. The electric signification of these ties, most specifically the red ones, has become a matter of some renown, given the oral and archival histories laid out by George Chauncey in *Gay New York*. In Chauncey, we hear from a New York “invert” of the early 1910s, who explains:

> To wear a red necktie on the street is to invite remarks from newsboys and others. . . . A friend told me once that when a group of street boys caught sight of the red necktie he was wearing they sucked their fingers in imitation of fellatio.

Chauncey further adds:

> [That] a man wearing the same tie in a social setting in which people were less alert to such signs might just be considered odd. An unconventional choice in an era of conservative colors, a red tie announced unorthodox tastes of another sort only to those in the know.

At least for one Leyendecker critic this is quite enough to exonerate the illustrator from purportedly anachronistic readings that might linger a little too long or close to the glossy surfaces of these men. Carole Turbin’s acute survey of the twenty-four-year career of the Arrow Collar Man heeding meticulously to the socioeconomic demographics of these advertisements, while not denying the power of the eroticism in Leyendecker, poses the situation as such: “did white middle-class men and women at the turn of the twentieth century perceive homoeroticism”

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33 Ibid.
in these ads?\textsuperscript{34} Using Chauncey and his examination of the shifting and mutable sexual scenes of New York through the 1940s, Turbin answers in the negative, noting “it was possible for men who had a conventionally masculine appearance to be intensely sexually active with other men but not risk stigmatization as ‘abnormal.’”\textsuperscript{35} For these viewers, “the Arrow Man was most certainly conventionally masculine.”\textsuperscript{35} But why would “conventionally masculine” and same-sex desire be mutually exclusive, no less to “white middle-class men” than anyone else?

One is hard pressed to glance through the hundreds of covers and illustrations circulated by Leyendecker and not conclude that these images are “instrumentalized by homoerotic energy, compelled beyond tailored clothing to an ethos of male admiration and infatuation that is presumably culturally acceptable in its fortitude but subliminally homoerotic in its intense minglings of idealized men.”\textsuperscript{36} A comparatively innocuous advertisement—one of Leyendecker’s earlier Arrow Collar offerings—encapsulates nicely the contention that these male forms are in fact doing double duty. A quick peek at the lower left trouser pocket explodes any notion of a soft sell aimed merely at pushing more shirt collars on the market. Within the creases and crinkles of the Arrow Collar Man’s pants lies the Leyendecker mystery of things at once seen and not seen.

Leyendecker was particularly fond of military men, often modeling his images of them after his lover Charles Beach (the original “Arrow Collar Man’) in poses and scenarios that

\textsuperscript{34} Turbin, “Fashioning the American Man,” 109.

\textsuperscript{35} Ibid., 110.

combine at once a love of country with a love of something else besides.\footnote{For further information concerning Charles Beach see James Gifford, \textit{Dayneford’s Library: American Homosexual Writing, 1900–1913} (Amherst: University of Massachusetts Press, 1995), 122–123.}

During both world wars and throughout the interim period, Leyendecker, in addition to his usual advertising fare, created some of the more enduring images of American fighting men. These were “the ultimate masculine image[s],” as Emmanuel Cooper closely observes:

> Without exception, they are all broad-shouldered and powerful, the epitome of health, strength and social standing. Power is conveyed in all parts of the body and the modeling round the genitals always carries a suggestion of the form beneath. There is also an improbable romantic air in the work, sometimes carried to sentimental excess . . . images that suggested innocence and hope but carried an air of physicality which is both naughty and daring.\footnote{Cooper, \textit{Sexual Perspective}, 132.}

As with Leyendecker’s commercial illustrations, his visual encouragements for enlistment and military support carry the weight of an ambiguous encroachment upon the terrain of traditional American masculinity. Confronted by these images, I find it impossible “to overestimate the power of hypermasculinity to act as a screen in the period between the wars.”\footnote{Jonathan Weinberg, \textit{Male Desire: The Homoerotic in American Art} (New York: Henry Abrams, Inc., 2004), 47.}

This “screening” of the homoerotic within the body of the all-American man:

> Reconciled homosexual desire with the canon of acceptable images of bonding, heroism, and striving in American culture. In his capacity not to dissent or disrupt, yet to insinuate homoerotic desire, Leyendecker established compatibility in popular visual art between the mainstream male ideal and the homoerotic subject. There is significance in the fact that Leyendecker does not offend and does not afford an exclusionary queer reading, deflecting heterosexual gaze.\footnote{Martin, “Homoerotic Invention,” 455.}
As Richard Martin charmingly puts it, Leyendecker’s men create power “from the charisma of the homoerotic.”\textsuperscript{41} By the 1930s, as Americans began to accede to the rising threat of global war, these hard bodied fighters and their like progressively began to appeal to the growing impression of coming conflict. The sailor in particular entered the popular scene as at once an incarnation of national pride and as mischief maker. For Lincoln Kirstein, this “carnal innocence” of the sailor allowed him to protect the homeland while also being loosely held by its moral conventions.\textsuperscript{42} Echoing this, Chauncey observes that the sailor was “seen as young and manly, unattached, and unconstrained,” and he persistently “epitomized the bachelor subculture in the gay cultural imagination.”\textsuperscript{43} Leyendecker’s seamen (and his other men for that matter) not only work off these iconic energies, but also force and exacerbate a “homoerotic purport that might otherwise seem negligible.”\textsuperscript{44} By so doing, they function not so much to code the sexual within the consumerist or nationalist, but rather to emphasize the availability of multiple desires to exist and commingle simultaneously across the identical visual planes.\textsuperscript{45}

\textsuperscript{41} Ibid.

\textsuperscript{42} Weinberg, \textit{Male Desire}, 49. Also see Lincoln Kirsten’s description of Cadmus’s work in \textit{Paul Cadmus} (New York: IMAGO, 1984), 21:

The characters who crowd this canvas [1933’s \textit{Shore Leave}], as well as their architectural background, are patently more stylized than in previous compositions. A solidity of firm flesh and muscle swells the flush health within the tightness of navy blues and whites. Infectious good humor and hearty slapstick playfulness, sport without caricature, fix a transient carnal innocence. Uniforms italicize biceps, deltoids, and pectorals, recalling the conventions of Renaissance armor plate laid closely over nudity, as cut in classic marble for Medici.

\textsuperscript{43} Chauncey, \textit{Gay New York}, 78.


\textsuperscript{45} Ibid.
As Popeye and numerous 1930’s sailor films starring Laurel and Hardy, Bob Hope, and Mickey Rooney “muskled” their ways into mass circulation, Leyendecker’s slick sailors took their place among the very kitschy debris that turned Greenberg and other critics of the middle and low brow off. And at first glance, they seem to conform nicely to their rough assessments in that they present not a pure painterly surface, devoid of outside encroachments or concerns, but rather one that directly ratifies representation as a tool for god, country, and consumption. No doubt such corrupt and corrupting modes of visual practice highly agitated many critics, since the only experiences Leyendecker would seem to foster are those of further seduction into the foundational clichés of American militarism and the market. His reliance on the bodies of idealized men was rarely hailed at the time as homoerotic icons worthy of lust, but instead as all-American guys open to easy heterosexual narrativization. Yet Leyendecker’s work does (and did) spur these other lusty appreciations, and indeed, while he might seem an alien intruder in the midst of an examination of American Modernism, his project of negotiating desire with representation pours over the hierarchies of the kitschy and the avant-garde perhaps most conspicuously when that project juts up against two of his later contemporaries.

**Charles Demuth and the ‘nth Whoopee of Sight**

Across a Greco, across a Blake, across a Rubens, across a Watteau, across a Beardsley is written in larger letters than any printed page will ever dare to hold, or, Broadway facade or roof support, what its creator had to say about it. To translate these painted sentences, whatever they may be, into words—well, try it.

—Charles Demuth, “Across a Greco”

Charles Demuth, one of America's first modernist painters, is filed under a variety of labels from precisionist to an artist of the still-life to an illustrator of the erotic underground. As an

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46 Popeye made his first public appearance in early 1929 in Elzie Segar's “Thimble Theater.”

early and peripheral member of Alfred Steiglitz's New York City Gallery, Demuth was active, even if at times uneasily so, in art circles from the early 1910s through his death in 1935. A brief expatriate, Demuth divided much of his time, although hardly equally, between his Lancaster, Pennsylvania, family home and various haunts in Greenwich Village from Washington Square to the Breevoort Hotel. Lured to the latter by the possibilities of excess and eccentricity, Village life drew Demuth and a hodgepodge of characters who found in:

The very substance of their community, flashing with unusual relationships . . . a medium from which might be crafted forms like those the painters created on their canvases—forms that would shatter moribund, prettified conventions to inaugurate a more profound experience of human relations in talking, in writing, in sexual expression.  

From the salon of Mabel Dodge to the company of Carl Van Vechten, Edgar Varése, and Marcel Duchamp, Demuth made the requisite rounds of the proper bohemian. He also sought to tie the often myriad interests of Village life together through his conception of a synthetic visual language driven by the nineteenth century insistences of Walter Pater to create an art “that transcended the limits of a specific discipline and passed into the realm of other” media. As Demuth himself articulated, “all great art is one in its complete state.” This synthetic impulse followed Demuth’s efforts as a writer, playwright, illustrator, and watercolorist, motivating his “drive to create works that triumphed over pictorial specificity to enter the world of metaphoric allusion.” It also propelled many of Demuth’s images into a murkier corporal allusiveness that utilized the opaque mixtures of his watercolors to highlight the spaces in which urban life “inaugurated” a rather circumscribed notion of sexual expression.

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48 Stansell, *American Moderns*, 69


50 Ibid., 53.
Beginning in the mid-1910s, Demuth initiated a representational thematic of homoerotic saturation that continued until his death two decades later. Most of these works were not exhibited during his lifetime; these pieces were privy to only a few of his closest friends including Marsden Hartley. The *Turkish Bath* and *Eight O’Clock* series in particular have attracted the eye of latter-day viewers with foggy and densely crowded rooms replete with male forms in various states of undress, commingling, reclining, and exchanging paired glances and touches. During this period Demuth also took to painting sailors. *Dancing Sailors* (1916, along with its later 1917 twin of the same name), unlike many of Demuth’s other erotic watercolors, was exhibited upon entering the permanent collection at New York’s Museum of Modern Art in 1929.51

Composed and presumably set during the early phases of America’s presence in WWI, *Dancing Sailors* pictures three couples slow dancing, the centrally-placed of which comprise two men. Given a time less entrenched within our more systemic sexual bifurcation, the image of these two sailors joined together speak at first, among several factors, less to a queer union than to an unavailability of other female dancers (an unavailability undercut by the presence of the two female dancers). More intriguing and engaging are the firmly pressed legs of the two sailors in the forefront. Locked together physically and visually (their gazes are toward each other and not their respective partners), the two men’s suits cling so tightly to their frames that the impressions of their buttocks are clearly presented as one of the more obvious convergence

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51 Weinberg, *Speaking for Vice*, 97–98, notes that both paintings are “nearly identical.” The other *Dancing Sailors* is now in the Cleveland Museum of Art. The *Dancing Sailors* reproduced here is the Cleveland version.
points of the painting.\textsuperscript{52} Moving upward from their buttocks, we are met with the wry grin of the other same-sex paired partner beaming back at us knowingly. Importantly, for Barbara Haskell in her companion to the 1987–1988 Whitney retrospective, “all of Demuth’s figural works in this period are essentially narrative—they imply a story and seem to be fragments of a larger plot which the viewer is invited to complete.”\textsuperscript{53}

Demuth revisited these sailors and the fragments of his own proffered visual narrative on several subsequent occasions. Some of his last pieces were also some of his most overtly homoerotic—watercolors of sailors disrobing, fondling themselves, and even pissing in each other's company. Two of these, 1930’s \textit{Sailors Urinating} and 1932’s \textit{On ‘That’ Street}, point nicely to what Arthur Danto noted as Demuth’s “witty meditation on art and sexuality as aspects of each other,” forcing into a figural dialogue Demuth’s position as at once a premiere watercolorist and man-lusting illustrator.\textsuperscript{54} Both images carry forward the Leyendecker association of the hard yet available male body commensurate with the body of the sailor. It is hardly surprising to notice on closer inspection of \textit{On ‘That’ Street} the mechanisms of persuasion in search for sexual gratification along with a civilian cruiser’s garb, which uncannily resembles that of Leyendecker’s own Arrow Collar man, down to his emblematic red scarf. Playfully, Danto observes that for the earlier piece, these two sailors “must have been figures of Demuth’s sharpest fantasies. Holding the heaviest cocks I have seen outside of the wall paintings of

\textsuperscript{52} Weinberg also notes this forcefulness in the sailor’s buttocks in Weinberg, \textit{Speaking for Vice}, 99–100.

\textsuperscript{53} Haskell, \textit{Charles Demuth}, 62.

Pompeii, while at the same time painted with an elegance and light, a fluidity and authority that mark Demuth as an absolute master of watercolor as a medium.\textsuperscript{55}

Danto’s reading aside, the persistent locating of Demuth’s work (and particularly these later works) as transitional and peripheral to a story of American Modernism may very well stem from Demuth’s mashing of sex and art and how that mashing functioned to encode homoerotic desire within representation, poaching a little too much and a little too close to the soon to be proclaimed bugaboo of mass culture. Demuth’s need to paint desire was acceptable—it was his need to flesh out this desire bodily in such a potentially commercially infected and kitschy way that was not. As Danto admits, Demuth’s paintings, outside of their risqué sexual subjects, could easily have served as covers for the \textit{New Yorker}.

\textit{Three Sailors on the Beach} (1930) could never be mistaken for a \textit{New Yorker} cover. The triptych gathering of the sailors within the public space of the beach brazenly jars the viewer with a scene barely imaginable for an American audience in 1930. Demuth, moving beyond the confines of an easily dismissed homoeroticism ingrained within the homosocial, denies the alibis of locker rooms, drunken camaraderie, or a night on the town, each of which has served, at one time or another, as plausible readings of the artist’s erotic watercolors. Stumbling, as voyeurs, upon a narrative of the act itself—fellatio—either in the process of occurring or imminently on its way, we no longer are trapped within darkened alleyways or steam-filled baths. The reclined sailor’s preternaturally erect penis points the eye to an ill-defined mouth on the verge of

\textsuperscript{55} Danto, “Charles Demuth,” 103. See Weinberg, \textit{Speaking for Vice}, 102:

When Demuth returns to homosexual themes in the 1930s, sizing up is literally the meaning of the . . . more explicit \textit{Two Sailors Urinating}, in which two men stand in a lavatory of a café or bar and compare each other’s sexual endowments. This same quality of competition is built into the triumphant boxer pose of the man taking off his shirt in \textit{Three Sailors on the Beach}. 

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accepting, voluntarily or forcefully we are unsure, the foremost standing principal’s equally hard phallus. This is not a private scene. Bathers and swimmers are present and visible in the background. The third sailor stands, undressing, his backed turned to our line of sight, presenting similarly outlined buttocks of Demuth’s previously ventured male bodies. Three Sailors spectacularizes male desire for men, imparting an allegory of acts, relations, and liaisons from oral sex to anal play—all within the purview of two audiences, ourselves and the beachgoers.

Earlier in his career, Demuth offered a poetic accompaniment to Duchamp’s famed alter ego Richard Mutt. “One must say everything,—/then no one will know,” pushing an interplay between knowing and “saying” that points to the often jolting sexual immediacy and enthrallment one faces before many of Demuth’s images. His challenge was to paint bodies and desires that though existent, nonetheless barely registered as objects worthy or open to representation at all—hence his equally cutting retort to “try it.” Writing in Creative Art in the fall of 1929, Demuth had occasion to ponder further the linkages between words and images, representation and the unrepresentable:

To me words explain too much and say too little. Paintings must be looked at and looked at and looked at—they, I think, the good ones, like it. They must be understood, and that's not the word, either, through the eyes. No writing, no talking, no singing, no dancing will explain them. They are the final, the ‘nth whoopee of sight.

56 A number of critics including Weinberg speculate as to the appearance of “CD” visible within a heart-shaped tattoo on the upper sailor’s arm. See Weinberg, Speaking for Vice, 1–2.

57 Haskell, Charles Demuth, 65n41, provides the complete poem: “For Richard Mutt: One must say everything,—then no one will know. / To know nothing is to say a great deal. / So many say that they say nothing,—but these never really send. / For some there is no stopping. / Most stop or get a style. / When they stop they make a convention. / That is their end. / For the going every thing has an idea. / The going run right along.”

58 Demuth “Across a Greco.”
Telling a story whose fragments we are invited to complete, Demuth’s male figures leap from the pages and posters of advertising’s glossy disposability, generating incandescent visions of some of America’s most iconic men. Rewriting and reiterating the potentiality of the sailor as a conduit of desire, Demuth’s “whoopee of sight,” much like Leyendecker’s subtle and seductive charisma of the homoerotic, breaks the rules of any staid accounting of American Modernism as protector of the avant-garde over and against the cultural forces of the mass.\(^59\) From the dual perspective of precisionary painter and underground artist, Demuth’s exchange and circulation of the male form as an object worthy of lust and creative deliberation continue and amplify the crucial conversation between Greenberg’s strange somatic trespasses, Leyendecker’s suggestively suffused promotions, and as we shall see, Paul Cadmus’s erotically charged grotesques.

**Paul Cadmus—The Happy Modernist**

Two years after Demuth’s *On ‘That’ Street* and one year prior to his death, Paul Cadmus tried his hand at picturing navy life. Born into a family of commercial artists, by the early 1930s Cadmus was busy working for the Public Works of Art Project, an experience that helped shape his illustrative style. Throughout the decade he often used caricature and innuendo to push at the boundaries of tolerability within bodily representation.\(^60\) His 1934 painting *The Fleet's In!* was selected by the Works Project Administration for inclusion in a show of PWAP art at the Corcoran Gallery in Washington and placed him at the center of a public controversy. Like

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many of his early works, the painting is ostensibly heterosexual in its depiction of sailors flirting with young women, who may be prostitutes, but it nevertheless manages to suggest a queer encounter between a well-dressed civilian (who sports the tell-tale red tie) and a sailor to whom he offers a cigarette. That both these messages were apparent to early audiences is clear. Or rather, most of Cadmus’s early detractors made no such distinction in terms of desire; for many the primary thrust of the work was that of the sexual saturation of modern urban life. As one critic observes, it was Cadmus’s “ability to queerly combine this carnality with the carnivalesque” in the form of America’s most manly men, its fighting men, that troubled the piece’s acceptability as art. Driven by concerns within the navy, curators quickly removed it from the exhibition.\(^6^1\)

Regardless of its shaky status as art, the public of the 1930s in many cases did embrace the popular sarcasm and seductiveness of the piece. Crucially, it was this public reception, largely anterior to the political reactions of the navy, which ensured its continued prominence during the American buildup to war. Appalled by Cadmus’ sailors, retired navy Admiral Hugh Rodman spearheaded the campaign for its removal from the Cochran show in language dripping with nearly the same amount of vivid hyperbole as the cavorting couples themselves:

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\text{[The painting is] a disgraceful, sordid, disreputable, drunken brawl, wherein apparently a number of enlisted men are consorting with a party of streetwalkers and denizens of the red-light district. This is an unwarranted insult to the enlisted personnel of our Navy, is utterly without foundation in fact and evidently originated in the sordid, depraved imagination of someone who has no conception of actual conditions in our service.}^{6^2}\]

\(^{6^1}\) Interestingly Fleet now resides prominently at the Naval Historical Center in Washington D.C. Meyer quotes Gale Munro, the curator for the center, as noting that Fleet has become “by far the most popular painting in our collection.” For the definitive (as well as an amazingly compelling) history of the painting see Meyer, Outlaw Representation, 32–93.

\(^{6^2}\) Meyer, Outlaw Representation, 47.
Dividing experience from “imagination,” Rodham framed the painted menagerie as an attack upon the body of the sailor himself. (Notice his refusal to offer the same exaggerated defense of any of several others depicted.) The insult for Rodham originates not with the representation so much as with its creator, who, absorbing the entirety of the sordidness he purportedly illustrates, becomes a voyeur to his own work, peeking into enlisted men’s lives and transforming them into a fervid prurience. The Fleet’s ejection from the Corcoran show spurred national reverberations. As Richard Meyer notes:

The censorship provoked a media sensation with scores of newspapers and several national magazines running articles and editorials on the episode, many accompanied by reproductions of the work. While naval officials had successfully removed the Fleet they had unwittingly insinuated the picture into the far more powerful flow of mass culture.63

The collective, humorous sense of disbelief in Rodham’s decidedly genteel notion of his own forces fired the imaginations of other artists, this time editorial cartoonists, who lampooned the admiral as out of touch, if not a bit repressed himself. Splashed across headlines, editorials, and cartoons, Fleet gained a visibility seldom granted noncommercial art of the period. Three years later, on the occasion of his first one-man show at the Midtown Gallery, Lewis Mumford recalled Cadmus’s early and meteoric notoriety. Fleet “scandalized the dry-land admirals by exhibiting a painting which showed bluejackets flirting with the gay girls of the Nineties on Riverside Drive—without the aid of the Bluejacket’s manual.” And, as Mumford continued, “he has been more or less in the public eye,” ever since.64

Cadmus’s troublesome status as both artist and celebrity during the 1930s ultimately relegated both Fleet and its artist to the side of most discussions of American Modernism. As

63 Cited in Meyer, Outlaw Representation, 39.

later critic Dore Ashton put it bluntly, Cadmus was not a historical figure at all, but an also-ran. As with Demuth and his equivocal quotation of the very advertisements that modernist critics later decried, Cadmus not only too closely mirrored the mass culture of his surroundings, charging it like Demuth with erotic potential, but more so than his contemporary, Cadmus was actively integrated into and consumed by the forces of kitsch.

Until his death, he remained ambivalent about the entire affair, once declaring that he owed “the start of my career” to the public nature of the painting’s seizure. In a 1988 oral history interview with Judd Tully, Cadmus recalled at length the events and influences surrounding Fleet as well as a number of his other sailor pieces from the period.

JUDD TULLY: Did this [the public response] just throw you for a loop?

PAUL CADMUS: Well, yes. It rather alarmed me at first because I did get threats on the phone too, people going to come and beat me up—sailors and things like that. For a little while, I kind of hid. I didn't go to my apartment. I stayed at my aunt's apartment for a few days. I didn't realize how important it was for my further career. Fortunately, I had other work to back it up.

JUDD TULLY: What do you think it was that—either from your vantage point now or what you were feeling then—that got people so riled up?

PAUL CADMUS: I showed what they thought was a disgraceful aspect of our Armed Forces. I mean the sailors were human beings who went around with prostitutes and behaved drunkenly, and they didn't want that mentioned. They only wanted them known as heroes and—well, goody-goodies is what they wanted sailors to be. Which they're not. I mean they weren't in those days, anyway.

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65 Cited in Meyer, Outlaw Representation, 35.

66 Weinberg, Male Desire, 49.

67 These pieces include Shore Leave (1933), Coney Island (1935), and Sailors and Floosies (1938).

Heroic and human, these seamen were additionally homoerotic. The red-tied cad seeking the companionship of rough trade lived on the margins of several of the artist’s 1930s paintings. Mumford clearly had this element of Cadmus’s work in mind, noting in his 1937 review that as a “satirist who wishes to touch off the vulgarities and weaknesses of the present-day American scene . . . [he] paints these phenomena with an extra touch of fleshiness, an extra shriek of mawkish color, that make his subjects completely repulsive.” Mumford’s repulsion for these vulgar figures is striking in its resemblance to Rodham’s earlier, and equally physical, distress. Similarly striking is Mumford’s consideration of Cadmus as satirist. In the intervening years of the Fleet’s debut in 1934 and the Midtown show, Cadmus continually sought to link the grotesque with the everyday. But his grotesques, even at their cruelest, seldom act as derisive exposures of vice or inanity. To Lincoln Kirstein, he was instead an “undespairing, realistic,” coconspirator with his images, often positioning himself as subject in many of his sketches, paintings, and murals. The bodies on display in Cadmus from the 1930s onward explode out of their habitual shells, frequently caught in distorted and elongated gestures; they bulge and undulate at the viewer. But rarely are these bodies ridiculed, at least not by the artist.

The critical jitters toward Cadmus became increasingly palpable. Foisting onto the artist many of their own desires for distance, critics rejected a perceived “inverted sentimentalism . . .

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69 In addition to Shore Leave (1933) “he” arguably also appears in Greenwich Village Cafeteria (1934), Regatta (1935), Aspects of Suburban Life: Main Street (1936), and Seeing the New Year In (1939).

70 Mumford, “The Art Galleries,” 67. Mumford makes it unclear which paintings he is actually referring to, but Fleet is the only named piece in his review cannot escape from his assessment here.

71 Kirstein, Cadmus, 33.
that lingers too lovingly on the flesh.”\textsuperscript{72} It was one thing to disdain the beefy and the corpulent and quite another to revel in their nooks and crannies. “One comes pretty near hating the artist himself for giving one such an unpalatable mouthful.”\textsuperscript{73} His partner Jon Anderson later described Cadmus’s ability to create and depict in his art a “parallel world of feelings.”\textsuperscript{74} A great deal of the work completed throughout the 1930s in addition to \textit{Fleet} indicate Cadmus’s belief in an abiding substantiality of the male form and the need “to establish a place for the erotic male nude in the canon of high art.”\textsuperscript{75}

By the mid-1940s Cadmus and his work were barely detectable in America’s newly racing cultural pulse. At a time when abstract expressionism as the scion of an ascendant American Modernism regularly appeared in the pages of \textit{Life} magazine, the methods and motives of painterly representation were being so profoundly questioned and transformed that older pieces like \textit{On ‘That’ Street} and \textit{Fleet} appeared stagnant and aged by comparison. Part of that oblivescence undoubtedly stemmed from their easy quoting of mass culture as well as from the

\begin{footnotes}
\item M\textsuperscript{72}umford, “The Art Galleries,” 67.
\item I\textsuperscript{bid}. Mumford was hardly alone. Meyer, \textit{Outlaw Representation}, 34–37 notes:

\begin{quote}
Cadmus’s career . . . declined sharply after the Second World War. Marginalized to the point of near eclipse by the rise of abstract expressionist painting and the corresponding preeminence of modernist art criticism, Cadmus’s work came increasingly to be regarded as kitsch. . . . At the very moment when Cadmus is said to exemplify modern American art [in the late 1930s and early 1940s], he stands on the brink of a protracted decline into obscurity.
\end{quote}

As Meyer continues, “even before art historians completed the initial scholarship on Cadmus . . . the gay male community had begun to reclaim the artist as a significant figure within its own, largely unwritten history.”

\item S\textsuperscript{pring}, \textit{Male Nude}, 29. Interestingly, it was less high art than twentieth century pornography that responded most favorably to Cadmus. See Weinberg, \textit{Male Desire}, 54–55 on Tom of Finland’s \textit{Fleet} homage, \textit{Sailor Orgy} (1959). Waugh, \textit{Hard to Imagine}, 104–106, places 1930s Cadmus in relation to such “glamour” personalities as Louis Jourdan and Johnny Weissmuller.
\end{footnotes}
economic and social material realities of the interwar period and from the turn away from the aesthetic politics of the cultural front. Additionally, many projects displayed growing apprehension and critical panic and sought to disassociate bodily representations from the imperatives of mid-century modernism. What is so intriguing, though, is not only how these works were forgotten but also why they are presently so often remembered. For Michael Warner, these artists, once relegated to minor status, have over the past three decades been dramatically renovated by queers and art historians as challenges to many of the stories of twentieth-century American art. In other words, a conversation is exploding about what we do with these and like texts—and how that “what we do” might matter.

Warner’s indication at least works to tie the importance of these final questions to a type of Foucauldian reading of our last century’s manic drive toward transgression, or to paraphrase Foucault, that century’s ongoing profanation without an object, its endless love of transgression regardless of what was being transgressed. Why is transgression a compelling value at all? For Warner, to think through this context is to see how queer artists, far from being on the margin, might sum up some of the defining preoccupations of that century. And as we have seen here (schematically at least), we may find in the very discourses of those who presumably fixed the boundaries of American Modernism—such as Greenberg—that these boundaries remained so porous so as to rely on their own transgression in order to be demarcated at all. Cadmus adds humor and life to these quandaries. His 1931 portrait Jerry invites us to grapple with what the ongoing conflicts and confusions between sex and art, modernity and desire, high culture, and its various others might entail; he offers us the smile of the happy modern—contradictions and all.

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77 Ibid., 38.
Conclusion

If at least one of the modes of thinking about American Modernism is through a shift towards abstraction and nonrepresentation, towards the primacy of form over content, and via a concurrent divestment of the avant-garde from the mass-produced images of advertising and the market, we must continue to ask what we lose by avoiding these other, more “minor” histories from the first three decades of American Modernism. Among other things, we lose a conversation about American Modernism that looks to the potentially differential functionality of diverse visual practices, especially at the level of audience and reception. We lose the sense of how an active and playful homoerotics of interpretation was often utilized and exploited by a number of artists working to constitute a challenging queer community through their visual practices. Finally, we lose those vital connections that bind more canonical modernist practices with these more troubled and troubling cases. I hope that by so moving through the artists (and artistic discourses) discussed here, that these losses might better be rewritten as gains.

This brings me full circle in a sense—even if through a rather small circle. In posing the promise of a queer aesthetics, what remains is the openness of that project as well as the frustratingly slippery status of our discourses on American bodies. This openness and slipperiness need not be a bad thing. As witnessed before, even approaching a century subsequent, we continue to lack consensus on the nature and status of American modernity and modernism, and that could very well be the point. Adding dissensus to this history, and to the histories of our bodies, posits, if anything, the dilemma and the occasion for dislocating our own body’s emplacement within traditional cultural narratives and our means of culturally fleshing
them out differently.\textsuperscript{78} Indeed, as I explore in the next chapter, there is not one, but many such opportunities to queerly such dislocated and strangely different bodies. These unruly bodies—for good and ill—continue to grant us a collective piece of our modern inheritance: which is something New.

\textsuperscript{78} Raymond Williams speaks to this desire and need for more heterodoxical narratives of modernity in, among other places, “When Was Modernism,” \textit{The Politics of Modernism: Against the New Conformists}, ed. Tony Pinkney (New York: Verso, 1989), 35.
CHAPTER 4
DANGEROUSLY DISEASED DESIRE
A COUNTERHISTORY OF THE HEALTHY NATION

The Banner of Contamination

With the hysteria concerning communism in the 1950s we find a curious intersection of bodies both queer and politically radical under the encompassing banner of contamination. As Andrew Ross points out in *No Respect*:

Cold War culture is rich with the demonology of the “alien” [and] a pan-social fear of the Other—communism, feminism and other egalitarianisms foreign to the American social body . . . reproduced through images drawn from the popular fringe of biological or genetic engineering gone wrong. Beneath the pervasive discourse of germophobia, fears about the failure of the national immune system ran strong.¹

Written within the confines of conspiracy it was the body of the left that harbored the traces of a contaminating influence that threatened to infect the nation. These were everyday bodies like the Rosenbergs who found themselves thrust from the obscurity of working class America and into the status of international spies.² It was also the bodies of newly emergent groups—private and

¹ Andrew Ross, *No Respect: Intellectuals and Popular Culture* (New York: Routledge, 1989), 45. In the same section, Ross notes that even as late as 1962’s “Port Huron Statement” the excessive language of diseased invasion is playfully used by Tom Hayden in his vilification of the Right’s “paranoid quest for decontamination.” Ross continues:

The widespread use of this rhetoric belongs, of course, to the chorus of similar hysterical discourses that contributed to the Cold War culture of germophobia, and the many fantasmatic health concerns directly linked to the Cold War—Is fluoridation a Communist plot? Is your washroom breeding Bolsheviks?


The dark hole of . . . the First American Fifties, 1945-1955, and the period’s burning question: *how did this country get from Hiroshima and Nagasaki to Disneyland in ten years?* More directly, [the trial, conviction, and execution] has the psychohistorical significance of that particular ten-year configuration of clockworked, lockstepped simultaneity, which brought us nuclear testing, Cold War rhetoric, the massification of
transient—that continued the process of creating mid-twentieth century queer communities.\(^3\)

These bodies found themselves writing and moving in coded gesture, waiting for retrieval and an understanding by those who muster a closer, queerer, reading.\(^4\)

In this chapter I turn to a primal scene of American crisis in the mid-twentieth century as a jumping off point allowing me to explore some of the shared historical moments between political dissent and queer desire. Theorizing that the stories we tell about our bodies, desires, and dissent can be made to mean differently, I offer a glimpse of how these shared histories

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... television, the emergence of science fiction film, and the almost frantic domestic containment of women, homosexuals, and racial and ethnic minorities.

\(^3\) Specifically I am thinking here of Harry Hay, Dale Jennings, Bob Hull, Del Martin, Phyllis Lyon, Barbara Gittings, and others who founded both the Mattachine Society and the Daughters of Bilitis during the late 1940s and early 1950s. As Hay noted in an interview reproduced in James McCourt, _Queer Street: Rise and Fall of an American Culture, 1947–1985_ (New York: W.W. Norton, 2004), 14:

It all [began] in 1947/48/49, when we had the feeling that the country was beginning to move toward a police state. We had loyalty oaths; all the teachers had to take loyalty oaths. The House Un-American Activities Committee was tearing at all the leaders of the trade unions, attempting to destroy them. And I thought to myself at that moment, you know this time the scapegoat they will use as an organizing tool to scare the populace . . . will be us.


might be realigned in a counterhistory.⁵ This counterhistory contends that the rhetoric of the healthy nation relies on a long, often convoluted, and epistemologically muddy past. By providing a brief genealogy of how disease and dissent frequently were written as one, I show how this history stretches back to the eighteenth and nineteenth centuries and to the medicalization of bodies and their desires.⁶ Along the way to this counterhistory I detour through an examination of Michel Foucault’s elaboration of genealogy and the practice of “effective” history. After examining snapshots in the social and medical evolution of disease over the last few centuries, I return to America’s mid-century to further probe the forceful and potentially infective commingling of queer desire and dissent.

**Cold War Containment**

No time was left for appraisal. In the past eighteen months . . . Soviet pressure on the Straits, on Iran, and on northern Greece had brought the Balkans to the point where a highly possible breakthrough might open three continents to Soviet penetration. Like apples in a rotten barrel infected by one rotten one, the corruption of Greece would infect Iran and all to the east. It would also carry infection through Asia Minor and Egypt, and to

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> Writing the history of a “problem” rather than of a “period” [which] frees Foucault from the obligation to exhaustive research of the historical sources. Not that he can ignore the “facts”; rather, he is warranted to consider only those events that are relevant to the problem at issue, its transformation and displacement, the strategies it exhibits, and the truth games it involves. This also relieves him of the need to “totalize” or “synthesize” in the Sartrean and Hegelian senses, respectively. Such an approach, he insists, would be considered anti-historical only by “those who confuse history with the old schemas of evolution, living continuity, organic development, the progress of consciousness, or the project of existence.”

While Flynn hyphenates counterhistory as “counter-history,” I have chosen to use Foucault’s original unhyphenated form.

Delivered to President Truman in the midst of the conflict which would give rise to the Truman Doctrine, Dean Acheson’s memorandum serves as a textual marker of post-war America’s evolving discourse of containment. Acting as both governmental policy and cultural pronouncement, Acheson’s memo gave rise in the late 1940s, not only to the notion of containment, but also to the emergent awareness of “national security” and the need for a politics of consensus. Contemporaneously, in what would be deemed the definitive cold war statement of policy, George Kennan’s “X-Article,” was first published by Foreign Affairs in the summer of 1947. This “X-Article” introduced at once “containment” itself as an appropriate description for the foreign Communist threat and in the same moment produced a consolidated vision for the shape and scope of American domestic policy as well.

The “X-Article” speaks of the inevitable spread of Soviet influence in the terms of both a mechanistic and organic metaphor. For Kennan, the Soviet Union was both “a persistent toy automobile wound up and headed in a given direction” and “a fluid stream which moves constantly, whenever it is permitted to move, toward a given goal.” Kennan also relied, as did many politicians and policy framers, on an image of infection that figured communism as a

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8 The Truman Doctrine was announced in 1947 in the midst of the Greek Civil War of the late 1940s. The doctrine’s purpose was to counteract rising Soviet influence in postwar Europe. For an in-depth history of the doctrine and its effects in the region, see Judith F. Jeffrey, *Ambiguous Commitments and Uncertain Policies: The Truman Doctrine in Greece, 1947–1952* (Lanham, MD: Lexington Books, 2000).

pernicious entity harboring the “germs of creeping disease.”

Kennan and Acheson were not the authorial sources of an entire discourse, but rather serve as key documentary moments in the formation of a postwar America as a nation that decreasingly defined itself solely in terms of geographic borders. This new nation, in contrast, buttressed its self-image on the power of its own, increasingly extraterritorial, convictions. Yet as Kennan later wrote, “containment” was not simply to be a tool for foreign intervention, it was also to be seen as a method for domestic control as well. While McCarthyism as a movement and a narrative has distinct boundaries, beginning around 1949 with the Alger Hiss case and ending in the mid 1950s with McCarthy’s fall from grace, the swirling issues and concerns that McCarthy exemplifies are by no means so easily contained.

The decades known as the age of the Cold War bear out the constant and repeated attempts by America to construct itself not merely as a nation-state or democracy, but also as a body beset on all sides, foreign and domestic, by numerous and differing threats. The nation required, and continues to require, bodies; bodies which populate it not only physically and politically as citizens, but, additionally, bodies which find themselves placed as marginal, as diseased, and as un-American. This placement is both spatially and symbolically central and was neither new to


the Cold War, nor entirely effaced by the events of the past decades. It is, on the contrary, one of the most enduring aspects of Western modernity to see in disease, in the infected body and its germs, a particularly intense nodal point of subjectivity and intervention. As Donna Haraway observes:

> Scientific discourses are “lumpy”; they contain and enact condensed contestations for meaning and practices [including] the potent and polymorphous object of belief, knowledge and practice called the immune system. . . . The immune system is a plan for meaningful action to construct and maintain the boundaries for what may count as self and other in the crucial realms of the normal and pathological. The immune system is a historically specific terrain, where global and local politics; Nobel-prize winning research; heteroglossic cultural productions, from popular dietary practices, feminist science-fiction, religious imagery, and children’s games, to photographic techniques and military strategic theory; clinical medical practice; venture capital investment strategies; world-changing developments in business and technology; and the deepest personal and collective experiences of embodiment, vulnerability, power, and mortality interact with an intensity.

Paranoia was one particularly “lumpy” discourse used to explain the perils of desire, dissent, and disease during the McCarthy era and luminously provides an example of one such intense interaction.

**Paranoid Strains in America**

The germophobic constructions of the 1950s hold more within their various permutations—political, popular or otherwise—than simply a historical warning against the excesses of McCarthyism or even a means of exculpating those excesses under the clinical guise of “paranoia.” Retroactively, Richard Hofstadter writing in 1965 sought such an explanation in *The Paranoid Style of American Politics*. For Hofstadter, McCarthyism is explained by recourse to paranoia. His reticence lies less with the explanation than with viewing such an explanation

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as justificatory of McCarthyism. What Hofstadter not only implies, but explicitly states, is that McCarthyism and indeed much of the hysteria of the 1950s might not only be pathological but curable as well.\(^{15}\) Hofstadter goes to some pains, however, to differentiate his “paranoia” from the medical diagnosis:

> There is a vital difference between the paranoid spokesman in politics and the clinical paranoiac: although both tend to be overheated, over suspicious, overaggressive, grandiose, and apocalyptic in expression, the clinical paranoid sees the hostile and conspiratorial world in which he feels himself to be living is directed specifically against him; whereas the spokesman of the paranoid style finds it directed against a nation, a culture, a way of life whose fate affects not himself alone but millions of others.\(^{16}\)

And yet he seems to view the differentiation simply in the opposition of numbers. Hofstadter’s analogous placement of clinical paranoia in relation to a paranoid political style is one inherently unstable (or “lumpy”) in that this style can easily slip into a pathologically medical explanation. There is in this understanding a realization of what exactly gives power and emphasis to Foucault’s hyphen in his analysis of the medico-juridical discourses of the West.\(^{17}\) This mark of connection between political and medical discourse is one that Hofstadter and others enact in their analyses. The circulation of variously perceived threats points in the

\(^{15}\) This reading of Hofstadter owes much to Peter Knight, “A Plague of Paranoia: Theories of Conspiracy Theory since the 1960s” in *Fear Itself: Enemies Real and Imagined in American Culture*, ed. Nancy Lusignan Schultz (West Lafayette, IN: Purdue University Press, 1999), 36–39. As Knight, “Plague,” 38, notes, “the diagnosis of paranoia, even if it is not individual but collective, still carries with it the suggestion that the victim is not simply misguided but suffering from an illness that should be pitied and, if possible, cured.”


\(^{17}\) In many Foucauldian analyses, the disciplines of medicine and jurisprudence are figured together as mutually reinforcing forces of coercion. See, for example, Judith Butler, “The Force of Fantasy: Mapplethorpe, Feminism, and Discursive Excess” in *The Judith Butler Reader*, ed. Sara Salih (New York: Blackwell, 2004), 198, wherein the analysis of this alliance is applied to same-sex desire. As Butler finds, the juridical discourse of the medico-legal alliance at the end of the nineteenth century . . . seeks to establish homosexuality as a medical category and to institute homosexuality as a [political] kind of identity.”
1950s to more than the paranoid style in which they were articulated, but also how this style functioned implicitly as a discourse of disease and pathology. It is for this reason that the most potent political danger perceived at the time—communistic infiltration—was itself grafted to a medicalized understanding of disease and pathology, hence the ongoing reference to containment and quarantine. Concurrently it also sheds light on how something that was perceived pathologically and medically—queer sexuality for instance—could so easily be written as politically dangerous as well. Hofstadter, his protests aside, seems to support this view if only in order to read paranoia symptomatically as the result of a distorted mode of thinking and therefore untrustworthy. As he states baldly, the very term “paranoid style” is pejorative, “and it is meant to be.” What is intriguing in Hofstadter’s degradation of the paranoid strain in American politics is his recourse to a model of clinical paranoia along with his inability to move beyond a symptomatic reading. Hofstadter seemingly appoints himself representative of that particular branch of politics known as “consensus,” so as to stand as the grand interpreter of truth, over and above those who have been distorted by irrationality and paranoia.

Along with this symptomatic reading an additional, supplementary, reading of paranoia is available. For Freud, paranoia is only a mechanism of displaced and inverted homosexual desire that becomes projected onto others. Hofstadter certainly agreed:

The sexual freedom attributed to him [the enemy], his lack of moral inhibition, his possession of especially effective techniques of fulfilling his desires, give exponents of the paranoid style an opportunity to project and freely express unacceptable aspects of their own minds. The construction and highly fraught connections between queerness and disease and containment might perhaps be available as a textual and political device in a manner not isolated to legal,


19 Ibid., 34.
reactionary, or containment purposes; it might, in fact, be open to strategic manipulation.

Sedgwick suggestively notes:

In a world where no one need be delusional to find evidence of systematic oppression, to theorize out of anything but a paranoid critical stance has come to seem naïve or complaisant.20

I am drawn to this type of figuration in that it underlines the importance of Foucault’s contribution to an understanding of how the knowledge/power relationship often works discursively. Looking at the various permutations of sexuality, disease, citizenship, and dissent what arises is the realization that these are texts that can and should be engaged. In the realm of queer sexuality we are often confronted with its ongoing consolidation into a nexus of disease, infection, and contamination and it is from this consolidation there might be a means of utilizing that identity counter-discursively. The epistemological functioning of a counterhistory is one that seems peculiarly appropriate for such manipulation. As Foucault notes in the opening section of *Discipline and Punish*, his 1975 classic chronicling the birth, growth, and consolidation of penal system, history is useless unless it engages with alternative figurations of how we might relate to power. In other words, counterhistories open up new ways to think about and relate to both our past and present placement within systems of control and containment. In the next section, I turn to some of the genealogical methods elaborated by Foucault in order to outline what such a counterhistory might entail.

**What is Genealogy?**

Foucault begins one of his most important and far-reaching essays, “Nietzsche, Genealogy, History” by outlining what his genealogical method entails:

Genealogy is gray, meticulous, and patiently documentary. It operates on a field of entangled and confused parchments, on documents that have been scratched over and recopied many times.

As he notes throughout, this method is decidedly different from and opposed to traditional history. Tracing this opposition takes up the first third of the “Genealogy” essay by assaulting a number of customarily sacrosanct assumptions present in the historiographic process.

Genealogy, for instance, opposes itself to the search for idealized origins:

Genealogy does not pretend to go back in time to restore an unbroken continuity that operates beyond the dispersion of idealized things; its duty is not to demonstrate that the past actively exists in the present, that it continues secretly to animate the present, having imposed a predetermined form to all its vicissitudes. Genealogy does not resemble the evolution of a species and does not map the destiny of a people. On the contrary, to follow the complex course of descent is to maintain passing events in their proper dispersion; it is to identify the accidents, the minute deviations—or conversely, the complete reversals—the errors, the false appraisals, and the faulty calculations that gave birth to those things that continue to exist and have value for us; it is to discover truth or being do not lie at the root of what we know and what we are, but the exteriority of accidents.  

Genealogy asks us to consider how our histories are made, how they are written, how the stories these histories tell work to define who we think we are, how we feel, and often whom we desire. It cleaves the writing of history apart from a search for monolithic origins, great figures, or foreordained results. As Foucault observes, “the genealogist needs history to dispel the chimeras of the origin.” Attune to the both the strangeness and the ruptured quality of history, the genealogist presents an unmistakable contrast to the traditional historian:

He assumed that words had kept their meaning, that desires still pointed in a single direction, and that ideas retained their logic; and he ignored the fact that the world of speech and desires has known invasions, struggles, plundering, disguises, ploys. From these elements, however, genealogy retrieves an indispensable restraint: it must record the singularity of events outside of any monotonous finality; it must seek them in the most unpromising places, in what we tend to feel is without history—in sentiments, love, conscience, instincts; it must be sensitive to their recurrence, not in order to trace the

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22 Ibid., 144.
gradual curve of their evolution, but to isolate the different scenes where they engaged in different roles.\textsuperscript{23}

Looking to the struggles, invasions, and disguises of those things we conventionally classify as “without history” obliges the genealogist to approach the body itself as a parchment scratched over and altered over time. In genealogy “the body is the inscribed surface of events.”\textsuperscript{24} As a method, genealogy “is thus situated within the articulations of the body and history [and] its task is to expose a body totally imprinted by history.”\textsuperscript{25}

The “Genealogy” essay established for Foucault a newly clarified approach to the materials and texts he had spent the early part of his career dissecting. Often seen as a turning point for his analyses, his reading of Nietzsche’s historical works (including \textit{The Genealogy of Morals}, \textit{The Gay Science}, and \textit{Beyond Good and Evil}) informed Foucault’s later forays into discipline, sexuality, writing as a practice, and ethics. Perhaps the fundamental shift articulated in the “Genealogy” essay comes with Foucault’s distinction between “traditional history” and what he terms, borrowing from Nietzsche, “wirkliche Historie” or “effective history.”

“Wirkliche Historie” is grounded in an awareness of discontinuity, distrust in stable origins and teleological narratives, and in practices of writing that place the body at the center of knowledge creation and interpretation:

\begin{quote}
Historical meaning becomes a dimension of “wirkliche Historie” to the extent that it places within a process of development everything considered immortal in man. We believe that feelings are immutable, but every sentiment, particularly the noblest and most disinterested, has a history. We believe in the dull constancy of instinctual life and imagine that it continues to exert its force indiscriminately in the present as it did in the past. But a knowledge of history easily disintegrates this unity, depicts its wavering course, locates its moments of strength and weakness, and defines its oscillating reign. . . . We believe, in any event, that the body obeys the exclusive laws of physiology and that it
\end{quote}

\textsuperscript{23} Ibid., 139–140.

\textsuperscript{24} Ibid., 148.

\textsuperscript{25} Ibid.
escapees the influences of history, but this too is false. The body is molded by a great many
distinct regimes; it is broken down by the rhythms of work, rest, and holidays; it is
poisoned by food or values, through eating habits or moral laws; it constructs resistances.
“Effective” history differs from traditional history in being without constraints.26

Genealogy is the practice of history without constraints. As Foucault clarifies at a later
point, “history becomes ‘effective’ to the degree that it introduces discontinuity into our very
being—as it divides our emotions, dramatizes our instincts, multiples our body and sets it against
itself.”27 The genealogist undertakes this radical bracketing of historical self-identification,
stability, and cohesion in three ways: through the production of entangled events; in the
inversion of proximity and distance; and finally, in the awareness that knowledge is perspectival.

Foucault’s Nietzsche is a powerfully troubled and troubling voice in the midst of the
massive changes and social, cultural, and political shifts that swept throughout the west
following both the American and French Revolutions as well as with the advent of the Industrial
Revolution in the nineteenth century. Nietzsche’s refusal to ignore the often painful fractures,
and fissures that these changes wrought on both bodies and nations is forcefully taken up by
Foucault in the twentieth century. In place of historical narratives of progress, democratic
inevitability, or of technocratic superiority, both produce a type of history that emphasizes the
centrality and potency of difference and disruption. Once again, Foucault uses the distinction
between “traditional” and “effective” history to provide a point-counterpoint example. The
former marks:

An entire historical tradition (theological or rationalistic) that aims at dissolving the
singular event into an ideal continuity—as a teleological movement or a natural process.
“Effective” history, however, deal with events in terms of their most unique characteristics,
their most acute manifestations. An event, consequently, is not a decision, a treaty, a reign,
or a battle, but the reversal of a relationship of forces, the usurpation of power, the

26 Ibid., 153.
27 Ibid., 154.
appropriation of a vocabulary turned against those who had once used it, a feeble
domination that poisons itself as it grows lax, the entry of a masked “other.”

Events are the building blocks of the historical narratives we tell ourselves to make sense of the world, our societies, and our cultures traditionally are seen as components of a form of epistemological syntax. They fit, or are made to fit, together and in this fitting together they create a story that recounts the prologue to where we find ourselves today. A battle is won, a president is elected, a treaty is ratified—added together these events form a sentence of historical meaning, in this case a sentence that could refer as easily to the American Civil War as Vietnam. What a genealogical “effective” history introduces is not only change and indeterminacy (are we sure that event “A” truly caused event “B”), but also, an erasure of the singularity and self-sufficiency of the very notion of an event to begin with. What are the proper epistemological borders of the signing of a treaty; where does the event begin and where does it end? An “effective” history allows us to see an event as part of a sequence, as inherently connected to other events, and as inextricably bound up with contexts, bodies, and texts that often challenge what any one event’s meaning should or could be:

The world we know is not this ultimately simple configuration where events are reduced to accentuate their essential traits, their final meaning, or their initial or final value. On the contrary, it is a profusion of entangled events. If it appears as a “marvelous motley, profound and totally meaningful,” this is because it began and continues its secret existence through a “host of errors and phantasms.” We want historians to confirm our belief that the present rests upon profound intentions and immutable necessities. But the true historical sense confirms our existence among countless lost events, without a landmark or a point of reference.

“Effective” history is also differentiated from its traditional counterpart in its inversion of proximity and distance in historical narratives. This latter mode of history:

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28 Ibid., 156.

29 Ibid., 155. Foucault is quoting Nietzsche’s Human, All Too Human in this passage.
Is given to a contemplation of distances and heights: the noblest pursuits, the highest forms, the most abstract ideas, the purest individualities. . . . Effective history, on the other hand, shortens its vision to those things nearest to it—the body, the nervous system, nutrition, digestion, and energies.\textsuperscript{30}

This inversion is not a repudiation of the need to grapple with the distant past or faraway locales; it is rather an attempt to move history away from grand historical narratives that subsume difference, disruption, and discontinuity to the trash heap of historiographic storytelling. Just as an “effective” history finds that events are not singular, but enmeshed in context, text, and with other events, so too does this practice of history refuse to reorder these newly entangled events into abstract recitations of global, cultural, or societal progress.\textsuperscript{31} By inverting distance and proximity the genealogist realigns the importance of those shapes, objects, and occurrences close at hand—deeming them worthy of historical narrativization. How does the body change over time? How might the way we conceive of disease, pathology, desire, or even our own musculature morph and distort through the operation of various practices and discourses? In the place of narratives that might triumph or conversely condemn the Age of Enlightenment in the eighteenth century, for example, Foucault’s histories often point to the manner in which knowledges and the language used to describe and enact the Enlightenment era worked upon and across bodies in specific contexts whether carceral or medical. For Thomas Flynn in “Foucault’s Mapping of History,” this type of historical practice is in itself a counterhistory “because it assumes a contrapuntal relationship to traditional history, whose conclusions it more rearranges than denies and whose resources it mines for its own purposes.”\textsuperscript{32}

\textsuperscript{30} Ibid.

\textsuperscript{31} A handy way to think of this inversion is to compare the type of history produced by another set of French historians, the Annales group, with that of more traditional renditions of European history.

\textsuperscript{32} Flynn, “Foucault’s mapping of history,” 32.
Creating history for a purpose is key to genealogy and effective history. Foucault finds that:

Historians take unusual pains to erase the elements of their work which reveal their grounding in a particular time and place, their preferences in a controversy—the unavoidable obstacles of their passions. 33

The genealogist, on the other hand, starts from position that acknowledges the impossibility of impartiality in the creation of historical meaning. More so, genealogy contends that impartiality is not only impossible, but objectionable as well. We have a vital stake in how we construct our histories in that these histories inform how we act in and perceive the horizon of our present and future possibilities. History is political for the genealogist. It can create choices and strategies for action or it can dissolve them. Effective history “radicalizes our sense of the contingency of our dearest biases and most accepted necessities, thereby opening up a space for change.” My question here is how an entangled genealogy of disease and desire alters our conception of certain modes of containment and contamination discourses of the mid twentieth century and beyond. As a first step, I return to a strange moment during which desire and disease linked up in the eighteenth century.

A Genealogy of Disease

Disease in Space and the Body

In 1760, the Swiss physician Tissot described the grotesque case of L.D., an 18-year-old clockmaker:

The slightest irritation immediately provoked an imperfect erection; this was immediately followed by an evacuation of that liqueur, which everyday augmented his weakness. Orgasm had become habitual and often seized him with no apparent cause, and in a manner so violent that throughout the duration of the attack, which sometimes lasted fifteen hours and never less than eight, he experienced in the entire posterior neck such violent pains that he did not just cry, but howled. He languished without succor for months. Having learned of his state I rushed to his side; I found there less a living being than a cadaver lying on

straw, thin, pale, filthy, exuding a vile stench, practically incapable of any movement. He frequently lost through his nose a pale, watery blood; spittle ran continuously from his mouth; stricken with diarrhea, he voided his excrement in his bed without noticing it; the flow of semen was continual. . . . He died at the end of a few weeks in June 1757, edematous throughout his body.34

Sixty years later Dr. Desruelles, a pathologist, provided readers of the French Journal of General Medicine a portrayal of a typical case history of an onanist:

A vague unease, an aimless desire, an uncertain discomfort, without real cause, at least for him, everything agitates, torments, pushes him involuntarily perhaps, towards a pleasure he has yet to know, for which he searches instinctually. . . . Satisfied, that deceiving pleasure soon vanishes, inspiring a desire to see it reborn. An uneasy curiosity has begun, and the fleeting but attractive delirium of the senses terminates the shameful act that will devour his life. Somber, melancholic, hiding from himself, the masturbator seeks out isolation and obscurity; he has neither rest nor real enjoyment . . . he is entirely possessed by his disgusting passion.35

In positioning these two histories together, what emerges is a peculiar awareness of those minor changes, delicate but also cataclysmic, that seems to accompany the shift from one era of knowledge to another.36 What is there of difference between the specific case of L.D. and the typical onanist of the 1820s? For Tissot orgasm is something that can seize a hold on the body. But in the case provided by Desruelles the pleasure of orgasm is one that resides within the body of the onanist hiding among the tissues of the body waiting to be discovered. Foucault would visit upon such subtle distinctions in History of Sexuality, (Volume I), focusing especially upon the emergence of the homosexual as a type, a persona, and an embodied pathology. What is interesting in his arguments—both in the first volume of History of Sexuality and in Birth of the

35 Ibid., 23.
36 In terms of an “era of knowledge,” I am thinking particularly of Foucault’s analysis of epistemic divisions and shift as specifically outlined in Michel Foucault, The Order of Things: An Archaeology of Human Sciences (New York: Vintage, 1994) and Michel Foucault, Discipline and Punish: The Birth of the Prison (New York: Vintage, 1995).
Clinic—is the state of disease on one side of an épistemic divide and another. Disease in the classical world (here following Foucault’s periodization) is something that can exist outside of the individual in spaces that can contaminate an invading body. The particular acts, which are linked casually to disease, must too be placed within these infectious spaces. Acts, such as masturbation, can only take place, or be enacted within, certain arenas. The patient’s body is contingent to the disease—it merely provides the opportunity for the disease to appear. Investigating classical madness, Foucault found that often the space of the hospital was imagined as a conduit of disease. It was the site of the hospital, not necessarily the mad themselves, which allowed madness itself to exist and proliferate, hence the large-scale redesigning of that space in the nineteenth century.

Rousseau in Confessions draws attention to at least two other sites of disease: civilization—specifically the city—and the school. He recounts his introduction to both through his early travels from his rural Swiss home to the urban centers of Italy. Studying in a monastery he was first made aware of certain acts that can be performed upon the body through a teacher who began to molest him in front of an alter:

I saw shooting towards the chimney and falling upon the ground, I don’t know what sticky, white stuff that churned my stomach.\(^{37}\)

He dwells at great length on the subject of such introductions and names this “solitary vice” as the evil supplement of civilization:

For myself, the more I reflect on this important crisis of puberty and its proximate or distant causes, the more I am persuaded that a solitary man raised in the desert, without books, without instruction, and without women, would die virginal at whatever age he reached.\(^{38}\)

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\(^{37}\) Rosario, Erotic Imagination, 24.

\(^{38}\) Ibid., 25.
Much of Rousseau’s concern seems to lie with the corrupting influence of education and civilization. But he is equally preoccupied with how both civilization and education only exist within certain spaces such as the school or the city. If one were to abstain from traveling to either, it is quite possible to live a life unmarred by the diseases that lie festering within them. In a strangely related way, the body as it is found in other texts of the era belies similar conceptions of infection and its relation to society.

Rousseau’s connection to the Enlightenment is often written as an uneasy one at best. The Rousseauian body as it relates to the state of society finds parallels to what Catherine Gallagher has termed the “homological relationship between individual and social organisms” as found in others writers of the eighteenth century. Hume, never truly an advocate of Rousseau’s glorification of the uncivilized, also manages to perceive an inherent connection between the health of a civilization and the health of the individual. Disease, in both Rousseau and Hume, lives in an exterior space away from the body. The former maintaining that such a space is an essential component of all civilizations, while the latter confining it to only those civilizations that are unjust, unwise and extravagant. By the 1830s, such a spatialization of disease began to give way to a new focus upon the visible surface of the body itself as the site for disease:

Disease is no longer . . . a pathological species inserting itself into the body wherever possible; it is the body itself which has become ill.

Disease as a field apart from the victims it infected, as a kind of corrupting-yet confined influence, would now be inscribed within the body itself. This inscription, while predicated on the detecting view of the gaze, functioned as a hidden visibility that could only be discovered by removing the outer layers of clothing and skin. It was a time when new theories, such as that of

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Bichat’s “little deaths” which slowly eat away at the body and its subterranean tissues and blood, would increasingly hold sway among a wide-range of medical fields.\textsuperscript{41} Disease and death all moved outside of space and into the body. In the process infection soon became enmeshed not only within a framework of excess and exaggeration, but also within discourses on and about the anti-social. Slowly the figures of the pathologist, the physician, the police, and the criminologist began to morph into one another, all the while holding a firm gaze upon the patient.

**Nostalgia**

In 1841, Jean-Baptiste Descuret published a series of case studies involving patients ranging from infancy to middle age, all of whom were diagnosed as suffering from a maladie de la mémoire called nostalgia.\textsuperscript{42} Throughout the previous two decades, a growing number of French doctors had been applying the diagnosis of nostalgia to certain patients centered mainly in the area of Paris. Many pathologists considered nostalgia to be simply a disorder of the sentiments and of the mind. But the disease was also thought to be an affective disorder of the body as well. It could eventually spread throughout the organs of the infected patient, especially the lungs, the digestive and nervous systems, ultimately causing death.\textsuperscript{43} The disease arose due to an abnormal attachment either to a place or object, usually from the patient’s past. Two of the cases described by Descuret involved a two year-old boy and man in his early forties. In the

\textsuperscript{41} For more on Bichat, please see Thomas Dormandy, *Moments of Truth: Four Creators of Modern Medicine* (Indianapolis: John Wiley & Sons, 2003).


\textsuperscript{43} Roth, “Nostalgia,” 29.
former, the case of Eugene L., the young boy had been separated from his mother shortly after
birth and taken in by a rural wet nurse. For the first two years of his life he was thus raised as the
nurse’s surrogate child and exposed to the rural area outside of Amiens. When returned to his
family in Paris he appeared completely healthy until left with his biological parents. In a matter
of two weeks he began to show severe signs of a mental and physical disorder:

He was insensitive to the caresses of his parents and refused all the food which had pleased
him the most just a few days before. . . . The unhappy little boy, who was becoming
weaker all the time, remained for whole hours sadly immobile, his eyes turned toward the
door by which he had seen leave the woman who had served as mother.44

His family doctor immediately pronounced Eugene as suffering from the beginning stages
of nostalgia. The only effective cure would be to return him to his wet nurse and slowly wean
him from her over a prolonged period. The second case Descuret described was of a middle-
aged man living on the Rue de la Harpe in Paris. A rather solitary man, he was known to spend
several days at a time alone in his apartment where he had lived for over twenty years. Informed
by his landlord that his building was set for demolition due to street widening, he locked himself
in his room, refusing to leave for any reason. On the day of the set demolition, his apartment
was forcibly entered, where his rotting cadaver was found asphyxiated from the despair of
having to leave his too-cherished abode.45

As Michael Roth notes, these two cases illustrate an emerging concern of doctors in the
nineteenth century with the debilitating physical and mental duress suffered due to urbanization.
Each sufferer in differing ways points to an unhealthy attachment to an absent object or place.
Both patients had an excessive desire to prolong experiences that could no longer be maintained.
They found themselves unable to adapt to new environments or other favored objects. Nostalgia

44 Ibid., 25.

could infect anyone, men or women, and all age groups. It was, however, prone to infect young men between the ages of twenty and thirty and usually of a nervous temperament.\textsuperscript{46} Other predisposing causes included origins in mountainous regions, too little or too much education, change in climate or lifestyle, masturbation, and premature ossification of bone sutures in the skull and arteries of the brain.\textsuperscript{47} What made nostalgia in particular a problematic disease for doctors was its striking similarity to such virtues as patriotism and loyalty. At what point does an attachment to the homeland go beyond duty and enter the realm of the pathological? By the time such questions were being posed, nostalgia itself seemed to be disappearing. Nearly endemic to urban centers, especially Paris, in the 1820s and 1830s, by the late 1840s it had become a medical oddity. By 1870, it was essentially replaced by another ailment, hysteria. One explanation for nostalgia’s sudden emergence and disappearance was given by the physician Morin:

\begin{quote}
Happily, nostalgia diminishes day by day, instruction which descends little by little in the masses, in developing the intelligence of men, will make them more and more apt to struggle against this disease. Everything which touches civilization, in perfecting the human species, makes man understand his role as an individual, his part in the common work, and in enlightening his spirit, submits the impulses of his heart to reason.\textsuperscript{48}
\end{quote}

The history of nostalgia broaches a profound epistemological befuddlement within the history of disease. Following the work of Foucault and other medical historians, there was a noticeable shift in the perception of disease and its proximity to and within the body around the time of the French revolution. What place does nostalgia hold in this narrative? In a period of less than fifty years the discourse of disease had gone from being largely centered upon the motifs of space—infected pockets that were invaded by the body—and into a discourse of

\textsuperscript{46} Ibid., 30.

\textsuperscript{47} Ibid.

\textsuperscript{48} Ibid., 31.
embodiment. It is as if the same characters are present on both sides of the divide: the city, the body, disease, and space. But these characters have been minutely rearranged to function in a new way through a kind of deterritorialization in the discourse of illness. Nostalgia seems to be a holdover from a previous era—itself an excessive attachment to another age. In the mid-nineteenth century, as the body was more and more focused upon as the center of infection—in fact as the agent that conducted disease to other bodies—how is it that nostalgia—in its own way a disease that still existed only in space, whether the forsaken space of the homeland, or of memory itself—could exist at all?

Perhaps seen as a transitional phase, a medicalized nostalgia served to explain and account for the rapid and drastic changes that urbanization and industrialization were contorting upon the body and the nation. Returning to nostalgia illuminates some of the sudden shifts apparent between the body’s relation to the social in the time of Rousseau and what shape that relation would take by the time of the Second Empire in France, of high Victorianism in Great Britain, and the rapid changes of the Industrial Revolution in the United States. No longer was the presence of civilization the source and site of disease, unless it was through the displaced presence of civilization in the mind of the nostalgic. Rather, it was civilization that promised to cure the sickened body and that promised to make the body forget its instinctual desires and attachments, whether masturbatory or nostalgic. Civilization, once inherently corrupted, had become the means to a healthy body that was now essentially unwell. The reforms of hygiene, punishment, and politics that denote progress for the nineteenth century citizen are directly articulated in connection to civilization and in particular to civilization as typified by the Western nation-state. But nostalgia’s strange epistemological muddiness persisted as a reminder of the instability of the separation between the healthy and ill, the body and the social.
Disease, Class, and the Nineteenth Century

Fifty thousand lairs surrounded him where people lived so unwholesomely that fair water put into their crowded rooms on Saturday night, would be corrupt on Sunday morning; albeit my lord, their county member, was amazed that they failed to sleep in company with their butcher's meat. Miles of close wells and pits of houses, where the inhabitants gasped for air, stretched far away towards every point of the compass. Through the heart of the town a deadly sewer ebbed and flowed, in the place of a fine fresh river. What secular want could the million or so of human beings whose daily labor, six days in the week, lay among these Arcadian objects, from the sweet sameness of which they had no escape between the cradle and the grave—what secular want could they possibly have upon their seventh day? Clearly, they could want nothing but a stringent policeman.

—Charles Dickens, *Little Dorritt* 49

Dickens offers an uncanny point of entry into the swirl of discourses that began to circulate in the middle of the nineteenth century around the concerns of the location and health of the modern, urban body. In a series of novels ranging from *Little Dorritt* to *Bleak House*, he would continuously return to the topos of the inner city. Dickens was drawn to its slums, shops, and thoroughfares and especially to the inhabitants who moved about such spaces on a daily basis. Playing the role of the bourgeois spectator, his work holds a close resemblance to another set of travelers and writers—the ethnographers and social historians—who also found within the lower class districts a testing ground for both their theories and their condemnation. In *Conditions of the Working Class in England*, Engels, while often finding the bourgeois at fault for the state of the slums, managed, in the specific case of Irish workers in London, to produced a markedly virulent comparison:

The Irishman allows the pig to share his own living quarters. This new, abnormal method of rearing livestock in the large towns is entirely of Irish origin. The Irishman lives and sleeps with the pig, the children play with the pig, ride on its back, and roll around in the filth with it. 50


Engels was hardly alone in postulating a more than normal proximity between the (in this case, ethnic) worker and an animal-like nature. The British press in general, and W.T. Stead’s *Pall Mall Gazette* in particular, made of the slums in and around London not simply a growing example of urban blight, but often resorted to personifying these neighbors, and creating elaborate analogies and relationships between these “foul privies” and the bodies that lived and worked in them.\(^5\) Often what lay at the root of such postulated relationships was the prevailing fear of localized miasmal zones. Miasmas were those fog-like vapors that seemed to move about the streets and slums of lower-class London; considered toxic, they were usually blamed for the spread of such epidemic outbreaks as cholera.\(^5\) The miasma hypothesis, coexisting with the (later-validated) bacterial contagion theory (as well as the cellular theory of disease), provided reformers a means of visibly representing the site of infection—and of confining that site to a lower-class locale and to the animalistic bodies within it.\(^5\)

Another Dickens novel, *Bleak House*, layers a set of interconnected narratives on and around the neighborhood of Tom All-Alones. Tom’s is a neighborhood that not only finds its central location within London, but within Dickens’s novel and narrative itself. To travel to the center of *Bleak House* is to travel to the dilapidated cemetery at Tom All-Alones, where one character dies, another contracts a disfiguring disease, and where the secrets that lie underneath

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\(^{5}\) For additional information on a history of miasmas, please refer to Pamela K. Gilbert, *Disease, Desire, and the Body in Victorian Women’s Popular Novels* (New York: Cambridge University Press, 2005).

the festering case of “Jarndyce v. Jarndyce” reside.\textsuperscript{54} But to Dickens, Tom All-Alones is not only a place or point on a map, but also a site that exists in an uneasy relation to disease, the nation, and the body of the citizen:

It is a moot point whether Tom-all-Alones be uglier by day or by night, but on the argument that the more that is seen of it the more shocking it must be, and that no part of it left to the imagination is at all likely to be made so bad as the reality, day carries it. The day begins to break now; and in truth it might be better for the national glory even that the sun should sometimes set upon the British dominions than that it should ever rise upon so vile a wonder as Tom.\textsuperscript{55}

In the play between the seen and the unseen, between the embodied space and a decaying district, what can be read is the uneasiness that the Victorian spectator felt and found with and in his own cities. As Western European urban centers began to experience a process of modernization—a generalized Haussmanization of urban functionality—a new problematic of the body began to arise.\textsuperscript{56} This was not one body but multiple, and gendered, bodies whose rights, venues, and possible vectors of movement and articulation were almost entirely fractured from one another. In their essay “The City: the Sewer, the Gaze and the Contaminating Touch,”

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\textsuperscript{54} “Jarndyce v. Jarndyce” is the central plotting mechanism and era long court case at the heart of \textit{Bleak House}.
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Shorthand for a complex of urban transformation largely, although not exclusively, the achievement of baron Haussmann... under the July Monarchy and forward into the infant years of the Third Republic. The renovation of Paris gave shape to a distinctive center-city environment, mercantile and middle class in character. The heart of the old city became commercialized, shed much of its working-class population and underwent a definite embourgeoisement. Haussmannization created the milieu, the conditions favorable to commercial interest-group formation. Haussmannization, moreover, created a network of boulevards and avenues, a new downtown that eclipsed the city’s old shopping districts.
\end{flushright}
Peter Stallybrass and Allon White approach two of these bodies, that of the diseased worker and of the aristocratic flâneur.\textsuperscript{57}

Connected by an increasingly planned thoroughfare system, they found that it was the unique right and duty of the flâneur to travel to and inspect the specific sites of the worker. Many nineteenth century commentators associated the lower class with its own racial category and workers were frequently positioned as an eroticized other to whom to the upper class could visit and observe. The construction of workers as exotic nomads is especially interesting in that it grants mobility to bodies that were essentially unable to move, either across class boundaries, or physically beyond the confines of their own neighborhood. As Judith Walkowitz remarks, one could always move easily from the West End to view the delights and depravity of East Enders, but it rarely ever worked the other way around.\textsuperscript{58} The movement of the worker was often imagined as a festering or wallowing amongst the excrement and debris of the streets—a miasmic existence. As more and more city planners and administrators began to travel and speculate on these streets, they became not simply spaces, but diseased spaces, that one could look at, but never touch. The hygienic campaigns, starting with the 1850s and 1860s (but also before in such spaces as the school), took up the task of finding a means of curing the city of these contaminants.\textsuperscript{59} The path chosen by most urban areas such as Paris, London, and New York City was to attack the infection spatially—through new sewers and wider streets and


\textsuperscript{58} Walkowitz, \textit{City of Dreadful Delight}, 20–23.

alleyways—and to bombard the infected body itself with cleansing agents, such as soap. Importantly, bodies deemed less than pure were often excluded from contact with other, cleaner, ones.\textsuperscript{60} This exclusion, however, was a duplicitous one in that it was a physical, and not a visual exclusion. Even in the midst of mass hygienic movements, powered by media and state, the lower-class neighborhood remained a hub for entertaining the bourgeois male. Just so long as the traveler abstained from actual contact with his spectacle (itself usually gendered as female), he could remain safe from striking his own body with disease. It is an interesting correlate to such advice, that the fastest-growing area of medical literature at the time dealt almost exclusively with diseases of desire, for these were the stigmata that appeared the moment one descended from the balcony and entered into the brothel.\textsuperscript{61}

Though a disease like nostalgia no longer held a place of explicit respect within the discourse of medicine and psychology, nostalgia’s odd mixings of body and space, the medical and the legal, continued to reverberate in the West. This epistemological fragility in relation to sickness and health allowed the West to view its colonial possessions and the bodies that populated them as well as internal pockets of resistance as more than enemies of the state, but also as diseased subjects who could be cured. The construction of political dissent as infectious was not, primarily, a discussion of clinical importance. Rather, it became embedded in discussions of urban planning, immigration, and of the nature of labor organizations. Though a disorder like nostalgia was no longer considered a \textit{maladie de la mémoire}, its model of disease as a social malady was apparent to those who viewed a process like Haussmannization as a positive

\textsuperscript{60} Kristin Ross provides an additional context in her \textit{Fast Cars, Clean Bodies: Decolonization and the Reordering of French Culture} (Boston: MIT Press, 1996), which links profound social and political transformations of mid twentieth century France to the Marshall Plan and an influx of United States popular culture.

\textsuperscript{61} Rosario, \textit{Erotic Imagination}, 72–73.
measure to curtail the spatial groupings of the proletariat.62 As seen above, even across the Atlantic, the notion of diseased spaces and groupings and the infectious nature of political radicalism maintained an influence all the way through to the 1950s. Policy makers and adjudicators used medicalized discourses like that of nostalgia to bolster their cause. Their efforts suffer the same conceptual perplexity that plagued nostalgia—a disease oddly at home in space and the body—a miasmic influence that must be mitigated at all costs. Concurrent with the social pathologization of dissent was the medical pathologization of sexual perversion, and in particular the historical creation of homosexuality.63 It is a piece of the curious history of the nineteenth century that finds this dual emergence of diseased dissent and infected perversion. As I find in the next section, this odd pairing returned with a vengeance to mid-twentieth century America.

Coda: Cold War Threats and Secret Societies

A curious freemasonry exists among underground workers and sympathizers of the Communist party. They can identify each other on casual meeting by the use of certain phrases, the names of certain friends, by certain enthusiasms and certain silences. It is reminiscent of nothing so much as the famous scene in Proust where the Baron de Charlus and the tailor Jupiter suddenly recognize their common corruption.

—Arthur Schlesinger, Jr., The Vital Center64

Arthur Schlesinger’s remarks in The Vital Center offer a telling indication to the extent of which the domestic nation became a stage for the unfolding of international, Cold War obsessions over security, infiltration, containment and desire. His concerns were hardly singular.

62 See Kristen Ross, The Emergence of Public Space: Rimbaud and the Paris Commune (Minneapolis: University of Minnesota Press, 1989).


They offer a means of approach towards those other arenas, not entirely disconnected from the level of policy formation, which served to disseminate a condition of crisis throughout American culture. An especially salient medium for this dissemination was the burgeoning market of mass-distributed publications, both journalistic and salacious. As Barbara Epstein in “Anti-Communism, Homophobia, and the Construction of Masculinity in the Postwar U.S.,” notes:

It is easy to find expressions of anti-Communism in this period; the mainstream magazines were full of discussions of the evils of Communism, from the relatively high-brow (such as the *New York Times Magazine*) to the relatively low-brow (such as the *Readers’ Digest*), and also including those in between, such as women’s magazines, Catholic magazines and others with large but specific audiences.65

One such discussion took place on the pages of *Life* in early 1948. Its January cover story, entitled “Portrait of an American Communist” told the story of “Kelly,” an outwardly appearing normal middle class suburban male, who had nonetheless fallen prey to the Communist threat. His recruitment was enacted by a double seduction; on the one hand, by older more sophisticated men whom Kelly hoped to imitate and, on the other hand, by the promise of attractive young women whose sexual morals were considerably looser than conservative America. These fast women, the article tells us, “went to bed in the same way they carried placards—as a service to the party.” Kelly’s allegiance, solidified by his desires, eventually attracted his sister as well, who in turn was used to entrap potential candidates. She became one of “party girls. . . assigned to enfold likely Negroes.” By the time *Life* profiled Kelly, he had become too weak to question the party, lost all free will, and effectively had been transformed into an automatronic lackey for Communism.66  *Life*’s portrait of Kelly provided an example to the American middle class that it was under siege by strange, unknown, and infective forces. Kelly was a chilling remainder of


66 Ibid., 23–25.
Communism’s supposed immanence and intimacy in the nation. The narrative function of seduction was one that reverberated in many magazine articles on Communism. This seduction, like Kelly’s, was not always (or not only) sexual. It could also be the seduction of a weak mind in the face of the powerful organization of Communism. According to these sensationalized accounts, the party preyed on weak individuals. Once it managed to lure victims into communist clutches, it sought to entirely remold them.

This fear of weak wills and minds in the 1950s renewed the textual genre of the “self-help” book. These books promised help for the individual. They allowed him to diagnose himself or herself as susceptible to coercion and consequentially learn the techniques to counteract this weakness. Many of these self-help manuals focused specifically on the American male. To these men, an entire genre proclaimed that he was being undermined at every turn. Man’s enemies were many and nebulous. They ranged from a government intent on undermining individual power, a sexual economy in which women were increasingly visible participants in the work place, to a socio-cultural system increasingly reliant on the homogenization of every aspect of life, from housing, to consumption, to the techniques of child-rearing. Weakened and beaten down by these attacks, men were susceptible to evil and deadly influences.

Communism, imagined as alien to the nation, was deemed an ideology that could infect its victims both within the nation’s most private spaces—the neighborhoods of suburbia—as well as

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in the nation’s most public and powerful spaces, its government. The epidemic of Communism was only one threat to the American battered male; queer desire was another. In many of the same magazines, especially those more salaciously attuned, that circulated the constant refrain of party invasion and subversion, there also circulated the discussion of a queer conspiracy as well. Publications like *Confidential, Whisper, Dare, Top Secret, Lowdown* and *Exposed*, while not recognized for their journalistic merits, enjoyed some of the widest distribution rates in America. *Confidential* alone had an audience of over 3.8 million subscribers, primarily male, by 1955, making it in effect the widest read publication at the time.\(^7^0\) What took place on the pages of these magazines was frightening indeed to the middle class male. As Wally Levine explained in a 1956 issue of *Whisper*:

In any large crowd, at least a third of the men have had homosexual experiences. … This article is for your protection. Read it—and be better able to judge the men you THINK you know! While it’s true that some fields sprout pansies more profusely than others, it’s important to remember that truck drivers, cowpokes, war heroes and prize-fighters also have a fair percentage of fairy princes in their ranks. . . . The percentage of fairy musicians, painters, dancers and actors who live in the twilight zone is appalling and no doubt easily exceeds the halfway mark. . . . The fact that a man is married does not in itself clear him. Many a nance is married, at least in name. And many deliberately enter wedlock to provide a screen for their true identities. . . . Beware of strange men who strike up conversations in bars, trains and other public places. Never go home with a stranger, for a drink or nay other reason, unless you’re looking for trouble.\(^7^1\)

Levine’s sensationalism parallels the Communist peril narratives, echoing the very same terms of warning. One must be on guard because the threat of infection is ubiquitous. The threat of queerness plays on deceptive appearances and on the contradiction between what is perceived and what is real. Though Levine speaks of “true identities,” a more prevalent view of queer sexuality was less that of an intrinsic nature than a socially provisional and infective danger.

Queerness in most of the articles of the era was viewed as a symptom of a wider perversion and

\(^7^0\) Epstein, “Anti-Communism,” 20.

\(^7^1\) Ibid., 35.
degradation of American masculinity, which was perceived as prevalent.\textsuperscript{72} Strangely this degradation was due not to an increased visibility of sex in general, but rather tied to the stringent sexual mores of the 1950s. In “Why Homos Hate Elvis,” an article that appeared in \textit{Exposed}, it was middle America’s fear of sex that stirred a latent homosexuality into formation. “Homos” hated Elvis because he embodied an openly sexual male figure. According to the logic of these articles, Elvis’s openness and hip shaking sexuality did more than cause parents to fear a comparative openness in their children. It also subverted an infective queerness from claiming the victims of sexual self-repression. “Conspiracy” recurs with a particular consistency in both anti-Communist and anti-queer literature at the time and in many cases within the same discussion. In the spring of 1952, a congressional representative from New York read into the minutes just such an articulation:

\begin{quote}
Members of one conspiracy are prone to join another conspiracy. Many homosexuals, from being enemies of society in general, become enemies of capitalism in particular. … They serve the ends of the Communist international in the name of their rebellion against the prejudices, standards, ideals of the ‘bourgeois’ world. Another reason for the homosexual-Communist alliance is the insatiability and passion for intrigue’s sake, which is inherently in the homosexual personality. A third reason is the social promiscuity within the homosexual minority and the fusion it effects between upper class and proletarian corruption. … [H]omosexuals by the very nature of their vice belong to a sinister, mysterious, and efficient international, world-wide conspiracy against society.\textsuperscript{73}
\end{quote}

These were not isolated concerns. An amazing prevalence was granted to and enjoyed by such notions of international secret societies and conspiracies. \textit{Life} magazine entered as a latecomer into this foray of queer containment theories with its June 1964 photo-essay: “The Homosexual in America.” As Lee Edelman notes in “Tearooms and Sympathy,” \textit{Life} portrayed the queer threat moving silently, but relentlessly, through America, and gave a new journalistic

\begin{flushright}
\textsuperscript{72} For an overview of the status of American manhood in the postwar era, see Michael Kimmel, \textit{Manhood in America: A Cultural History} (New York: Oxford University Press, 2005).
\end{flushright}

\begin{flushright}
\textsuperscript{73} Corber, \textit{In the Name of National Security}, 75.
\end{flushright}
credibility to representing queerness as a possibly infective hazard. The Life article was not alone. Beyond even the more questionable genre of scandal magazine (such as Confidential) Americans had, by the end of the 1950s, been exposed to innumerable such representations. The ongoing inquiries into governmental subversion undertaken by the House Committee on Un-American Activities throughout the late 1940s and 1950s were among the first national events to be televised to a large audience. They offered an incredibly prominent and public coupling between queer desire, Communism, and domestic infection.

It is standard in Cold War histories to chronicle the perceived myriad threats of governmental subversion and intervention that defined McCarthyism. The era’s parallel obsession with queer infiltration is not so standard. At the time, however, homosexual influences in the government were a salient issue. At the dissolution of HUAC, nearly twice as many suspected homosexuals had been expelled from government positions than suspected Communists. The rationale behind these expulsions was similar to the anxieties expressed by the popular press, and often-intertwined official congressional record with the latest issue of Confidential and vice versa. As Representative Katherine St. George expressed so well in 1952, members of one conspiracy could easily slide into membership in another.

Concluding Notes

The truth of how we conceive of queer desire’s place in the nation is tied to many different and shifting moments. In previous chapters, I argued that we could find queerness in strange and often unexpected places like constitutional opinions and military portraiture. Here, however, I

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have attempted to show how queer desire has frequently been twinned with both disease and dissent. Ultimately, I contend that this counterhistory provides an empowering reading that threads the eighteenth century through to the twentieth and that posits the supposedly diseased, infective, and viral qualities of queer sexuality as constitutive of the healthy nation itself. In this examination of various moments in the evolution of disease—in space, in the body, in the city, in ghostly displacements and odd embodiments like nostalgia and paranoia—disease emerges as a powerful conspiratorial trope that acts to define not only what is purportedly sick or sickening, but its opposite, what is healthy, as well. As Sedgwick remarks, queerness is “an unpredictably powerful solvent of stable identities.” In this case, the stability of the healthy nation state is demarcated over and against disabling infiltrations of nonheterosexual desire. In many ways, the 1950s is a historical moment already queered by numerous theorists, historians, and critics. My counterhistory here moves to the side of these previous efforts to explore a more minor point that highlights not how queerness and dissent were attacked as twin diseases needing containment in the 1950s, but how the very machinations that allowed this twinning to occur relied on remarkably fragile and epistemologically befuddled categories of health from the start. This transgressive reinscription offers queerness as an inexorable piece of national health, potentially altering our understanding of the discourses of domestic health that continue to attach themselves to our bodies, lives, and desires today. In my next and final chapter, I turn to the different though no less powerful discourse of childhood and the place of queerness in our shared institutional memory.

76 Sedgwick, Epistemology, 85.
CHAPTER 5
THE THINGS (WE MAKE) CHILDREN DO DESIRE IN THE CHILDREN’S LITERATURE ARCHIVE

Archival Anxieties: Ruth Baldwin, Meet Mr. Dayneford

Archival projects invoke initiatory contexts—even if imagined—through which the archivist first finds him or herself obliged to begin research. Such contexts are offered in a number of guises from Jacques Derrida's hesitant invitation to the Freud collection in 1996’s *Archive Fever* to Carolyn Steedman's sweaty nocturnal recollections of physical and psychic malaise in her 2001 *Dust: The Archive and Culture History* and even in Nicholson Baker's growing rationalization for his own eventual transition from researcher to collector and protector in 2002’s *Double Fold: Libraries and the Assault on Paper*. The archive in these cases compels one to an accounting. Why enter, why study, why engage, with innumerable objects, textual and otherwise left behind as "tiny flotsam" begging historiographic narrativization, with (in a word encountered in many discussions of the archive) ephemeral traces out from which a "social system" or in the very least, a cognizant interpretation might be produced? Too often, such imagined contexts usually are articulated along lines of near apology: well I'm interested in x, or I started on y project, only to find that z might work better. The archive frustrates, it functions through a type of refusal concomitant with that other prominent refusal circulating about the field of children's studies: the refusal, or in Jacqueline Rose's words, the "impossibility" of children's literature. This chapter turns to that meeting point of institutional memory and childhood in


2. Jacqueline Rose, *The Case of Peter Pan, or The Impossibility of Children's Fiction* (Philadelphia: University of Pennsylvania Press, 1993). Rose’s *The Case of Peter Pan* remains one of the foundational theoretical texts for children’s literature and studies since its initial
order to reconfigure the children’s literature archive as a place inclusive of and welcoming to
queer desire. By examining a series of linked texts, I insist upon the need for alternative and
queer versions of both childhood and childhood desire, and posit both the importance and
mutability of categories like the child itself.

In the fall of 2004, several of my colleagues and I spent a number of months immersed in
the children’s literature collections at the Ruth Baldwin Library located on the campus of the
University of Florida. The Baldwin collection is considered one of the foremost archives of
children’s culture in the United States. As librarian Rita Smith recounts, "Ruth Baldwin felt it
was her responsibility to salvage these books and volumes that were loved and read by children
and so ordinary that no one else collected them". Quoting Baldwin herself:

> If the child is the father of the man and if we believe that the readings of a child influence
> him in later life, then this library is a rich source of influence on what we as a society and

publication in 1984. Likewise, her phrase “the impossibility” of children’s literature has in its
twenty-six year history assumed a critically pervasive status. For Rose, children’s literature, like
the archive, refuses stability and easy classification. As “vanishing-points” of memory and
narrative, the archive and the child serve as supposed “site[s] of a lost truth and/or moment in
history” and as terms of “universal social reference, which conceals all . . . historical divisions
and difficulties.” As used here, I refer back to the introductory comments in Rose, *Peter Pan*,
(10):

> What we constantly see in discussions of children’s fiction is how the child can be used to
hold off a panic, a threat to our assumption that language is something which can simply
be organized and cohered, and that sexuality, while it cannot be removed, will eventually
take on the forms in which we prefer to recognize and acknowledge each other. Childhood
also serves as a term of universal social reference, which conceals all the historical
divisions and difficulties of which children, no less than ourselves, form a part. There is
no child behind the category “children’s fiction” (hence its “impossibility”) other than the
one which the category itself sets in place, the one which it needs to believe is there for its
own purposes. These purposes are often perverse and mostly dishonest, not willfully, but
of necessity, given that addressing the child must touch on all of these difficulties, none of
which it dares speak.

3 Rita J. Smith, "Caught Up in the Whirlwind: Ruth Baldwin," *The Lion and the Unicorn* 22.3

4 Ibid., 300.
as individuals have become. It allows us to trace our roots, to define cultural, social and religious influence, to discover what ideas and impressions children dragged with them into adulthood.  

With this pronouncement of an ability offered by the archive in general and of a children's literature archive in particular to reconstruct a teleological narrative and ultimately to construct a theory of origins, I wondered how yet another image of an archive and a collection might work alongside Baldwin's insistence on collecting the once scattered impressions of children. The nineteenth century writer and critic Edward Prime-Stevenson proposes just such a divergent brand of collecting:  

Ah, his books! The library of almost every man of like making-up, whose life has been largely solitary . . . is companioned from youth up by innermost literary sympathies of his type. Dayneford stood now before his bookcase, reading over mechanically the titles of a special group of volumes—mostly small ones. They were crowded into a few lower shelves, as if they sought to avoid other literary society, to keep themselves to themselves, to shun all unsympathetic observation.  

For Stevenson's Dayneford, it is the collector's peculiar need to create from gathered fragments not an imagined totality of what it means to be a child—or child to the adult—but to constitute out of the "tiny flotsam" of textual history an identity so informed by reading as to generate a decipherable type: the modern homosexual. As David Leavitt has it:

Dayneford's library . . . has an ideology. For him, the quasi-scholarly excision of literary fragments—taking them literally out of context—is not so much a trick as a necessary, if ruthless, step in the effort to invent, through reading, a new context in which homosexual bonds, instead of being vilified, are glorified.

5 Ibid.


8 Ibid., xv.
This chapter seeks to highlight those happy instances in which both Baldwin's appetite and Dayneford's proclivities meet.

**The Many Faces of Edward Prime-Stevenson**

Stevenson himself provides such a meeting-point. Prior to his activities as the pseudonymous author of a series of homosexually charged texts moving throughout a variety of genres from quasi-scientific monograph, personal memoir, music criticisms, short stories and a novel, Edward-Prime-Stevenson worked as sometime contributor and staff member of *Harper's Weekly*.⁹ Ostensibly it was through these connections to both *Harper's* and to its patron literary authority William Dean Howells, that Stevenson scored a publisher with Scribner's Sons Press for his first juvenile novel, 1887's *White Cockades: An Incident of the “Forty-Five.”*¹⁰

*Cockades* fortuitously foregrounds the conflicts between his double-authorship status while simultaneously highlighting a number of intersections between queer desire and textuality that Stevenson (through the voice of Xavier Mayne) conjures with his literary creation, Dayneford, and the overall position of an archive of children's literature. In a perverse way, I was drawn to an exact and indefinable case in which within the genre of the nineteenth century boy book one might be able to say with particular certitude, these boys were certainly homosexual.¹¹ Given previous efforts and research within nineteenth century American literature and mass market

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¹⁰ Stevenson also published a later juvenile novel, 1891’s *Left to Themselves: Being the Ordeal of Philip and Gerald*. This novel is currently lost.

¹¹ See Kenneth B. Kidd, *Making American Boys: Boyology and the Feral Tale* (Minneapolis: University of Minnesota Press, 2004), 63–64. According to Kidd’s analysis, in the related works of the “Bad Boy genre . . . boys are not so much homosocial as homogeneous, the same everywhere despite their distinct characters, and even when they do not enjoy the company of other boys. Certainly they are never homosexual.” Stevenson’s *White Cockades*, I argue, proves a notable exception to the rule.
narrative modes and their relation to same-sex dynamics, Stevenson's juvenile work seemed a welcome reprieve from interpretative uncertainty. In other words, it seemed to be an open and shut case.

_Cockades_ follows an adventurous day in the Scottish Highland during the Jacobite rebellions of the mid-eighteenth century, bringing together the deposed Stuart monarch, Prince Charles and a transplanted English youth, Andrew Boyd. Under threat of seizure by the English army, the two variously assume disguises and altered identities, escape imprisonment and death, and ultimately make their way to exile in France.¹² Hardly novel in terms of narrative unfolding, _Cockades_ nonetheless does provide a multitude of scenes quite innovative to the genre of the historical boy's book in relation to childhood same-sex desire. Take Stevenson's opening sketch of Andrew Boyd:

[He was] a Highland lad of sixteen putting the finishing strokes to the notch in the trunk of a good sized oak he was feeling . . . Andrew's blows rang quick and true against the trunk. His springy back, his well-developed legs and arms, came handsomely into play. On the moss lay his plaid and bonnet. The seat dripped from his forehead, not much cooled by the breeze that tossed his yellow hair and the folds of his kilt.¹³

Andrew's first vision of Charles likewise speaks to a unique brand of character description, finding "his well-toned neck and figure implied to Andrew's hasty survey that he was young and comely."¹⁴ At a later moment, we are offered this delicious instance of melodramatic climax:

He pressed the Highland boy yet more warmly to his breast, as if in that hour of ill fortune, standing there within ear-shot of his foes, he was glad to feel a human heart so near him,


¹⁴ Ibid., 8.
however, young, that he knew already loved him too well to betray him, even at the point of bayonet.\textsuperscript{15}

Finally, Stevenson submits their conclusive pledge for mutually tied fates ending with the announcement that, "whither I go, shall he go, and where I lodge, shall he lodge."\textsuperscript{16} Taken together these scenes while lacking anything categorically decisive in terms of same-sex dynamics—there is no smoking gun as it were—combine to produce a sort of critical mass in relation to homoerotic potentiality in the midst of the boy book genre. The closing addendum to the novel does allow the narrator to seal Cockades with one additional uncanny declaration:

\begin{quote}
Perhaps history can best remind the reader of what followed. . . . But history, which seldom has space for such trifles, does not state that ever at the Prince's side, upon sea or land . . . there was a Highland lad, toward which the exile showed a quiet care and affection, never for an instant relaxed, and of a sort that was the notice of all who encountered them. Little was said of his antecedents or story. The Prince desired no question upon the matter, but he and his gallant looking protégé seemed inseparable even in private. . . . Andrew was the special confidential secretary of the Prince.\textsuperscript{17}
\end{quote}

Stevenson provides a contemporary reader with a narrative framing that begs for a suspicious, or at least, an attuned eye. It is his later authorial embodiment as Xavier Mayne however, that truly marks the \textit{Cockades} text as definitively odd. As Mayne, Stevenson not only expounded the possibilities of connection between textuality and sexuality with the image of Dayneford and his library of lost, reclaimed, and re-invested literary fragments, but also elaborated through his 1906 novel \textit{Imre: A Memorandum} and 1908 monograph \textit{The Intersexes: a History Similisexualism as a Problem in Social Life}, a near systematic theory of sexual identity, reading, and understanding that specifically highlights the Cockades as a loosely encoded illustration of homoerotic possibility:

\begin{quote}
\textsuperscript{15} Ibid., 64.
\textsuperscript{16} Ibid., 210.
\textsuperscript{17} Ibid., 213–215.
\end{quote}
Fiction for young people that has uranian hints naturally is thought the last sort circulating among the British boys and girls. . . . In *White Cockades*, a little tale of the flight of the Young Pretender, by E.I. Stevenson, issued in Edinburgh some years ago, passionate devotion from a rustic youth toward the Prince, and its recognition are half-hinted as homosexual in essence.  

This was my smoking gun. Nevertheless, and as I continually think through Stevenson and *Cockades* and their links to other discussions concerned with the archive and children's literature, the question remains, so what? In a crucial sense, my forays into that archive resulted in the tangible and provocative implication that the very definition of the archive itself shifted. Somewhere between my first chaperoned tour of the Baldwin and my final hours waiting for my requested materials, the entire notion of the archive, its significance and its signification mutated. Before I had presumed the archive to be a repository of cultural objects innately lingering for the scholarly intervention of an archivist to collect and discover forgotten texts and artifacts. By the end, I had come to see the archive less as a place of gathering or ground for interpretation and re-activation of lost narratives and materials, than as a series of performative imperatives in itself. The archive became a relay of sorts and not a static field; it became a machine that created connections and comparisons that, while admittedly contingent and fluctuating, nonetheless moved beyond or perhaps to the side of any command for and towards recovery. In lieu of recovery, these new archival imperatives, those of reiterative and reparative imitation, re-writing, and extension, posit not an archive as a repository—which at least for Steedman it never was


If the books of in Horatio Alger’s contemporaneous and comparable series are now viewable in a homosexual light, so are Stevenson’s, and that by his own admission. Looking back over a dozen years later in *The Intersexes*, he admitted that an underlying subversive dynamic had been engineered into those early works. Although both [Cockades and *Left to Themselves*] feature adolescent same-sex crushes of the sort that even Freud might excuse, the author’s knowing complicity invites a second glance.
entirely anyway—but an archive, if not of feelings, than an equally affective archive of desire.\textsuperscript{19}

These intersections among authorship, sexuality, and children's literature, apparent in the juxtaposition of Dayneford with Baldwin eventually seeped into two additional textual gatherings.

Thomas Hughes's 1857 \textit{Tom Brown's Schooldays} and Franklin Dixon and Carolyn Keene's respectively prodigious series of Hardy Boys and Nancy Drew mysteries share a history of massive reproduction and circulation and remain continually in print and persistently discussed. Both strands have also been subjected to a form of textual poaching in the last decade or so resulting in more "adult" modes of parody and revision. What happens if we consider these later productive perversions as an aspect of each textual gatherings' ongoing process of revision, recirculation, and evolution?\textsuperscript{20} Such an exploration results in an expansion of the archive of children's literature into a much more provisional status—one that, like the Stevenson/Mayne example, encompasses Rose's insights into the impossibility of children's literature as an

\begin{footnotesize}
\begin{itemize}
  \item[\textsuperscript{19}] Indeed, many recent efforts within queer theory and historiography speak to a need or desire for an altered conception of more traditional figurations of the archive as a limited space of historical and textual gathering. Specifically see, Ann Cvetkovich, \textit{An Archive of Feelings: Trauma, Sexuality, and Lesbian Public Cultures} (Durham: Duke University Press, 2003), 70, and Sedgwick, \textit{Touching Feeling}, 150-151.
  
  From the former can be found a version of this changed status "organized as an ‘archive of feelings,’ an exploration of cultural texts as repositories of feelings and emotions, which are encoded not only in the content of the texts themselves but in the practices that surround their production and reception.” Sedgwick’s vision of a critical project of “reparative reading” likewise seeks to push scholarship toward “a reparative impulse . . . that is additive and accretive . . . with an irrepressible fascination with ventriloquistic experimentation; the disorienting juxtapositions of present with past, and popular with high culture.”

  \item[\textsuperscript{20}] I use “productive perversion” in direct reference to Rose’s “impossibility” quandary quoted above. Repeating with Rose, if “there is no child behind the category ‘children’s fiction’ [other than] the one which it needs to believe is there for its own purposes” then what if we choose to willfully misread Rose’s concern with these often “perverse” purposes as a potentially powerful invention to the creation, circulation, and celebration of characters and fictions not usually found within children’s literature itself?
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impossibility wrapped up in the ongoing contest of power, sexuality, and the politics of writing and reading the child itself.

The Secret Life of Schoolboys

When Thomas Hughes, as "an Old Boy" published Tom Brown's Schooldays in 1857, he was not, contrary to common opinion, creating the first public school-boy's narrative. Despite Isabel Quigly’s contentions in her otherwise definitive 1982 *The Heirs of Tom Brown*, in which she notes that "the school story was born with Thomas Hughes … [who] unselfconsciously, indeed unconsciously, founded a new genre," one can find for nearly a century previous like narratives circulating with similar themes and generic devices. Additionally, with works such as Dorothy Kilner's 1804 *First Going to School: The Story of Tom Brown and His Sisters*, many texts also share parallel characters.21 The genre's beginnings stretch back to the mid-eighteenth century, with works as diverse as Sarah Fielding's 1749 *The Governess, or The Little Female Academy* to the anonymous pairing of 1770's and 1785's respective *The Fortunate Blue-Coat Boy* and *The History of a Schoolboy*. As one critical historian of the schoolboy narrative, Robert Kirkpatrick, has it:

> By the time Thomas Hughes wrote *Tom Brown's Schooldays* in 1857 the school story was already a recognized literary form. Far from being an original work, Tom Brown's Schooldays drew heavily upon elements of an already well-established genre.22

What Hughes did broach with *Schooldays*, however, was an incredibly fecund model of the schoolboy story; fecund, here, however, does not equal groundbreaking. As Kirkpatrick continues, "the plot … follows what was to become the archetypal route of the transformation of an ordinary, reckless, carefree boy into a mature, responsible, chivalrous (and, in this case at

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least, Christian) adult.” As a Bildungsroman, Schooldays was neither innovative nor precisely complex, but its formula and its influence were pervasive. During the roughly 150 years following its appearance, the novel, its narrative, and its characters have become key figurations within Western children's literature—far a pace from any denotation of Schooldays as a simplistic story concerned with a young, class privileged Anglo male's rise to adult consciousness. Schooldays quite simply opened the floodgates, lending its effects significantly beyond most other comparable works.

Serving as a backdrop to more than half a dozen filmic productions, countless stage depictions, numerous re-writings and series offshoots, and even to a museum, Schooldays continues its process of mutation and replication. Throughout the 19th century the novel fostered the expansion of juvenile periodicals, adolescently tinged pulp fiction, and a rejuvenation of didactic and evangelically attuned works, all of which claimed, to differing degrees, a genealogical tie to the Hughes text. Throughout the past century, Schooldays morphed not only into an entirely new revised and updated narrative with Michael Scott's 1937 A Modern Tom Brown's Schooldays, but can also be gleaned from such young adult classics as John Knowles' A Separate Peace, to the widely successful J.K. Rowling series of Harry Potter books. One might even catch a fleeting glimpse of Tom, Rugby School and Dr. Arnold in a more highly canonized literary moment in a work such as E.M. Forster's posthumously published Maurice, which opens appropriately enough with the eponymous hero's initiation into sexual knowledge as provided by his headmaster Mr. Ducie.

It is to this last instance that I would like to draw particular attention in that it foregrounds another, almost underground and abiding, influence of the Schooldays narrative. Nearly all of

23 Ibid., 190.
the various descendents of *Schooldays* follow the moral awakening of the Tom (or otherwise named) character, but beginning with the 1857 original a number of other texts have honed in upon one of the more vexed mechanisms of adolescent induction into maturity. One brief passage, occurring midway through the second chapter ("The New Boy") of the second part of the novel, evokes a peculiar institution of the male boarding school experience:

> The youth was seized, and dragged struggling out of the quadrangle into the School-house hall. He was one of the miserable little pretty white-handed curly-headed boys, petted and pampered by some of the big fellows, who wrote their verses for them, taught them to drink and use bad language, and did all they could to spoil them for everything in this world and the next.  

Ostensibly centered upon the practice of "fagging" the incident described oddly enough requires further elucidation by the only footnoted addendum present in the entirety of the book:

> A kind and wise critic, an old Rugboean, notes here in the margin: The small friend system was not so utterly bad from 1841 to 1847. Before that, too, there were many noble friendships between big and little boys, but I can't strike out the passage; many boys will know why it is left in.  

Hughes's need for deferral here, not only away from his primary narrative, but further through the voice of an additional and unnamed "old Rugboean," proved felicitous for any number of those many knowing boys invoked in his footnote. As Alisdare Hickson's *The Poisoned Bowl: Sex, Repression and the Public School System* amply displays, an unbroken thread of commentary, from the fictional and autobiographical, to the disciplinary and didactic, can be traced back to Hughes succinct warning. Undoubtedly by the time of Lytton Strachey's embitteredly humorous 1918 collection *Eminent Victorians*, the easily reproduced narrative of the young Christian's rise to mature ripeness under the yoke of the public school was hardly as easy, or unequivocal, as the *Schooldays* might suggest. For Strachey:

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25 Ibid.
Dr. Arnold was never in any danger of losing his sense of moral evil. . . . The daily sight of so many young creatures in the hands of the Evil One filled him with agitated grief. “When the spring and activity of youth,” he wrote, “is altogether unsanctified by anything pure and elevated in its desires, it becomes a spectacle that is as dizzying and almost more morally distressing than the shouts and gambols of a set of lunatics.” One thing struck him as particularly strange: “It is very startling,” he said, “to see so much of sin combined with so little of sorrow.” The naughtiest boys positively seemed to enjoy themselves the most.26

Notwithstanding Strachey's uncharacteristic hesitancy, other writers were under no illusion as to at least one particular pleasure being named. For Roy Fuller in The Ruined Boys, the public school experience was one marked by rampant sexual machinations:

"Thorp, you've left your towel on the floor in the bathroom and the lid of your dentifrice off," Dyce said, in a voice of oleaginous reasonableness. "Come and tidy them up." "All right Dyce," said Thorp, and jumped out of bed. When the light had been put out again and the two had departed, Gerald surprised himself by saying: "Well we know what those two are going to do."27

To counter these early carnal missteps, a litany of sermonizing works went even further to patrol the boundaries of public school homosociality. F.W. Farrar's 1862 memoir, St. Winifred's, or the World of School, signals just one, though hardly unique, warning:

For during the last few years Kenrick has entirely lost his balance: he has deserted his best friends for the adulation of younger boys, who fed his vanity; and the society of elder boys, who perverted his thoughts, and vitiated his habits . . . Within two years—and his countenance betrays the fact in its ruined beauty—he has lost the true joys of youth, and known instead of them the troubles of the envious, the fears of the cowardly, the heaviness of the slothful, the shame of the unclean.28

Positing the public school as a potentially over-saturated space of same-sex and cross-generational sexual hi-jinks, these works, whether premonitory or simply documentarian, were never—nor are they presently—immune to those same types of discursive re-signification seen earlier with Stevenson/Mayne.


Take, for example, Chris Kent's 2002 *The Real Tom Brown's Schooldays* which represents just one of the more recent attempts to re-write and re-position a classic children's literature narrative in relation to a more salacious audience. After a rather amusing attempt towards establishing a semi-scholarly pedigree, (he briefly misquotes from Hickson's *Poisoned Bowl*) Kent turns quite quickly to straightforward pornography:

Robert had a hard-on. Tom had a hard-on. It was impossible to ignore one's own, and just as easy to detect the other boy's. Tom moved to free himself. His erection brushed Robert's erection. The heat from each boy's cheeks burned into the other. Robert moved his hips in small circles; again and again his erection brushed the hard penis beneath him. What to do? He wanted to lie there forever, or at least until Prep was over. And if Robert wanted to do things to him, well, Robert was a senior prefect and Tom was his fag.29

Readers of Kent, one might justly surmise, are not reading *The Real Tom Brown* for plot or character development. Rather, and as one of Kent's later passages bear witness, such a text is meant to arouse by precisely playing with the schoolboy genre's own sense of forbidden, and yet enticing, same-sex dynamics:

As the boys strolled towards the showers, they discussed the silliness of the rule. It was perfectly permissible, in fact the norm, to shower naked in the House bathrooms, but not licit to shower naked at the pool. Yet another of School's little mysteries. Tom felt his soapy hands over Ben's back and wondered how his friend's slim, strong body could feel so much like silk. . . . He soaped and stroked his well-defined swimmer's chest, delayed only by the nubs of the boy's nipples as they erected at his loving touch. Tom's hard-on bulged the front of his swimming costume. He gently urged Ben against the tiled wall and leaned into his back, his erection fitting neatly into the crack in the boy's behind.30

Kent has made from the formulaic style of a children's literature genre a career of erotic revision, *The Real Tom Brown* being only the latest in a series of works from 1999's *The Boys of Swithins Hall* to 2004's *The Ram Stam Boys: English Schoolboy Novel.*31 It is not so much that

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30 Ibid., 109.

31 The plots of all the novels are nearly indistinguishable outside of character naming. Of interest is the description provided of the author on the back pages of *The Real Tom Brown*:
Kent, and others like him, capitalize vis-à-vis a parodic re-positioning of the classic schoolboy genre, as that such a genre appears inherently to allow such re-writings through their own histories of intertextuality. Just as Hughes's *Schooldays* borrowed—and quite freely—from a century of similar minded attempts, so too does Kent's *The Real Tom Brown* function as a part and parcel of ongoing practices of imitation and repetition. There is, as Kent notes, though perhaps in different key, "a queer elasticity about boys which no one, least of all themselves, can account for." In any case, there can be little doubt that with the latest effort towards revising and re-staging *Schooldays* with this month's ITV1 bid in a high-budget Christmas ratings war, one might observe a particular serendipitous casting with Stephen Fry slated to appear as the venerable Dr. Arnold himself.

**The Strange Case of the Hardly Hardy Boys**

To shift voices momentarily, there is something profoundly personal about writing about the series fiction produced by the Stratemeyer syndicate. This personal relationship with these texts should come as no surprise given that the two most popular of these series, the Hardy Boys and Nancy Drew Mysteries, have reached epic levels of circulation and consumption. As of the 1990s both series comprised hundreds of titles, televisual and filmic adaptations, comic-book depictions, and countless other ephemeral embodiments bolstering a combined sales of the two

Chris Kent knows and understands school boys, especially the English school boys whose lives are chronicled and massaged in the most intriguing way by this author with distinguished success in the genre. . . . [He] prefers to live a secluded but active life in the UK where most of his memories were born and still live, as in the school boys he writes about and understands.


33 Stephen Fry has appeared in dozens of film, theatre, and television productions since the mid-1980s. American audiences perhaps best know him for his portrayal of Oscar Wilde in the 1997 biopic *Wilde* opposite Jude Law’s Lord Douglas. He was also a prominent cast member of the British television series Blackadder (Melchert/King Charles) and Jeeves and Wooster (Reginald Jeeves).
series somewhere amid the range of two hundred million copies. How can something be both personal and culturally epidemic at the same time? It was the question Edward Stratemeyer wanted himself to answer in the early decades of the twentieth century, when he sought to graft together the logic of mass-production to the creation of the written narrative.

If Thomas Hughes with *Schooldays* provided a stable and moralistic face to an already existent genre, Stratemeyer wanted more so to harness didacticism to lucrative mass entertainment. The Hardy Boys and Nancy Drew mysteries, like their relatives within the Syndicate, were not meant to inform or to instruct, they were meant to sell. Stratemeyer officially solidified his career, after apprenticing under Horatio Alger Jr., with the appearance in 1899 of his sponsored first series, *The Rover Boys*. Continuing for the next 27 years, *The Rover Boys* followed a firmly proscriptive narrative blueprint; each book contained a roughly identical number of chapters, pages, words per chapter, extraneous characters, and fixed conclusions. It would be from this initial model that Stratemeyer oversaw the creation of his latter titles. Carol Billman in *The Secret of the Stratemeyer Syndicate: Nancy Drew, The Hardy Boys, and the Million Dollar Fiction Factory*, observes that:

> From its inception, Stratemeyer held tight rein on his Syndicate. He dreamed up new series and for each volume in a series developed an outline that was then given to the contract writer … to turn the outline into a two-hundred page book. … Next, he revised and proofread each manuscript. Then the book was sent to a publisher—the Syndicate had more than three dozen in America alone in the last three-quarters of the century. Further Stratemeyer's Syndicate, not the author or the publisher, owned all copyrights.35

The model worked so well that during the first three decades of the last century, Stratemeyer and his gathered assortment of mostly pseudonymous authors fashioned children's literature and series fiction into a multi-million dollar industry. While some titles remain

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35 Ibid., 22.
persistently recognizable to this day, others have aged less fruitfully. It is to the Syndicate that we owe not only the Hardy Boys and Nancy Drew, but also the Bobbsey Twins, Tom Swift, and the Dana Girls as well as some lesser known lights as the Motor Boys, the Outdoor Chums, Boy Hunters, Baseball Joe, Boys of Columbia High, Moving Picture Boys, Six Little Bunkers and Bunny Brown and His Sister Sue. In all, the Syndicate collected, marketed, and sold no fewer than seventy distinct series titles.

The Hardy Boys and Nancy Drew stand above the Syndicate's other series by virtue of their continued presence on the mass-market scene. Periodically updated and revised, both linger as highly popular and profitable. This project of modernization for the series began thirty-odd years following their original offering in the late 1920s and 1930s, and extends to a range of re-launches throughout the 1980s and 1990s. If the Nancy Drew of 1930's *The Secret of the Old Clock* presented readers with a decidedly flapperesque heroine, complete with roadster and a startlingly "logical mind," the Nancy one discovers in the 1959 re-issue was unmistakably more domestic, drove a Mustang, and suffered—at times appallingly so—from an acute sense of "intuition." In the interim, much like her Hardy Boy compatriots, Nancy had further been aged two years, perhaps to account for her willingness not to always follow the advice of her father.

For Diana Beeson and Bonnie Brennan in "Translating Nancy Drew from Print to Film":

The simplified stories [of the 1950s and 1960s] exclude many of the cultural signposts and messages relevant to the 1930s. Nancy's independent character is softened and in these newer texts she relies much more heavily upon others for help and guidance. The post-1959 editions encode very different messages which reflect the mores, expectations and experiences of post-war American society.

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As Julia Gardner maintains—along with Beeson and Brennan—these "later books rewrite Nancy as the patriarchal ideal of 1950s white womanhood" at the same moment when they seem to overcome some of the explicit racism of the master-texts.\(^\text{38}\) By the time of 1986's *The Nancy Drew Files: The Stolen Kiss* and 1987's *Hardy Boys Casefiles: Bad Rap* the abiding image of the teen sleuths of do-gooders with a penchant for fighting crime had transferred yet again into freshly sexualized teen narratives complete with in-fighting, angst, jet skis, international intrigue, and modems. With each new version of the series, shifts in cultural and political realities often jut against the interplay between stability and novelty. Early encounters with "Chinamen" in the 1933 *Hardy Boys* *Footprints Under the Window* morph by the 1965 revision into a conflict about a mysteriously missing scientific instrument vital to the space race.\(^\text{39}\) Likewise, physical aspects of the heroes alter so that by 1959's *Tower Treasure* re-launch, Frank and Joe no longer are noted for their dissimilar ages and looks, but now seem much more safely siblings.

Mabel Maney's Nancy Clue and Hardly Boys series (including *The Case of the Good-for-Nothing Girlfriend*, *The Case of the Not-So-Nice Nurse*, and *A Ghost in the Closet*) intervenes into this Stratemeyer legacy by deliberately splicing together Franklin Dixon and Carolyn Keene's mass-market young adult mysteries with the queer pulps of the last half-century.\(^\text{40}\)


\(^{40}\) Indeed, as Michael Bronski, *Pulp Friction: Uncovering the Golden Age of Gay Male Pulps* (New York: St. Martins Griffin, 2003), 2, notes, this “splicing” of queer pulp with children’s mass-market fiction in many ways relies on the material underpinnings of new technologies and techniques of print circulation in the twentieth-century. Little has been written linking these phenomena together, but as Bronski illustrates, such an area of exploration would enlarge both queer literary and children’s literary histories of the last one hundred years:
While nowhere nearly as smutty as Chris Kent's highly eroticized *The Real Tom Brown*, Manley's teenage amateur sleuths nonetheless find themselves in less than traditional situations:

"Stand back, Joe," Willy ordered as he picked up the crowbar and jammed the tool into the wall. Sweat glistened on Willy's thick-corded neck as he pressed his broad powerful shoulder against the rod. He rocked back and forth until he had created a deep vertical groove. Willy pulled the heavy bar out of the wall, and with his feet firmly planted on the floor, found another soft spot in which to insert his tool. . . . Joe's jaw dropped in admiration as sweat poured down the wedge of the man's back, causing his snug tee-shirt to cling to his broad torso. Willy stripped to the waist, and barely pausing to wipe his glistening forehead on the damp tee-shirt, he threw the tee-shirt to Joe, catching him squarely in the face. "I'm almost there!" Willy cried.

For Maney, the specter of a slippery homosociality, always prevalent in the original series and their revisions, now emerges as full-on queerness:

"Do you see that?" Joe gasped in wonder as he peered through his binoculars, his mouth agape. Four burly guys stripped to the waist and glistening with sweat, large tools firmly in hand, were bent over an enormous machine . . . "I sure do!" Frank whispered back as he trained his spyglasses on the scene below. He was agog with excitement about a discovery of his own! "Golly," he muttered as he brought his binoculars sharply into focus on a tall, clean-cut darkly handsome fellow . . . Frank gave a low whistle. This fellow would certainly bear watching!

Gardner approvingly observes:

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By the 1950s the publishing industry in the United States had reached a new level of production. The printing and distribution of cheaply produced and cheaply priced paperback novels, which had begun in the late 1930s, steadily grew until it reached its full force in the early 1950s. Their eye-catching, provocative covers created and defined a new artistic and marketing genre; screaming damsels in distress represented a favorite motif, as did risqué clothing for both women and men. While mystery, crime, romance, and action stories benefited enormously . . . this advance in the publishing world, particularly in the late 1940s and early 1950s, also included huge numbers of original novels focusing on illegal or taboo sex.


42 Ibid., 193.
Unlike their predecessors, the Nancy Clue books call attention to the erotic potential of the ostensibly desexualized, homosocial worlds inhabited by the original characters and refuse to explain relationships between women [or men] as simply "friends."43

What is so interesting about Maney's (and Kent's for that matter) textual revisitings is the sense in which her obsession to make manifest homoeroticism at the heart of a children's literature narrative mirrors quite nicely the abiding efforts of the original text's maneuvers to at once invoke this homoeroticism—or at least invoke a potentially destabilizing same-sex dynamic—while at the same time effectively working to disavow it. These enclosing instances of hardly affirmed same-sex tension and energy move throughout the Nancy Drew and Hardy Boys series, even if one never completely finds forthright or condemnatory representations of boy-boy/girl-girl erotic interaction. Nonetheless, the Hardy Boy's narratives all work through a representational practice of conjuring a prospectively wavering closeness among boys that is barely, if at all, dispelled by Frank and Joe's sometime indication of absent or imperiled girlfriends. It is not that Maney's later textual revisions function as a hermeneutical corrective, bringing to light that which has remained hidden, but rather that they stake a narrative claim upon these moments of instable desire and closeness and through it produce narratives of parodic imitation meant to entertain, and in some cases, like Kent, titillate.

In many ways, it is exactly this titillation that ties parody to original so forcefully in that these later texts are performing the entertaining and engrossing work of mass-market children's narratives even if in a new, more adult, manner. Both the Hardy Boys and Hardly Boys, aimed at differing audiences—perhaps—want to amuse their readers in fairly similar ways. Further, these later texts operate, in much the same way as with the previous example of Tom Brown, as an extension of name branding, widening these character's stories and fictional lives into novel, but recognizable, territory. The original narratives themselves were, and remain, open to such

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intervention if only because neither *Schooldays* nor the Hardy Boys/Nancy Drew are in themselves hermitically sealed tales in themselves. They continue as evolving texts, witnessed if only by the ongoing efforts to re-figure these characters either through updating, editorializing and excising or through product re-launching. Kent and Maney's respective labors to queer these characters might merely be, to evoke Judith Butler, yet another repetition with a difference.  

Children in the Stacks

On 11 December 2004, just as I finished my semester in the Baldwin stacks, the Associated Press broke the following:

SANTA BARBARA, Calif. Fingerprints belonging to both Michael Jackson and the boy accusing him of child molestation were found on pornographic magazines seized from Jackson's Neverland ranch last year, the Santa Barbara News-Press reported Saturday, citing sources it did not identify.

Given the cultural and legal maneuvers working in the mid-2000s to tie as securely as possible Michael Jackson to a hodgepodge of crimes all predicated on the figure of the violated child, it should come as little surprise to find such energies were eventually directed not necessarily at a purported action, but rather at a common space. Michael Jackson's porno, like his abandoned Calvin Klein underwear, nicely provides a screen upon which to project our assumed shared sense of disgust ("how could a man do this to a child?"), but most vexingly, not a few of our shared desires as well. As James Kincaid proposes at an earlier moment within the Jackson spectacle:

Take the fun in being outraged with Michael Jackson as boy-lover, and telling our friends how outraged we are. And not just with Jackson either, but with the failure of others to be

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45 *Santa Barbara News-Press.* “Jackson's prints, accuser's found on porn magazines,” December 11, 2004, sec. A. By invoking Jackson here I in no way mean to minimize the shock and trauma of childhood sexual abuse, but rather to examine the often complicated and complex ways in which desire, childhood, and queerness are frequently tangled.
as loving to children as we are: "Can you imagine anyone letting a son sleep with that man?"Actually imagining is what we are all good at; otherwise stories would not find ready listeners such as me and you. Had Michael Jackson not existed, we would have been forced to invent him, which is, of course, what we did.\(^{46}\)

What draws me to Jackson and to the swirl of his—real or imagined—overdetermining sexuality is how it seems to point to the outer boundaries of the preceding discussion of revision, repetition, the archive, children's literature, and the troubled and troubling position of sexuality in relation to all of the above. As Kincaid is fond of remarking, we all like to imagine. And as can be seen above, such imaginative performances rarely mind the rules of a supposedly compulsory and normative moral majority, nor do these performances always bear heed to the confines of a static archive. Jackson's porno, fingered or not, can tell us nothing or everything; we are either to rely on the wisdom of an unnamed source or our on own narratives to fill in what is, after all, nothing but a blank page to begin with. So too with any archive, especially of something as problematic as an archive of children's literature.

We do not find the child in the stacks, what we do is to create the child, along with narratives of childhood and situations of children within cultural and social contexts. Like the archive, and like childhood and sexuality for that matter, these are not sacrosanct affairs, rather there are fundamentally contingent and shifting. Regardless of our culture's intense investment in sanctifying, protecting and circumscribing the child and its desires, what both Jackson's porno and our archives point to is precisely that "impossibility" with which Rose was so vitally concerned. If the archive is a machine it is so not simply because desire, to work off Deleuze and Guattari, is a machine as well, but also because ultimately the child is an incredibly fecund machine. For those of us who grew up seeking out the very images of the particularly sexualized child as children, there is perhaps a value in reconfiguring the children's archive as something

other than that disciplinary space which tells us, so thoughtfully, what we already knew to begin with: that we do not exist, except in those cases where, as Hughes would have it, we are always already in the margins. The processes and mechanisms of revision, rewriting, and reiteration open up the possibility that given the stultifying lack of our own images, we might now be able to re-imagine our own childhoods from behind as it were, not so much by locating lost or forgotten queer youth, but by actively inventing and inserting them in those places where we thought they belonged in the first place. The problem, and it is a problem increasingly brought to the forefront by our culture's current war on queer youth and adults, will undoubtedly be, how to negotiate that highly fraught double bind of an outrage that punishes at the exact moment when it also fantasizes.
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BIOGRAPHICAL SKETCH

Prior to receiving his BA in English with a minor in religion in 2001, Joel Christian Adams participated in the first queer theory course offered by the University of Florida. Between 2001 and 2007, he completed a MA with a specialization in literary theory and American literature, defended a thesis on queer historiography, popular culture, and literature, co-organized a queer theory and children’s literature conference, and taught ten undergraduate courses incorporating American, British, and French literatures, theory, film, and sexuality. In 2006, he co-curated an exhibition on Victorian tourism and gender at the Grinter Gallery of International Art at the University of Florida. He is a founder of the Queer Theory Reading Group, an interdisciplinary organization devoted to the study and dissemination of queer criticism and writing.

He begins library, information science, and archival studies at the University of Michigan, Ann Arbor in the fall of 2007.